sciendo
Studia commercialia Bratislavensia Volume 11; Number 39 (1/2018); pp. 107-117
DOI: 10.2478/stcb-2018-0008 ISSN 1339-3081

Scheming to defraud in an insolvency proceeding: a specific case of economic criminal acts

Josef Smolík[1] – Alena Kajanová[2]

Abstract

The article presents the theoretical foundations of the criminal act of scheming to defraud in an insolvency proceeding. A criminal act according to the § 226 Act No. 40/2009 Coll. (Criminal Code) is often a part of organized crime. Crime is made easier by the difficult proceedings of solving the debtor's bankruptcy in the Czech Republic. The article includes a case interpretation in which the judge committed a crime. She caused severe harm to several participants of the insolvency proceeding and secured that the debtor's shareholder benefited.

Key words

Insolvency proceeding– Scheming to defraud – economic crime – organized crime

JEL Classification: G23

Received: 4.10.2017 Accepted: 23.4.2018

Introduction

This article is aimed at the criminal act of scheming to defraud in an insolvency proceeding. Insolvency proceedings focus on the situation when a debtor's bankruptcy is already happening or when such bankruptcy is imminent. These proceedings are often very complicated, which provides opportunity for various types of illegal practices, the so-called bankruptcy offences. Misappropriating insolvency law can even lead to organized crime[3] (it is often directly spoken of organized crime), which increases the mistrust of society towards economic activities in general, it demotivates individuals from participating in entrepreneurial activity, etc. (comp. Smolík, 2014: 72-74). The topic of scheming to defraud in an insolvency proceeding has not been discussed enough even though the Supreme Administrative Court as well as the Constitutional Court both discussed it in several adjudications.

The goal of this article is to introduce the theoretical aspects of the issue of scheming to defraud in an insolvency proceeding in the context of insolvency and criminal laws

[1] PhDr. Josef Smolík, Ph.D., MBA, LL.M.; Mendel University, Faculty of Regional Development and International Studies, Department of Social Development, Třída Generála Píky 2005/7, 613 00 Brno - Černá Pole, Czech Republic, e-mail: josef.smolik@mendelu.cz.

[2] doc. PhDr. Alena Kajanová, Ph.D.; The Institute of Technology and Business in České Budějovice, Okružní 517/10, 370 01 České Budějovice, Czech Republic, e-mail: ali.kajanova@email.cz.

[3] Organized crime can be perceived as 1) a very specific form of economic activity characterized by the use of threats, physical force, violence, debt recovery, intimidation, corruption; 2) a supplier of illicit goods and services (comp. Cejp, 1999, 2004).

and to discuss the selected case interpretation. This text primarily serves as an introduction into the selected issue. We can however state that scheming to defraud in an insolvency proceeding is a very current topic that is also complicated due to the difficulty of uncovering such specific crime.

1 Insolvency Proceedings

Insolvency proceedings are a special type of civil proceedings whose goal is to discuss the bankruptcy and its proceedings according to the insolvency law (Zoulík, 2009). In legislative, an insolvency proceeding is discussed in the so-called insolvency law (Act No. 182/2006 Coll.) that has been in force since January 1st 2008 and replaced the previous amendment of the Act No. 328/1991 Coll. about bankruptcy and settlement. The insolvency proceedings by themselves are defined by the Law No. 99/1965 Coll., Civil Procedure, as amended.

Insolvency proceedings are court proceedings before an insolvency court whose focus is the debtor's[4] bankruptcy or imminent bankruptcy and the method of solving it. Insolvency proceedings are a special type of civil proceedings that include elements of trial proceedings as well as execution proceedings. Conditions needed for the proceedings to take place are investigated during the proceedings and is followed by implementing the needed measures (Beranová, Macas 2017: 6).

