ABSTRACT

The purpose of the thesis is to provide an overview of the debtor's defense against the securing promissory note misuse. This concerns both available preventive measures executable before the issue of the promissory note and subsequent legal motions in the civil contentious proceedings, decision enforcement, insolvency and redemption proceedings.

The domestic case law has been the source of the thesis, however, the relevant literature and applicable laws have been taken into account as well. The thesis consists of seven chapters.

The first chapter deals with a brief theoretical introduction of the applicable laws, securing promissory note abstract nature and appropriate purpose of the securing promissory note. The incomplete instruments and ownership transfers issues are also covered.

The second chapter focuses on the specific abusive actions related to the securing promissory note. This concerns particularly excessive claims accompanied by debtor's defense elimination. Forgery and aval guarantee abuse conduct related to the securing promissory note are reviewed as well.

The third chapter provides a comprehensive view into substantive acts to be carried out in order to avoid risks when issuing the securing promissory note and when paying the promissory note debts.

The forth chapter describes key factors of the civil contentious proceedings that are crucial for the debtor's defense whilst the unique nature of the promissory note proceedings is described. The traditional reasoning contemplated by the promissory note law is updated with an alternative reasoning arising among others under the good manners doctrine.

The fifth and sixth chapters deal with the procedural motions of enforcement and insolvency proceedings available particularly to debtors who resigned on or failed with their defense in the previous civil proceedings.

The seventh chapter finally provides an insight into redemption proceedings abuse and the relevant motions to avoid it.

The final part of the thesis summarizes the key facts and conclusions.