

Resumé:

Recodification of the Criminal Code did not produce any significant interference with the basic facts of the general crime of fraud, substantial changes have affected specific crime of insurance fraud, credit crime. Self-regulated has been a criminal offense grant credit. Significant changes occurred in the definition of the circumstances which qualifies severe penalties to sanction any type of serious negotiations, which usually occur in practice, whether it is a way of acting or harder result. The newly introduced stricter penalties special recidivism is undoubtedly intensify repression and criminal. This adjustment will affect the other property crimes. However, the stricter qualifications will remain in place bipartite offenses examined, unless the place even more stringent law as an offense, for which generally implies a greater use of simplified forms of management, including the use of detours and alternative solutions should be found here wide use means of mediation and probation.

In fact only a partial presentation of fraudulent practices in the Czech criminal law are justified by the fact that crimes against property were since year 1990 quite often amended and such amendments have gone through the proper verification in practice, and thus must be in the great majority, as the basic facts, included in the outline of the new Criminal Code. In the case of certain proposed clarification of certain factual elements, these are based on practical experience in their application.

Legislature did not use the revision of the options that was afforded and removed from the Criminal Code some of the adjustment from the outset, which raised doubts and reservations. This particularly concerned the absence of a character of causing slight damage but the basic facts fundamentals specific crimes of fraud, which carries the risk of criminalization is less harmful conduct. While it is true that the current development of case law has identified a trend, however, can not be excluded under the new formal concept of the offense, which is no longer required to sign the social hazards of negotiations.

Although it can be concluded that the merits of credit fraud offense in practice mainly proved, as it affects conduct that affects majority of the activities of the banking sector and may have with regard to the damage caused, far-reaching consequences for the economy over the country and as a rule of conduct which is difficult punishable under the general merits of fraud can not be overlooked that the restriction of deception only in relation to the loan contract entails the use of certain restrictions on parties to other financial products. However a substantial proportion of objections were raised against this provision, the new Criminal Code does not solve a criminal court penalties for this offense, which are still possible for fraudulent conduct in connection with the acquisition or drawing funds under the credit agreement. As regards the other changes that bring a new change, their evaluation is at this point premature, since only practice will show any problems and uncertainties.

Already at this moment but it is possible to mention two adjustments that would be much of the existing problems removed. This is mainly to add character to the alternative "simulation event with which the right to claim on insurance or other similar transactions" in the facts of the crime of insurance fraud. Further benefits can be seen in complement elements of the offense of credit fraud is the alternative character of deception in the borrower, since the new legislation will affect such negotiations, which occur during the drawdown.

Despite the above objections can be stated that the existing law of fraud after a number of amendments to the Criminal Code total adequate social need and it can be assumed that this will be after the effectiveness of the new Criminal Code. Moreover, even for statistical reporting is evident that increasing numbers of persons prosecuted and convicted for criminal offenses in particular insurance and loan fraud, which documents the merits of their inclusion in the Criminal Code.