Insolvency proceedings consist of several stages whose course differs according to the concrete circumstances of the cases. The first stage is to commence the insolvency proceedings by submitting an insolvency petition by the debtor or the creditor. If the bankruptcy is imminent then the insolvency petition can only be submitted by the debtor. The debtor needs to verify if the defined criteria are met. He/she has to fill out the form "Návrh na povolení oddlužení" [Petition for a Permission of Debt Forgiveness] that includes the Insolvency petition and required attachments. The insolvency proceedings start on the day when the appropriate court materially receives the insolvency petition. This court then announces the commencement of the proceedings by a public notice that is made public no later than two hours after receiving the petition. From the instant the effects connected to the commencement of the insolvency proceedings take place, the debtor is obliged to refrain from handling the estate and the property that can be the part of it if there should be any substantial modifications in its composition, its usage, the property ascertainment, or its nonnegligible reduction. The debtor is only allowed to fulfill pecuniary obligations incurred before the commencement of the insolvency proceedings within the scope and according to the rules set by the insolvency law. Before

[4] A debtor in an insolvency proceeding can be an entrepreneurial subject (legal or natural person pursuing business) as well as a subject who is not an entrepreneur (f.e. a consumer). It must however always be a legal personality; it is not possible to conduct insolvency proceedings for assets that are not legal personalities (Beranová, Macas 2017: 9).

the decision about the insolvency petition, the insolvency court[5] can impose on the insolvency's petitioner to pay an advance of the insolvency proceedings costs within a set period of time (Hásová, Moravec, 2013).

The next stage is the ruling about a debtor's bankruptcy that is issued by the insolvency court if via an attest or evidence proceedings it is discovered that the debtor is indeed in bankruptcy or that his/her bankruptcy is imminent. The bankruptcy ruling is delivered separately to the debtor, the insolvency trustee, the preliminary trustee, the insolvency petitioner, and persons who partook in the proceedings. The so-called invitation to creditors is a part of the bankruptcy ruling who have not yet submitted their debts; the debtor (if he/she has not yet done so) is also obligated to assemble and submit to the insolvency trustee a list of his/her assets and obligations including his/her debtors and creditors within a set period of time. The debtor is assigned an insolvency trustee[6]; dates of the review meeting and the creditor meeting are also defined. The bankruptcy can be solved by bankruptcy, reorganization, or debt forgiveness (Richter, 2017).

The third stage is the ruling on how to solve the bankruptcy according to the previously stated methods. It is followed by the stages of implementing the selected method of solving the debtor's bankruptcy and finalizing the insolvency proceedings (Ministry of Justice of the Czech Republic, 2017). Currently, it is possible to access a number of information on-line and to follow concrete cases almost simultaneously to the developments of their bankruptcy proceedings (Smrčka, 2013).

In the first half of 2017, in total 14,846 insolvency petitions were submitted; enterprises submitted 1,141 petitions; consumers submitted 13,705 petitions. The overall number of insolvency petitions decreased by 4.92% in comparison to the first half of 2016. Most insolvencies were submitted in Prague; the least in the Vysočina Region. The majority of insolvency petitions submitted by legal persons ends with declaring bankruptcy, which is typically solved by bankruptcy and less frequently by reorganization (Creditreform, 2017).

Bankruptcy is a certain way of solving bankruptcy in which the estate value is determined and realized. It is typical for bankruptcy that the proceeds of realization of the estate are to be used for substantial proportional distribution of assets amongst the creditors. The debts of creditors that could not be satisfied during bankruptcy are not extinguished unless the law determines otherwise. Therefore, the primary objective of bankruptcy is not to preserve the debtor's business but to (in the majority of cases) at least partially put the debtor's property relations with his/her creditors in order. Bankruptcy can be declared for assets of natural and legal persons, and can concern entrepreneurs as well as non-entrepreneurial subjects. Bankruptcy cannot be declared for

[5] An insolvency court is defined as a court that conducts insolvency proceedings. An insolvency court either makes a statutory decision by delivering a judgment or by supervising the activities of other process subjects. The form of the court judgment is the resolution (Beranová, Macas 2017: 8).

[6] Insolvency trustees and other trustees, meaning the preliminary trustee, the separated insolvency trustee, the special insolvency trustee, and the deputy to the bankruptcy trustee, are according to legal theory seen as special, or rather other subjects of insolvency proceedings because the insolvency law uses the term "other proceeding subjects" only in the name of the part of the fifth chapter of the second part of the first and therefore only associates this term with prosecutors and the liquidator of the debtor. The Constitutional Court states that the insolvency trustee can be seen (due to his/her status) as a public official sui generis (for more detail see Beranová, Macas 2017: 11).

assets of subjects for whom insolvency proceedings cannot be issued (Hásová a kol., 2014).

