

Joint marital property in execution proceedings and discharge of spouses from debts

Abstract

This rigorous work deals with the institute of joint marital property in execution proceedings and it introduces the institute of joint debt relief for spouses within the field of insolvency law. The aim of the thesis is to: provide basic information about the substantive legal institute of joint marital property by introducing the individual regimes of joint marital property; to analyze the liability of spouses for debts and related possible enforcement of joint marital property within the framework of execution proceedings; to state defense options of the obligated spouse in enforcement proceedings; and finally, to outline potential solutions for debts, particularly in the form of discharging spouses from debts. in the form of a discharge of spouses from debts.

One of the most significant legal consequences of marriage is the creation of joint marital property. The enforcement of joint marital property and the penalty of the now exclusive property of the spouse liable in execution proceedings is related to substantive legal regulation, which itself represents a very extensive and complex issue. The enforcement of joint marital property must be addressed comprehensively, leaving the resolution of a number of issues to court jurisprudence.

The rigorous thesis is structured into five chapters and related subsections. The first chapter defines the concept of joint marital property and presents the results of a questionnaire survey. The second chapter introduces the individual regimes of joint marital property. In the second chapter, the material legal issue of the spouses' responsibility for debts in relation to joint marital property is analyzed, and at the same time it is indicated which debts do (not) fall into joint marital property according to current legal status.

The third chapter first characterizes the enforcement proceedings and discusses its individual participants. Furthermore, the chapter focuses on the possible enforcement of joint marital property within the framework of execution proceedings. The chapter provides an analysis of the legal regulation of seizing assets and property values of the designated obligated party in joint marital property, as well as the property values of the obligated party's spouse.

The chapter also evaluates the impact of changes in the marital property regime, especially based on the conclusion of a marital property agreement.

The fourth chapter, following on from the previous chapter, lists and analyzes the individual defense options available to the obligated party's spouse in enforcement proceedings against the improper seizure of property in the joint property of the obligor and his spouse and the property values of the obligor's spouse. Furthermore, this chapter offers an analysis of the options not only according to the current legal regulations, but also lists the options that the obligated party's spouse had before the amendment implemented by Act No. 139/2015 Coll.

The rigorous work concludes a separate chapter from the field of insolvency law. The fifth chapter provides a basic characterization of insolvency proceedings and describes the relationship between insolvency and execution proceedings. Although insolvency and execution proceedings are two separate and distinct proceedings, insolvency proceedings for persons (spouses) may represent a resolution of enforcement proceedings against one or both of the spouses. The chapter deals with the institution of joint debt relief for spouses which was introduced into the legal system with effect from 1 January 2014.

Key words

joint marital property, execution proceedings, discharge of spouses from debts