

SUMMARY

Crime of fraud, insurance, credit and loan fraud pursuant to section 209, 210, 211 and 212 of the Criminal Code

The purpose of my thesis is to consider all the aspects of law structure of frauds in the Czech Criminal Code. The thesis is composed of six chapters, the first chapter dealing with the general term of economic, financial and property delinquency, while the other chapters investigate particularity of different fraud types of the Czech criminal regulation. The methodology employed was a review of the judicial decisions offering contradictory interpretation of fraud statutes.

Privatisation process in 1990's started the growing trend of fraudulent actions when some people identified the lack of regulations and opportunity for gaining profit out of it. Despite the fact that we never quantify the true extent of frauds as there remains a high proportion of latent acts, the trend of frauds was (and still is) increasing. Although all the fraudulent activities were punishable pursuant to the provision of fraud, damage was not always possible to be proven. Fraud involves intentional misrepresentation or concealment of fundamental information intended to result in an unauthorized benefit of a person. Impossibility to subsume abusive acts under the general fraud has led to the most significant amendment to the Czech Penal Code where two new criminal offences were introduced - insurance and credit fraud pursuant to Section 250 Criminal Code no.140/1961 Coll. The aim of this introduction was mainly to protect the specifically endangered spheres of business – banking and insurance.

Another type of fraud has enriched the Criminal Code by the Act Number č. 40/2009 Coll. holding liable persons who state false or grossly distorted information when applying for grant, subsidy or returnable financial aid or persons who use the finance from grant, subsidy or returnable financial aid for other than the determined purpose.

The new provisions of fraud extended the scope of people being accused of the fraud crime as the provisions of credit, insurance and loan frauds do not require the damage to be proven in basic paragraphs, the damage is just a circumstance for higher sanctions, thus the fraudulent intention does not have to be proven, unlike the provision of general.

In my thesis, I tried to call attention all the ambiguous and indefinite parts of the penal provision for fraud and to show the implemented legislative changes relating to fraud.

Klíčová slova: podvod - pojistný podvod - úvěrový podvod - dotační podvod - majetková kriminalita

Keywords: fraud - insurance fraud - credit fraud - loan fraud - economic criminality