The situation of natural persons – the consumers – has been stabilized for two years as of now. Natural persons can solve bankruptcy by debt forgiveness which includes either the realization of the debtor's assets – this is less frequent (in 2016, there were f.e. 258 cases) – or by fulfilling a repayment schedule as a part of which the debtor has to pay back at least 30% of his/her debts to the creditors within five years. In 2016, a repayment schedule was set for 10,725 debtors (Creditreform, 2017).

1.1 Scheming to defraud in an insolvency proceeding

In connection with insolvency proceedings, various possible crimes exist that occur if the debtor does not provide an exact overview of his/her assets or if he/she conceals some of his/her debts towards his/her business partners or employees, etc. A part of such criminal activity is called scheming to defraud in an insolvency proceeding.

Scheming to defraud in an insolvency proceeding is classified as a part of economic crime aimed against the economic system and its function (cf. Novotný, Zapletal et al. 2004: 94, Zoubková et al., 2011: 82). Economic crimes can be seen as crimes of people who are active in economic life (cf. Novotný, Zapletal et al. 2004: 263). It is a broadly understood area of crime connected to multi-faceted attacks on economy and finance that was named white collar crime by the American criminologist Edwin H. Sutherland in 1924[7] (Gřivna a kol. 2014: 277, cf. Šmíd, Kupka 2012: 60, Sutherland 1924). The fundamental attribute of such crime is misusing the assigned or assumed trust. From the economic perspective, it is the deliberate misinterpretation of law, manipulating facts, embezzlement, bribery, etc. (Šmíd, Kupka 2012: 61). Researchers generally agree on three basic factors that form this concept: 1) the concept occurs in work or employment contexts; 2) the concept is motivated by economic profit or work success; 3) the concept is not characterized by direct, intentional violence. These prerequisites define the following generally accepted definition: "*White collar crime are illegal or unethical activities of individuals or organizations that misuse the responsibility/trust received from the public. These activities are usually committed during the time of legitimate business activity by individuals or organizations with high or respected social status in order to generate personal or organizational gain*" (Šmíd, Kupka 2012: 61-62).

Kupka (2017: 38) defines white collar crime as *"a crime committed by a respected person with a high social status during the exercise of his profession".*

Social status (education, income, etc.) is an important element that affects not only the type of crimes committed, but also affects the possibilities of protecting individuals against crime (comp. Krulichová, 2017: 18-19).

[7] The opposite of white collar crimes is the blue collars criminality, which is related to the common crime of the general public, committed by people from lower socio-economic classes. The crime of blue collars is recorded in crime statistics (Zoubková et al., 2011: 82, comp. Kaiser, 1994: 5)

Criminal activity in connection with insolvency proceedings can therefore be understood as "white collar crime" since it is typical that such crimes are committed by individuals who misuse their position – f.e. in public administration or the justice system – and misuse the access to restricted information that are advantageous for their criminal activity (such as knowing the real value of a concrete company, its financial operations, etc.) (comp. Tomášek 2010: 145). According to renowned studies, the perpetrators of economic crimes are often people with a higher social status and higher education (comp. Novotný, Zapletal et al. 2004: 263).

Economic criminal activity differs from the remaining types of crime primarily by the fact that the patterns of its activities are practically identical to the patterns of legal economic life; economic crime uses almost identical economic tools and approaches as well (Gřivna a kol. 2017: 277). The case of insolvency proceedings is a common approach as well, which however offers many opportunities to commit crime (cf. Novotný, Zapletal et al. 2004: 97).

Criminal law by itself is not capable of prevent phenomena causing economic crime. The law only acts as a supportive but irreplaceable protection tool of legitimate economic relations. The extent of criminal sanction is limited by the principle of the supportive role of criminal repression which means that criminal repression is only applied when other means (primarily of economic nature) are insufficient or ineffective (Válková, Kuchta a kol., 2012).

