



Insolvenzrechnungslegung (German Edition)

Miriam Brosig

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Studienarbeit aus dem Jahr 2008 im Fachbereich Jura - Zivilrecht / Handelsrecht, Gesellschaftsrecht, Kartellrecht, Wirtschaftsrecht, Gottfried Wilhelm Leibniz Universität Hannover (Lehrstuhl Zivilrecht und Recht der Wirtschaft), Sprache: Deutsch, Abstract: Mit sinkender Tendenz wurden im Jahr 2007 in Deutschland 29.160 Unternehmensinsolvenzen verzeichnet.¹ Das Insolvenzverfahren über das Vermögen eines Unternehmens wird regelmäßig eröffnet, wenn das Unternehmen überschuldet oder zahlungsunfähig ist, oder die Zahlungsunfähigkeit droht.² Ziel des Insolvenzverfahrens ist es, durch die Verwertung des verbleibenden Vermögens des Insolvenzschuldners, die Gläubigergemeinschaft bestmöglich zu befriedigen. Alternativ zur Liquidation des Unternehmens kann bei positiver Fortbestehensprognose auch die Fortführung des schuldnerischen Unternehmens verfolgt werden.³

Um das Ziel der Gläubigerbefriedigung sicherzustellen, sind Mechanismen zum Gläubigerschutz eingeführt, die unter anderem die Kontrolle über die Tätigkeit des Insolvenzverwalters ermöglichen sollen. Dies sind insbesondere die Verpflichtungen des Insolvenzverwalters zur externen und internen Rechnungslegung.

1 Vgl. Statistisches Bundesamt (2008)

2 Vgl. §§ 17 – 19 InsO; Überschuldung ist dabei nur bei juristischen Personen Eröffnungsgrund

3 Vgl. § 1 InsO

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