

Abstract

The purpose of my thesis is to analyze the institute discharge of the debt as the way of solution of bankruptcy according to Act No. 182/2006 Coll., on Bankruptcy and its solution (Insolvency Act). The thesis concerns all the phases of the process of discharge of the debt, from the proposal of permission of the discharge of the debt until its accomplishment. The thesis focuses on relevant legal regulation and case law. I also present the institute of discharge of debt of husband and wife which is quite often used without any legal support. The thesis is divided into five chapters.

The Chapter One deals with the proposal of permission of the discharge of the debt. It examines particularly the subjects who are authorized to submit it and possible decisions of the court including the reasons for its dismissal.

In the next Chapter I investigate two possible ways of discharge of the debt, the liquidation of the debtor's assets and monthly payment of a specific amount. For each type the affected assets and advantages and drawbacks for the debtor are described. The possibility for creditors to vote about type of discharge of the debt is also discussed.

The Chapter Three relates to the decision of approval of discharge of the debt which has specific essentials and effects and means a lot of duties for the debtor. The relation between the discharge of the debt and exercise of decision or execution is also mentioned.

The Chapter Four illustrates the possible endings of the process of the discharge of the debt. It can end favorably for the debtor by its accomplishment which means also a possibility to apply for the forgiveness of the rest of the debt. But it can also end by its annulation before its accomplishment or after its accomplishment by its withdrawal or expiration.

The last Chapter considers the discharge of the debt of wife and husband. This institute exists and is constituted only on case law without any legal base in Insolvency Act. In this Chapter I focused on questions related to this institute, especially on its foundation, actual access of case law and joined risks with the impact of the proposed amendment of Insolvency Act.

In the Conclusion, I briefly contemplate about the utility of the discharge of the debt in Czech law not only from legal aspects.