However, it is clear that the § 226 of the valid Criminal Code, meaning scheming to defraud in an insolvency proceeding, is a serious crime that significantly disrupts economic code while often being a systematic activity (Gřivna, Scheinost, Zoubková a kol. 2014: 279).

§ 226 Act No. 40/2009 Coll. (Criminal Code) defines scheming to defraud in an insolvency proceeding as a body of crime in which the creditor in connection with the vote of creditors in an insolvency proceeding accepts or is promised assets or other benefits in breach of the rules and principles of the insolvency proceedings. The offender can be punished by deprivation of liberty of a maximum of one year or the prohibition of activity. The same punishment is also applicable in cases when the offender offers, provides, or promises assets or other benefits to creditors in connection with the vote of creditors in breach of the rules and principles of insolvency proceedings.

A more severe punishment – deprivation of liberty of a maximum of two years or the prohibition of activity - is defined in the Art. 3 § 226 which applies to anyone who in the role of an insolvency trustee, a member or the creditor committee, or the creditor deputy in the insolvency proceedings accepts or is promised for oneself or others assets or other benefits that would harm the creditors and that he/she does not have the right to.

Art. 4 § 226 defines a punishment between six months and three years if the committed act defined in the articles 1, 2, or 3 causes severe harm, if the offender gains by committing the act for oneself or others significant benefits, or if such crime is committed by an official.

Art. 5 § 226 states that the offender will be punished by the deprivation of liberty of a minimum of two and maximum of six years if a) the crime defined in articles 1, 2,

or 3 causes large scale damages, or b) he/she gains a large scale benefit from the crime for oneself of others.

The length of the term of imprisonment in § 226 depends on the scale of the damages. Severe damage is understood as the sum of at least 500,000 CZK. Significant benefit is also understood as the sum of at least 500,000 CZK. Large-scale damage is understood as the sum of at least 5,000,000 CZK and the same amount is needed for large-scale benefits (Petříková 2012).

§ 226 Act No. 40/2009 Coll. (Criminal Code) unequivocally belongs to the bodies of crime that can be summarized as economic crime. They are acts that damage a broad group of people (creditors, debtors, employees, partners, etc.), threaten social and economic stability of the country, cause the loss of trust in the economic system by itself, generally cause high damages, and in a number of cases goes beyond the territory of only one country (Válková, Kuchta et. al., 2012).

Another characteristic of scheming to defraud in an insolvency proceeding is the fact that it is a relatively sophisticated, long-term, and planned activity as well as organized or group crime. Experts also state that crime of such manner has a high level of being latent (see Gřivna, Scheinost, Zoubková a kol. 2014: 280-281, comp. Kaiser, 1994: 152-157, Zoubková a kol. 2014: 83).

Scheming to defraud in an insolvency proceeding apply to the relations between debtors and creditors in connection with the debtor's bankruptcy and solving of his/her situation. If we imagine scheming to defraud in an insolvency proceeding, it is principally manipulating (often in the for of bribes) the members of the creditor committee or the insolvency trustee directly.

It is clear that insolvency law and criminal law complement each other in the case of implementing insolvency proceedings when during bankruptcy criminal activity is committed according to the § 225 until § 227 Criminal Code (for details see Criminal Code, Act No. 40/2009 Coll.). From the perspective of the insolvency law, it is criminal activity that is committed during the implementation of insolvency according to § § 210-216 (see Insolvency law, Act No. 182/2006 Coll.).

According to insolvency law and criminal law, § 226 focuses on securing that the insolvency proceedings proceed justly, meaning that at the end all creditors of the debtor are satisfied and that the assets or their value are not decreased in the process of insolvency. Proper settlement of creditors needs to be secured who have the same (and as high as possible) chance of settlement. § 226 therefore oversees the equality of rights of all creditors where the benefits of one of the creditors are limited, f.e. in the votes of creditors in the insolvency proceedings.

This article also discusses the possibilities if someone wanted to influence the individual creditors (such as providing a financial sum for a certain vote in the case of an insolvency proceeding, f.e. if there is the so-called creditor committee that is formed in cases where there are more than 50 different creditors, see § 58 insolvency law) or if such behavior is realized with more than one creditor. Other – it should be noted that it is more severe – criminal activities in this area are influencing the insolvency trustee who is seen as an official.

