

The rights and duties of natural persons during proceedings on discharge of the debt

Abstract

The main aim of the thesis is to describe the institute discharge of the debt that is defined in the Act No. 182/2006 Coll., on Bankruptcy and its solution (Insolvency Act). The thesis analyses the discharge of the debt from the perspective of the debtor, natural person.

The thesis presents a status of the debtor, his rights and duties during insolvency, respectively presents the discharge debtor of his debt. The purpose of the thesis is to describe valid legal regulation, the description of the court decisions in the use of the Insolvency Act, the expert's opinions and the problems with the imperfection of the Insolvency Act, in the part of the discharge of the debt.

In the first part, the thesis characterizes the history of the insolvency act and discharge of the debt in the Czech countries since 18th century.

Next chapter defined some terms for the thesis important. Specifically, there is defined the term of the debtor. With regard to the discharge of the debt as one of debt-eliminating modes of solving bankruptcy of the non-businessmen's person, the thesis analyzes the term of non-businessmen's person in one of the subchapter. There are defined next terms, guarantor, co-debtor, the term of husband or wife of the debtor. In the end of the chapter, the thesis looks at the term of bankruptcy or impending bankruptcy and some of the debt-eliminating modes of solving of the non-businessmen's debtor.

Chapter Four concerns some kinds of the beginning of the insolvency of the debtor. The chapter outlines debtor's right for the discharge of the debt too. The chapter consists of the two subchapters. Subchapter One explains the beginning of the insolvency of the debtor initiated by the creditor and Subchapter Two looks at the beginning of the insolvency of the debtor initiated by the debtor.

Next chapter illustrates rights and duties of the debtor which he has during the insolvency. The chapter is subdivided into two parts. Subchapter One looks at the rights and duties the debtor to the court, Subchapter Two deals with the rights and duties of the debtor to the creditors.

The sixth Chapter deals with the procedure of the court from the beginning of the insolvency of the debtor, the finding the bankruptcy of the debtor to the court's decision of the premise of the debtor's discharge of the debt.

Next chapter points out the conditions to premise the discharge of the debt and the conclusions to next procedure in the insolvency to the decision about the approval

or disapproval of the debtor's discharge of the debt. The discharge of the debt may be secured in two ways, to liquidate the debtor's estate or to fulfill monthly payments in five years. Therefore, the debtor can't choose the ways of the discharge of the debt, unsecured creditors or the court can influence the insolvency proceedings.

Chapter Eight reports on the approval the discharge of the debt. The chapter describes the fulfillment by monthly payments and by liquidation the debtor's estate, the ways of the discharge of the debt. The chapter is an analysis of the effects of the approval of the discharge of the debts and rights and duties of the debtor by the monthly payments and by the liquidation his estate too.

Next chapter mentions the fulfillment and the end of the discharge of the debt. The chapter documents effects of the end of the discharge of the debt, eventual forgiveness of the rest of the debt. The chapter defines new relationship between the debtor and creditors and their new rights and duties.

The thesis reviews knowledge and regards the problems of the discharge of the debt from the complexity, functionality and advantages of the insolvency act in relation to the debtor in the end. The last chapter outlines the legislation by shared discharge of the debt of husband and wife *de lege ferenda* too.