



Acción colectiva de acreedores frente a los costos de externalidad y obstrucción [

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text (article)

Analítica

This article seeks to relate two topics that are relevant to understanding the procedural alternatives that arise when we face class action by creditors, meaning when various creditors pursuing payment of debts from the estate of a common debtor are faced. In this regard, the legislation considers various means to initiate this class action. However, in the aforementioned context, two categories of costs arise which affect the obtaining of an efficient result, understanding as such the scenario that minimalizes the costs that creditors, the debtor and the justice system assume in order to achieve suitable allocation of the debtor's resources. I refer to the costs of externality and obstruction. Both the manner in which these costs appear in Chilean legislation and certain proposed solutions shall be the primary matter of analysis in the present work

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