The body of crime according to § 226 Criminal Code is therefore not the direct attack on the debtor's assets but unfair acts that fully impede or complicate proper implementation of property relations of the debtor in bankruptcy with persons that the debtor's bankruptcy affects (Petříková, 2012). In reality, it is usually the influencing of the insolvency proceedings in the form of bribes or other benefits (asset benefit following from the course of the insolvency proceedings).

1.2 Scheming to defraud in an insolvency proceeding, case interpretation

The insolvency trustee can commit scheming to defraud in an insolvency proceeding, meaning that he/she can significantly influence the course of the insolvency proceedings. The insolvency trustee is a single judge according to the § 12 Art. 1 Insolvency law (Act No. 182/2006 Coll., Act on Insolvency and Its Resolution).

These are actually more than one crime because the insolvency trustee by him-/herself is a very specific offender because he/she is a guarantor of the actual insolvency proceeding. As previously stated, the insolvency trustee is directly stated in § 260 and if convicted the punishment can be up until two years, which is twice as high as the maximum punishment for creditors who committed the same crime.

As a part of the insolvency trustee's responsibilities, a number of other crimes come to mind. These are primarily crimes included in the fifth and sixth chapter of the Criminal Code and which can lead not only to the deprivation of liberty but to the suspension of the permission to serve as an insolvency trustee as well, and after the court's final decision that finds the insolvency trustee to be guilty of committing a crime even to the termination of such permission by the Ministry of Justice of the Czech Republic (for more details see Such, 2013).

An insolvency trustee should always proceed expertly and fairly, thusly ensuring primarily the satisfaction of individual creditors. Sadly in the Czech environment, situations take place where insolvency trustees commit crimes that can be qualified as damaging creditors, benefiting creditors, breaching their duties in an insolvency proceeding, or commit the previously described scheming to defraud in an insolvency proceeding.

In the case we deal with, these are so-called professional crimes (comp. Kupka, 2017: 38). In fall 2016 in the Czech Republic, a case of the insolvency proceedings concerning the company Via Chem Group was frequently mentioned in the media, in which the judge from České Budějovice - Marie Červinková - committed a crime. Also due to the fact that the access to more complex information (f.e. in the form of the case materials) is limited, this case study will be based on publically accessible information.

The judge is suspected of causing severe harm to several participants of the insolvency proceedings and also providing a benefit to the debtor's shareholder. Due to the fact that the case concerned a judge of the Czech Republic directly, the president of the Czech Republic had to allow her prosecution.

The crime therefore directly affected the performance of judicial activities in which the judge acted in breach of the duties defined by the insolvency law. The case was then transferred from České Budějovice to Hradec Králové because it was imminent that

the anti-corruption police in České Budějovice would not take action. The law also dictated the temporary exemption from judicial duties – falling under the authority of the Ministry of Justice of the Czech Republic. The minister of justice then stated that this would not have been necessary because the judge ended her duties at the end of 2016 due to reaching the age of 70 (Česká justice 2016).

Among other crimes (money laundering, accepting a bribe, etc.), the judge also committed the crime according to the § 226 Act No. 40/2009 Coll. (Criminal Code), meaning the scheming to defraud in an insolvency proceeding. Comprehensively, the criminal activity included a broader group of people and therefore showing signs of organized crime. This fact alone is relatively severe not only from the perspective of the crime activities of this group but also from the perspective of negatively influencing the trust of the public in the rule of law in the Czech Republic. The damages in this case were in tens of millions of CZK. The judge severely breached the ethical codex and also primarily "intended to case damages or other severe damages to others, or to provide herself or others an illegal benefit by performing her authority in a way that breached other legal rules" and thusly committing the crime of scheming to defraud in an insolvency proceeding (see Český rozhlas 2016).

This proceeding is currently still continuing. Approximately fifteen persons are accused of criminal activity. The latest information state that the judge's actions cause damages of 8,000 CZK (Česká justice 2017). This case should be observed further because it clearly demonstrates the struggles caused by proving criminal activity of such character.

