



Informe sobre las novedades introducidas en la nueva regulación del delito fiscal: algunas propuestas de mejora

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epaxis, 2013. Book Condition: New. El objeto del trabajo, lejos de tener una mera pretensión doctrinal, es eminentemente práctico, y pretende contribuir a mejorar la actual tipificación del delito fiscal a fin de solucionar los problemas que actualmente se plantean, con especial atención a la deficiente delimitación de la conducta punible, la divergencia existente entre los plazos de prescripción penal y tributaria, los problemas prácticos que genera la regularización voluntaria, y la posibilidad que parecía dejar abierta el Borrador de Anteproyecto de Ley General Tributaria a que la Administración pudiera liquidar y recaudar la deuda aunque estuviera en marcha el proceso penal, situación que tensiona gravemente el derecho constitucional a la presunción de inocencia. En el estudio subyacen varias ideas conductoras, como la necesidad de que exista una mayor coordinación entre el derecho penal y el derecho tributario, la recomendable introducción de una mayor dosis de seguridad jurídica a través de una delimitación precisa de la conducta típica y la supresión del apartado 5 del artículo 305 del CP por exigencias del derecho a la presunción de inocencia, el principio de prejudicialidad penal y el esquema constitucional de división de poderes.



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