

Title: Insolvency crimes

Abstract

The aim of the submitted rigorous thesis to give a comprehensive overview about specific category of crimes related to contractual obligations between creditors and debtors, bankruptcy and its solution in insolvency proceeding. At first, the thesis analyzes the main concepts, „crime“ and „bankruptcy“. The thesis also includes historical excursion to former legislations of insolvency crimes in the penal law in the territory of today's Czech Republic, as well as off criminal legislation directly related to bankruptcy offences. This historical outline should clarify whether the current legislation on insolvency crimes has inspired a past adjustment or whether it has come up with a new concept of punishing this group of crimes.

One of the primary aims of this thesis is to assess whether, in the case of criminal liability for crimes classified as „insolvent“, one of the fundamental principals of criminal law, namely the principal of subsidiarity of criminal repression, is applied consistently. A picture of this isme can be made both from the actual text of the thesis and from the annex part, which shows the number of prosecuted and convicted persons for committing individual insolvent crimes in period 2009 – 2016.

The core of the thesis is an analysis of individual crimes that can be classified as „insolvent“ offences, namely damage of the creditor, preferential treatment of the creditor, causing bankruptcy, breaching the obligation in the insolvency proceeding and plotting in the insolvency proceeding. Part of the chapter is always devoted to the basic aspects of particular crime, individual merits of the case, as well as the circumstances underlying the use of higher penalty rate. The part of explanation are also differences of the individual crimes in their basic features.

The submitted rigorous thesis should bring revers closer to the isme of this specific group of crimes, as well as the reasons why lawmaker punish this acts by criminal law instruments.

Keywords:

Insolvency crimes, creditor, insolvency proceeding