

Optimal protection of creditors is an important part of insolvency law as well as legal and economic environment. The group of nonconsensual creditors invokes a lot of discussions, because these creditors didn't accept the relation with debtor voluntary and they possibly could suffer a big loss. The most of experts agreed with the necessity of protection for this group. The main suggestions are upward move in the priority ladder or the introduction of personal liability of shareholders.

The work first describes the attributes of optimal legal regulation. The core consists of characterization of nonconsensual creditors and description of reasons why they should be given „superpriority“. Second part is discussion about personal liability of shareholders for corporate torts. The work tries to find out which of suggested modifications is from economic point of view the most convenient and suitable.