

## **Abstract**

### **The current regulation of the discharge of debts in the Czech Republic from the perspective of jurisprudence**

This thesis analyzes the institute of discharge of debts, which was incorporated into our legal system relatively recently, effective as of 1<sup>st</sup> January 2008, and soon became a very popular instrument for resolving the debtor's bankruptcy or impending bankruptcy.

The importance of the jurisprudence in the area of discharge of debts is highlighted in this work. Although the jurisprudence is not the source of law in the Czech Republic, the decisions of insolvency courts are significantly influenced by that. Cited in this work, there are lots of very important decisions of the High Courts as well as the Supreme Court of the Czech Republic, which considerably influenced the institute of discharge of debts. For example, the High Court in Prague in fact implemented the institute of the joint debt relief of spouses, unknown by the Insolvency Act before 31<sup>st</sup> December 2013.

Considerable attention is further paid to the so called Revision Amendment, i.e. the Amendment to the Insolvency Act No. 294/2013 Coll., effective as of 1<sup>st</sup> January 2014. By means of this Amendment the legislator has reflected the most important juridical decisions into the Insolvency Act. In particular, the possibility of the joint debt relief of spouses has been legally embedded. Also the range of persons entitled to submit a proposal for the discharge of debts was enlarged in accordance with the existing practice of the courts.

Since the insolvency procedure has two phases, the first phase until the bankruptcy decision and the second phase after the bankruptcy decision, even the treatise about the initiation of the insolvency procedure, the consideration of the insolvency petition and the decision of insolvency have not been forgotten in this work.

The core of this thesis is dedicated to the institute of discharge of debts from the point of its introduction into the Czech legal system as far as to its most significant changes of insolvency procedure based on several amendments, especially the Revision Amendment.

The institute of discharge of debts is considered in this thesis from the perspective of both the debtor and the creditor. Attention is also paid to other subjects of the insolvency process - the insolvency administrator and the insolvency court.

This thesis also depicts the imperfections the institute of debts discharge suffers even after the adoption of the latest amendment.