



## La estafa de seguro (Spanish Edition)

*Marta García Mosquera*

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## **La estafa de seguro (Spanish Edition)** Marta García Mosquera

Partiendo de una aproximación a la institución económica del seguro, y tras exponer brevemente los aspectos criminológicos más destacables ¿prestando especial atención a la fenomenología? del fraude de seguro, se aborda el análisis de la posible incriminación de las formas de comisión más relevantes (configuración fraudulenta del contrato, provocación intencional, simulación y liquidación fraudulenta del siniestro) principalmente a través del delito de estafa común (art. 248 CP), y excepcionalmente a través de la controvertida figura del delito de incendio de bienes propios con propósito de defraudar (art. 357 CP). El estudio dogmático de las cuestiones más problemáticas de la estafa de seguro ¿delimitación del bien jurídico protegido, formas de engaño en las distintas fases de la relación contractual, criterios de determinación del perjuicio patrimonial al asegurador, iter criminis y formas de intervención constitutivas de autoría o participación, entre otras? se acompaña de una abundante recopilación jurisprudencial que resulta ilustrativa de las diversas cuestiones tratadas. En la última parte del trabajo, la autora argumenta su posición en contra de la necesidad de creación de un tipo penal autónomo en nuestro Código Penal para sancionar la estafa de seguro, rechazando expresamente la oportunidad de anticipación de la punibilidad a actos preparatorios del delito de estafa.

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