2 Results and Discussion

As stated above, insolvency trustees have a relatively significant power from the perspective of the process of insolvency proceedings by themselves. This is also why the insolvency trustee is strictly limited by the law in his/her decision-making in order to prevent errors and criminal activity in connection with the insolvency proceedings. The fundamental principle that was also stated above is securing that the insolvency proceedings are conducted according to the rules and that a swift, economic, and acceptable satisfaction of all creditors is reached. This is also why the role of the insolvency trustee is absolutely crucial. That is also the reason why it is appropriate that the § 226 Act No. 40/2009 Coll. exists.

Economic crime often differs from other types of crime primarily by the fact that its patterns are principally identical to the patterns of legal economic activities and that almost the same economic tools and approaches are used (Gřivna a kol. 2017: 277). Even in the case of insolvency law, it is a common approach that however offers a number of opportunities to commit crime. The situation is similar in other Visegrad countries as well (Crhová, Fišerová, Paseková, 2016).

The informational value of statistical data and their analysis is lower for economic crime that for other types of crime. Statistical data primarily relativize the following facts: a) the statistical methodology; b) legislative changes; c) incompatibility in the yearly time sequence; d) being latent (Gřivna et. al. 2017: 281). In the case of scheming to

defraud in an insolvency proceeding, it is necessary to mention primarily the high level of latency; generally, economic crime (as a whole) is characterized by a high level of clearance (up to 90% of investigated cases) (Gřivna a kol. 2017: 282).

In the case of scheming to defraud in an insolvency proceeding can also be stated from the sociological point of view that it is to a certain degree "a corruption symbiosis of the elites" in many cases strengthening and combining the interests of political, economic, and bureaucratic elites that "have each others backs" in an mafia conspiracy (Sekot 2006: 109). That is also why the high level of latency and complicated proving are typical for this specific and sophisticated crime activity.

Further specification was made in 2017, when an amendment to Act No. 182/2006 Coll., On Bankruptcy and Methods of its Resolution, was adopted. Amendment of Act No. 64/2017 Coll., which defines, for example, the integrity of a legal person providing services in the area of debt relief, etc. defines a bona fide person as the person who has been legally convicted of an intentional crime or a negligent law offense in connection with the execution of debt relief services.

Conclusion

Scheming to defraud in an insolvency proceeding is considered a crime activity that is generally labeled as the so-called insolvency offences. It is a relatively sophisticated crime activity that is only uncovered with difficulty with high latency. Scheming to defraud in an insolvency proceeding can be seen as a highly negative social phenomenon that endangers the trust of citizens in the rule of law or in business activities.

For the above mentioned criminal activity is characterized a high degree of latency associated with the fact that those committing these crimes are educated and law-qualified persons. Detectability is difficult due to the fact that this type of crime is considered a specific form of organized crime.

The topic of scheming to defraud in an insolvency proceeding shows elements of insolvency law, criminal law, as well as criminology. The above stated information tried to introduce this topic primarily from the perspective of criminal activities of insolvency trustees who often deals with creditors worth millions of CZK, which also provides questions about their neutrality and fairness towards all creditors in an insolvency proceeding.

References

Act No. 182/2006 Coll., Act on Insolvency and Its Resolution (2006). *Sbírka zákonů.* ISSN 1211-1244.

Act No. 40/2009 Coll. Criminal Code (2009). *Sbírka zákonů.* Part 11. ISSN 1211-1244.

Act No. 64/2017 Coll. Act amending Act No. 182/2006 Coll. (2017). *Sbírka zákonů*. ISSN 1211-1244.

Beranová, Z. & Macas, J. (2017). *Insolvenční právo a způsoby řešení úpadku*. Praha: CEMI (study materials).

Cejp, M. (1999). *Výzkum organizovaného zločinu II*. Praha: Institut pro kriminologii a sociální prevenci.

Cejp, M. (2004). *Organizovaný zločin v České republice III*. Praha: Institut pro kriminologii a sociální prevenci. ISBN 80-7338-027-7.

Česká justice. (2016). *Soudkyně Červinková obviněná v kauze Via Chem Group končí ve funkci.* Retrieved July 27, 2017, from http://www.ceska-justice.cz/2016/12/soudkyne-cervinkova-obvinena-v-kauze-via-chem-group-konci-ve-funkci.

