

Research on the Protection of Creditors' Rights and Interests in Bankruptcy Reorganization Procedures

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Abstract: Bankruptcy reorganization is one of the important procedures for enterprises to maintain operational value and realize the hope of regeneration. The effective application of the reorganization system is of great significance for debtors to complete debt repayment and safeguard the legitimate rights and interests of creditors. However, in practice, the information asymmetry among stakeholders, the lack of creditor protection mechanisms, and the conflict of interests of multiple subjects damage the legitimate rights and interests of creditors, and are not conducive to the bankruptcy and reorganization system to play its due role. In order to protect the legitimate rights and interests of the creditors of bankrupt enterprises and optimize the business environment, this paper puts forward targeted suggestions from the aspects of establishing an information disclosure system, improving the creditor protection mechanisms, and improving the judicial active response mechanism, so as to help protect the rights and interests of creditors in the bankruptcy reorganization process. , so as to promote the further development of my country's economy.

Keywords: Bankruptcy reorganization, Creditors, Protection of rights and interests, Information disclosure, Multiple interests.

1. Introduction

Bankruptcy and reorganization is one of the effective paths for enterprises to break the development deadlock, complete the integration of resources and clear the development path. In the process of reorganization, a bankrupt enterprise must rely on the law to coordinate the distribution of interests of all parties, so as to achieve the goal of paying off debts and re-entering the market competition. Therefore, the balance of the debtor's property repayment and distribution is often a key factor in whether a bankrupt enterprise can enter the reorganization procedure. From the current point of view, my country's Bankruptcy Law provides effective legal protection for the protection of creditors' interests. It has made provisions that are beneficial to creditors in terms of the acceptance of bankruptcy applications, the intervention of administrators, and the voting rights of creditors' meetings, so as to avoid the inconvenience of debtors' proper behavior. However, in practice, due to the lag of information disclosure, the timeliness of creditors' grasp of the property status of the enterprise is relatively low, resulting in that the interests of creditors cannot be effectively protected. At the same time, the deficiencies of the creditor protection system and the conflict of interests among multiple subjects also affect the protection of the interests of creditors. The main body of creditors occupies an important position in the market economy, and protecting the rights and interests of creditors is of great significance to maintaining market stability and promoting sound social and economic development. Therefore, the realization of creditors' rights and interests is related to the stable development of my country's socialist market economy, and it is imperative to protect them.

2. The Real Dilemma of The Protection of Creditors' Rights and Interests in The Current Bankruptcy Reorganization Procedure

2.1. Bankrupt Enterprises Lack an Effective Information Disclosure System

During the implementation of bankruptcy reorganization procedures, there are problems such as information asymmetry between creditors and debtors and insufficient creditor supervision. As a participant in the whole process of bankruptcy reorganization, the debtor has a relatively clear grasp of the property status and operational capacity of the enterprise. However, due to the lag of information disclosure, the creditor has a relatively one-sided understanding of the solvency of the bankrupt enterprise. Therefore, in practice, the debtor may take advantage of the information asymmetry loophole, and in the reorganization plan, there may be attempts to evade debts by repaying the creditor's rights in advance, individual repayment, and using bankruptcy to evade shareholders' responsibilities. [1] Article 81 of my country's Bankruptcy Law stipulates the time limit for supervision of the implementation of the reorganization plan; Article 84, paragraph 3 stipulates that the debtor shall explain the draft reorganization plan to the creditors' meeting and answer questions; Article 91 Paragraph 2 stipulates the supervision report submitted by the administrator to the people's court, and the interested parties of the reorganization plan have the right to consult, etc. The above provisions reflect the information disclosure rules of the reorganization plan that are beneficial to the creditors' rights and interests. However, it is worth noting that my country's current "Bankruptcy Law" has not yet stipulated the disclosure time, disclosure content and other elements of relevant information, and the value of information disclosure still needs to be further elaborated, which may easily lead to the implementation of the reorganization plan being opaque to

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