MCHM LAWYERS

Chiarappa
Molinari
Maquiavelo
Abogados

FRAUDULENT INSOLVENCY: CRIMINAL ACTIONS THAT HARM CREDITORS

BANKRUPTCY LAW

MCHM LAWYERS

Chiarappa
Molinari
Maquiavelo
Abogados

DEFINITION AND CLASSIFICATION

Asset concealment and fraudulent insolvency are economic crimes regulated by the Spanish Criminal Code, designed to protect creditors´ interests and ensure transparency in bankruptcy proceedings.

MCHM LAWYERS

Chiarapa
Molinari
Maquiavelo
Abogados

CRIMINAL CONDUCT

Asset concealment includes hiding, fraudulently transferring, or destroying assets to avoid fulfilling financial obligations, while fraudulent insolvency involves actions such as disproportionate asset disposals, credit simulation, and loss-making sales operations.

MCHM LAWYERS

Chiarappa
Molinari
Maquiavelo
Abogados

REQUIREMENT OF INTENT

Both crimes require the presence of intent (dolo), that is, the deliberate intention to harm creditors. Without such intent, the act cannot be considered a crime.

MCHM LAWYERS

Chiarappa
Molinari
Mauriello
Abogados

CRIMINAL LIABILITY OF LEGAL ENTITIES

Companies may also be held criminally liable if it is proven that they committed these crimes through their legal representatives or administrators. Penalties may include fines, dissolution, and suspension of business activities.

Chiarappa
Molinari
Maquiavelo
Abogados

MCHM LAWYERS

www.mchmabogados.es/idiomas/en/

info@mchmabogados.es

950 106 453
674 21 65 59