

RAISING CLAIMS IN INSOLVENCY PROCEEDING –

ENGLISH ABSTRACT

The aim of this thesis is to provide a comprehensive summary of institutes of an insolvency law related to the application of claims as well as defining the rights and obligations of creditors related to this topic with a closer focus on risk and problematic facts appearing in practice. All the text is based on the insolvency law effective at the time of its creation and besides the academic literature also often uses related practice of the courts.

The introductory part presents an insolvency law in its historical and also contemporary context. It is listing the material sources and their brief characteristics needed to simplify the understanding of the substance of an insolvency law. For the same reason the initial chapters deal with the basic principles and terminology of an insolvency law, namely an insolvency proceeding, a bankruptcy and closely characterize particular ways of solving a debtor's bankruptcy.

Another part of this thesis focuses on the actual debts. The legal analysis of the term debt and its types that are applied during insolvency proceedings is being carried out and it involves also the list of debts excluded. On the other hand this part includes the theory of debts with no need to be applied, since those are registered into insolvency proceedings by law. The legal background of this theory is often complemented with the practice of the courts of the Czech Republic and to a certain extent also with the author's findings based on his own experience.

The third part is devoted to the application of debts during the insolvency proceedings. The term insolvency application of the debt is described in detail as to its formal and content requirements and the instructions for how to effectively apply the debt are mentioned. This part of thesis also brings the description of the creditors' rights of disposal with the application including its withdrawal and the right to change the entity of creditor. This chapter also points out the liability aspects related to the applications inclusive of the consequences beyond the frames of insolvency law.

Finally the thesis is concluded by the guidance through the insolvency proceeding following the application of the debt. The terms such as the examination of the debts and its denial are being explained and analysed according to the particular subject bearing the rights of denial.