

Problematic Aspects of Bankruptcy Proceedings

Abstract

This thesis deals with the issue of bankruptcy within insolvency proceedings. The main aim of the thesis is to provide a comprehensive interpretation of selected problematic aspects of bankruptcy, as well as to propose potential solutions and suggestions for improving the legal framework and its practical application.

The work first analyzes the operation of the debtor's business, focusing on the status of the employees, the nature of claims arising from the operation of the business, the liquidation of assets, and the specifics of securing the business during bankruptcy. This chapter also includes an outline of business operations in bankruptcy according to German legal regulations. Furthermore, the thesis addresses the highly complex issue of credit financing within bankruptcy, defining what constitutes credit financing and what does not, as well as providing a detailed description of the various types of credit financing contracts.

A significant portion of the thesis is devoted to the position of secured creditors, including a comparison of their status under German legal provisions. The work then describes the process of enforcing secured claims, reflecting on the issue of instructions given by secured creditors regarding the liquidation of the secured assets, including the costs of liquidation and management of those assets.

The thesis also includes an analysis of relevant case law related to the problematic aspects of bankruptcy.

Key words: Bankruptcy, secured creditor, debtor-in-possession financing