

The Title of the Diploma Thesis

The issues of the community property in insolvency proceedings, with the emphasis on the property and common discharge of debts.

Resume:

The aim of this thesis is to map the field of the issues of the community property in insolvency proceedings; both in case of solving the insolvency of the debtors through discharge of the debts and in case of the bankruptcy. These are very hot issues because the current legal regulations are insufficient in their reaction to the problems which appear in common practice. Another reason is the wide variety of these problems which the practice brings and which cannot be answered with the help of the law. I tried to point out some of them and in the second part of the thesis to propose some particular cases and their solutions.

Regarding the contents of this thesis it is divided into two parts, namely theoretical and practical. The first part also contains in its introduction the evaluation of the current legal regulations and the amendments being prepared, in particular the amendment No. 64/2017 Coll., which will be effective since 1st July 2017 and brings a lot of essential changes. Further I focused on the terms community property (its formation, termination, object and potential modifications) and the term property (its securing and extent, listing of the property). The biggest focus is on the solution of the issues of the community property in insolvency proceedings itself, at first in common discharge of debts of the married couple and then also in bankruptcy. I concentrated on the possible problems appearing as a result of the decease of the husband or wife or as a result of the divorce.

The supplements provide some of the newly proposed forms which should be introduced with the amendment of the Insolvency Act No. 64/2017 Coll. effective since 1st July 2017. At the same time I tried to propose an updated form for filing the insolvency proposal by a married couple so that the further action of both the insolvency trustee and the court would be simplified and possible problems related to the solving of community property would be prevented.

In the conclusion the current legal regulations are evaluated, and I try to point out some of the application problems which the amendment can bring and I also present my considerations regarding the direction the legal regulations could take in the future.

Key Words: Insolvency proceedings, property, community property