

Summary

This diploma thesis describes the main specifics of position of spouses in insolvency proceedings, which is recently more and more relevant, but there is a lot of application and interpretation ambiguities, which are related with this topic. This problem is by degrees solved by case law. The content of the diploma thesis is divided into four chapters.

In the first chapter, the author gives a brief description of the history of the insolvency proceedings. The author's attention is paid especially to the regulation, which preceded the force of the Act. No. 294/2013 Coll., which changes the Act No. 186/2006 Coll., on insolvency and its solution modes (Insolvency Act) and Act No. 312/2006 Coll., on insolvency administrators. The emphasis is placed on the three ways of discharge of debts, which were possible for spouses in that time.

The second chapter, defines terms, that are closely related to the topic and are necessary for further treatise of insolvency proceedings. These are marriage, common property of the spouses, insolvency proceedings and its solution modes.

The third and also the main chapter of the whole work is devoted to discharge of debts of spouses. It is a relatively new institute, which was regulated by the Act No. 294/2013 Coll., which changes the Act No. 186/2006 Coll., on insolvency and its solution modes (Insolvency Act) and Act No. 312/2006 Coll., on insolvency administrators. This Act modified the common proposal of the spouses to authorize debt relief. The author is concerned with individual stages in the course of proceedings and with actualities, which may occur in the proceedings and affect its course.

The Fourth and final chapter describes the bankruptcy and the status of the spouses in this proceeding. The author focuses mainly on the impact of bankruptcy on the common property of the spouses and on the other specifics that are associated with the status of spouses in bankruptcy.

In Conclusion, the author evaluates the current legal regulation and expresses her reflections on the direction, in which the regulation should be directed.