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BOOK REVIEW

FUNDAMENTALS OF BANKRUPTCY LAW

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1. The monograph of the professor Vuk Radović, PhD from the Faculty of Law, University of Belgrade, entitled *Fundamentals of Bankruptcy Law*, lays out the basics of the effective bankruptcy law. This monograph is important for the insurance business because, in a separate section, it explains the Law on Bankruptcy relating to insurance companies and financial leasing providers.

2. In the first chapter of the monograph, the author answers the question posed in the Introduction, namely, answers what bankruptcy law is. In his explanation of the answer, he refers to the position of the American professor T. Jackson, PhD who explained bankruptcy law as a branch of law that serves for the collection of claims. In connection with the above, the author says that the problem lies in the fact that every creditor is only interested in collecting his claim. The author recognised such attitude in the effective Article 7 of the Law on Bankruptcy. According to that regulation, the aim of bankruptcy shall be to ensure „the most favourable collective settlement of bankruptcy creditors by achieving the highest possible value for the bankruptcy debtor or its assets“. Concerning the quoted regulation, the author noticed that it was the first time that a single source of bankruptcy law defined the aim of the bankruptcy law.

3. The monograph was based on determining the main sources of bankruptcy law (chapter two). After pointing out the domestic and international legal sources of bankruptcy law, the author listed its most important international legal sources. As

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the most important domestic sources of bankruptcy law, the author classified the following three laws: (1) the Law on Bankruptcy (LoB); (2) the Law on Bankruptcy and Liquidation of Banks and Insurance Companies (LoBLBIC); (3) the Law on Bankruptcy Administrator Licensing Agency (Law on BALA). From this sequence of laws, the reader can conclude that the LoB belongs to the general regime of bankruptcy law, whereas the remaining two laws fall under the special regime of bankruptcy law. For insurance business, it is important that the general regime of bankruptcy law governs mandatory professional liability insurance of bankruptcy administrators, and procedural elements that allow the contracting of voluntary liability insurance of bankruptcy administrators.

The monograph is divided into twenty chapters. In his interpretation of the LoB provisions, the author summarized the principles of bankruptcy (chapter three), and then explained the legal concepts of bankruptcy law, such as the bankruptcy debtor (chapter four), bankruptcy reasons (chapter seven), bankruptcy estate (chapter eight), stages of bankruptcy proceedings (chapter nine), barriers to initiating bankruptcy proceedings (chapter ten), and prior bankruptcy proceedings (chapter eleven). The provisions of the LoB were analysed in connection with filing and examining claims (chapter twelve), liquidation of the bankruptcy estate (chapter thirteen), division and settlement (chapter fourteen), and the provisions of the LoB on closing bankruptcy proceedings (chapter fifteen).

5. Some of the issues laid out in the LoB required to be presented in more detail and be combined with theory. Among those issues are creditors in a bankruptcy case (chapter five), since they can be classified into several categories. The issue of bankruptcy proceedings authority (chapter six) includes the roles of four authorities. These are the bankruptcy judge, the bankruptcy administrator, the creditors' assembly, and the creditors' committee. The author paid due attention to the legal consequences of opening the bankruptcy proceedings (chapter sixteen). This is because this matter requires explaining the legal consequences that the opening of the bankruptcy proceedings produces on the status of debtors, claims and legal transactions. This is followed by the presentation of the procedural and legal consequences of the opening of the bankruptcy proceedings. The seventeenth chapter of the monograph is dedicated to refuting the legal actions of the bankruptcy debtor. In practice, this issue has always attracted a lot of attention from both the professional and the general public. Objectively speaking, in relation to the previous bankruptcy legislation, the provisions of the LoB on the reorganization procedure (chapter eighteen) represent a new matter in the bankruptcy practice. Hence, the author sheds more light on the reorganization plan and the legal consequences of reorganization, both from a practical and theoretical point of view. The explanation of the provisions of the LoB regarding international bankruptcy (chapter nineteen) required the author to refer to several legal theories and some aspects of private international law. However, in doing so, he also struck an appropriate balance.

6. For the insurance business, the most interesting part of the monograph is the one that presents special bankruptcy procedures (chapter twenty). In his explanations, the author highlighted the three types of business entities in the legal system of Serbia, which are subject to regulations on special bankruptcy procedures, whereas the provisions of the LoB are additionally applied to their bankruptcy. These three types of business entities are banks, insurance companies, and financial leasing providers. According to the author, the legal sources of special bankruptcy procedures are: the Law on Bankruptcy and Liquidation of Banks and Insurance Companies, the Law on Bankruptcy Administrator Licensing Agency, and the Law on Deposit Insurance Agency. Nine points of the common rules for the bankruptcy of banks and the bankruptcy of insurance companies define when the provisions of the LoB will be applied to the bankruptcy of a bank or the bankruptcy of an insurance company, and when some of the laws on special bankruptcy procedures will be applicable. Firstly, the specific nature of bank bankruptcy cases is briefly presented, followed by a more detailed description of the specific characteristics of insurance companies' bankruptcy cases. Presenting the specifics of the bankruptcy of insurance companies, the author pointed out the payment priorities and the portfolio transfer.

7. The monograph is created as a university textbook dealing with the subject of Bankruptcy Law, but also as additional literature for a wider circle of readers interested in the issues of domestic and international bankruptcy. The formatting, colour and cover design of the book are appealing. It is printed in Cyrillic and typeface is suitable for a longer reading or learning. The biggest compliments to the author could be that the monograph has an educationally justified structure, the classifications within the chapters are structured for easy reference, it is written in a clear style, and the most important issues do not lack the presentation of arguments.

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