

Title of the Master's thesis:

The solution of bankruptcy in the form of reorganization

Summary

The main objective of this diploma thesis is to provide a sufficient description and analysis of the solution of bankruptcy in the form of reorganization which is regulated by the Act. No. 182/2006 Sb. The complex issue of reorganization is essentially a method for non-liquidation solution of bankruptcy usable only in the case when a debtor is an entrepreneur. It uses various methods of restructuring debtor's business in order to satisfy the creditors to a greater extent than in the case of liquidation solution of bankruptcy.

The thesis is divided into fifteen chapters that are further divided into subchapters. Chapter one briefly describes the history of bankruptcy law. The second chapter is an explanation of nature of insolvency law focusing also on the economic aspect of insolvency. The following chapter defines bankruptcy within the meaning of applicable legislation. The existence of bankruptcy is essential for insolvency proceedings at all. The most important subjects of insolvency proceedings are parties to the proceedings. Their position is described in detail in the fourth chapter. Chapters five to thirteen then provide detail analysis of the institute of reorganization. There is provided a definition of the reorganization, its purpose and conditions of its. Also the position of debtor and creditors during reorganization is described. The major part of the thesis is focused on a specific document known as reorganization plan and the method of its approving by creditors and courts. Even though the plan allows any method of restructuring of debtor business a brief explanation of the most commonly used methods is made. Finally, chapter fourteen elaborates the comparison of the Insolvency Act with the Chapter 11 of the United States Bankruptcy Code.