

Criminal offences of insurance fraud (§ 210), credit fraud (§ 211) and subsidy fraud

Abstract

In addition to the crime of fraud, special types of fraudulent acts were introduced into the Czech legal system in the late 1990s, consisting of insurance, credit and subsidy fraud. Their introduction was justified by the need for special regulation, as some forms of this crime were not punishable through the provisions on general fraud. On the one hand, the introduction of these new offences has been welcomed positively, but on the other hand, there have been criticisms of the regulation for being too casuistic and, above all, of the concept of 'prematurely completed offences', since in the case of these special fraudulent acts it is sufficient if the perpetrator has merely acted fraudulently and (with one exception) there is no need for such conduct to have a negative impact on the victim's property.

The work is focused mainly on the description and analysis of the individual facts of the offences of insurance, credit and subsidy fraud, whether in their basic or qualified form, all accompanied by references and excerpts from the conclusions of established case law.

For the two penultimate parts of the thesis, the method of comparison is used, first to compare the facts of the crime of fraud with the facts of other fraudulent acts. In particular, attention is drawn to the aforementioned concept of the basic facts of special fraudulent acts as prematurely completed crimes and the crime of fraud in the traditional concept, i.e. including the consequence and the causal link between the act and the consequence. The next comparative chapter is devoted to the comparison between the Czech and Slovak legislation, emphasizing the fundamental differences consisting in the fact that the Slovak legislation does not contain the concept of a prematurely completed criminal offence, moreover, it is hypertrophied in terms of case-by-case facts, which to a certain extent also results in the fact that it contains a total of four provisions punishing special fraudulent acts, in this case the so-called capital fraud.

The conclusion of the whole thesis is devoted to *de lege ferenda* considerations, the key thesis of which is the proposal to abandon the concept of prematurely completed crime in the case of the basic facts of special fraudulent acts and to implement the feature consisting in the obligatory consequence, i.e. causing damage to foreign property.

Key words: insurance fraud, credit fraud, subsidy fraud