Česká justice. (2017). *Stíhaná exsoudkyně Červinková měla způsobit škodu osm tisíc korun.* Retrieved July 27, 2017, from http://www.ceska-justice.cz/2017/01/stihana-exsoudkyne-cervinkova-mela-zpusobit-skodu-osm-tisic-korun.

Český rozhlas. (2016). *Policie obvinila soudkyni ze zmanipulování insolvenčního řízení. Ve funkci zůstává dál*. Retrieved July 27, 2017, from http://www.rozhlas.cz/zpravy/politika/_zprava/policie-obvinila-soudkyni-ze-zmanipulovani-insolvencniho-rizeni-ve-funkci-zustava-dal--1653670.

Creditreform. (2017). *Vývoj insolvencí v České republice za první pololetí 2017*. Retrieved July 27, 2017, from http://www.creditreform.cz/novinky-downloads/vyvoj-insolvenci-v-cr.html

Crhová, Z., Fišerová, Z. & Paseková, M. (2016). Corporate insolvency proceedings: A Case of Visegrad Four. *Acta Universitatis Agriculturae et Silviculturae Mendelianae Brunensi. 64*(1), 235-243.

Gřivna, T., Scheinost, M. & Zoubková, I. et al. (2014). *Kriminologie*. Praha: Wolters Kluwer, 4th edition.

Hásová J. a kol. (2014). *Insolvenční zákon: Komentář.* Praha: C. H. Beck..

Hásová, J., Moravec, T. (2013). *Insolvenční řízení.* Praha: C. H. Beck..

Hendl, J. (2005). *Kvalitativní výzkum. Základní metody a aplikace.* Praha: Portál.

Kaiser, G. (1994). *Kriminologie. Úvod do základů*. Praha: C. H. Beck.

Krulichová, E. (1997). *Pocit bezpečí a obavy z kriminality v České republice*. Praha: Národohospodářský ústav Josefa Hlávky.

Kupka, P. (2017). *Násilí, podvody a každodennost. Jak zkoumat organizovaný zločin?* Brno: CDK.

Novotný, O., & Zaplatal, J. et al. (2004). *Kriminologie*. Praha: ASPI. 2nd edition.

Petříková, M. (2012). *Úpadkové trestné činy.* Praha: Bankovní institute veřejná škola (Bachelor thesis).

Richter, T. (2017). *Insolvenční právo.* 2. vydání. Praha: Wolters Kluwer.

Sekot, A. (2006). *Sociologie v kostce.* 3rd edition. Brno: Paido.

Smolík, J. (2014). *Úvod do studia mezinárodních vztahů.* Praha: Grada Publishing.

Šmíd, T. & Kupka, P. (2011). *Český organizovaný zločin: od vyděračů ke korupčním sítím*. Brno: Masarykova univerzita, Mezinárodní politologický ústav.

Smrčka L. (2013). *The Problems of the Insolvency Register in the Czech Republic from the Perspective of Information Technology*. In: Rocha Á., Correia A., Wilson T.,

Stroetmann K. (eds) Advances in Information Systems and Technologies. *Advances in Intelligent Systems and Computing, Vol 206.* Berlin: Springer, Heidelberg. Retrieved from https://doi.org/10.1007/978-3-642-36981-0_30.

Suchá, A. (2013). *Za chyby se platí aneb k odpovědnosti insolvenčního správce* Retrieved July 27, 2017, from https://www.epravo.cz/top/clanky/za-chyby-se-plati-aneb-k-odpovednosti-insolvencniho-spravce-91694.html

Sutherland, E. H. (1924). *Criminology*. Philadelphia: PA: Lippincott.

Válková, H. & Kuchta, J. et al. (2012). *Základy kriminologie a trestní politiky*. Praha: C. H. Beck.

Zoubková, I. et al. (2011). *Kriminologický slovník*. Plzeň: Vydavatelství a nakladatelství Aleš Čeněk.

Zoulík, F. (2009). Vývoj insolvenčních řízení. *Právní fórum. 6*(4), 153-160.