

# The Limits of Luxury and Waste Behaviors of the Debtor in the World of Bankruptcy

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## Abstract

The purpose of Bankruptcy Law is to provide the debtor with a chance to reconstruct a new life. It also tries to maximize the compensation for the creditor. Therefore, the designing of the various related rules and regulations in the Bankruptcy Law is centered around these two core aims. This article will study and analyze the limits of the bankruptcy debtor's luxury and waste behaviors. Based upon the two categories-- the limits of luxury and waste before the filing of bankruptcy and limits of luxury and waste after the filing of bankruptcy --, this article will first differentiate the meaning between luxury and waste. And then try to analyze our country's Bankruptcy Law Article 156, and Amendment Draft Article 82. Also, the U.S. Bankruptcy Code §523 (a)(2)(C) and §1325 shall be compared with.

In other words, in the designing of the rules and regulations in the bankruptcy system, is it necessary to punish the luxury and waste behavior of the debtor? If it is the policy to punish these kinds of behaviors, is it necessary to limit one's personal freedom as a means? Do the means and purpose of bankruptcy--the chance of fresh start for the debtor and the protection of the fair compensation for the creditor--correspond with each other on the issue of the limits of luxury and waste behaviors? Is there any

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room for improvement in the present day Bankruptcy Law and its new Amendment in our country for that? These are the points to be discussed in this article.

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