



UNIVERSIDAD ANDINA DEL CUSCO
FACULTAD DE DERECHO Y CIENCIA POLÍTICA
ESCUELA PROFESIONAL DE DERECHO



MODALIDAD DE TITULACIÓN CON TRABAJO ACADÉMICO

ANÁLISIS DE EXPEDIENTE:

EXPEDIENTE PENAL:

ESTAFA AGRAVADA

PRESENTADO POR:

Bachiller Jorge Gioneld Lipa Saravia

PARA OPTAR AL TÍTULO PROFESIONAL DE ABOGADO

CUSCO- PERÚ

2020

**ABSTRACT.**

Carlo Ponzi was an Italian immigrant, who in the 20s of the last century started a very lucrative business in the United States: he offered to pay high interest on the money that people gave him, in short periods of time. Although Ponzi said that the profit came from the investments it made with the money raised (reselling postage stamps), the truth was that the interest offered was paid with the money of the new contributors or savers, in a staggered and growing chain of people who were persuaded to enter this business. That is, there were no investments or profit. The “financial pyramids”, also known as Ponzi schemes, in memory of the first to use them, are a mechanism for raising money, offering high profits in a short term, without there being an economic activity to support it. The supposed "earnings" come from the money delivered by the new contributors or "savers", whose growth - for the "business" to be viable - must be exponential. Naturally, there comes a time when the number of people required to sustain this scheme (that is, for everyone to receive the profit that was offered) is so high that it simply collapses. However, the promoters of this fraudulent mechanism usually do not wait for it to happen: before they have disappeared, taking all the money collected. (SBS Informa, 2017)

This Report is from file 01708-2016-0-1001-JR-PE-01 whose object of study is the crime of Aggravated Scam, in which the consequences of the financial pyramid scam in which they are immersed will be developed the parts.

Our legal system protects different legal assets, among them we find THE HERITAGE, which is regulated in our Penal Code, in TITLE V Crimes Against the Heritage, Chapter V Fraud and Other Fraud, Art. 196 Fraud and more specifically Art.196- Aggravated fraud, a crime that is the subject of analysis in this report.



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ANÁLISIS DE EXPEDIENTE:

EXPEDIENTE CIVIL:

PETICIÓN DE HERENCIA

PRESENTADO POR:

Bachiller Jorge Gioneld Lipa Saravia.

PARA OBTAR AL TÍTULO PROFESIONAL DE ABOGADO

CUSCO- PERÚ

2020



ABSTRACT.

Death puts an end to the person, but it also generates a series of legal effects, and among them we find Succession, which is a mechanism that avoids a vacuum in the ownership of the deceased's transferable rights and obligations.

The heirs as such, have the power to demand the ownership of said rights and obligations and our legal system protects such claims. If, due to the circumstances of life, a person dies without leaving a will, his heirs may resort to Intestate Succession as a mechanism to be declared heirs. In our country, there are two ways of carrying out this procedure, the judicial and the notarial one, and many people use these mechanisms, maliciously and knowing the existence of other heirs, they make themselves named sole and universal heirs of the deceased.

In order to prevent the disregarded from losing their rights and obligations due to being heirs, our Civil Code regulates in its Art. 664 the figure of the INHERITANCE REQUEST, through which they can be declared heirs and be named owners of rights and actions over all the goods left by the deceivers.

In this case study file, we will be able to see how this process develops and how it is ventilated in each of its stages, we will see how the defendant intends to keep the entire estate and how her brothers, the plaintiffs, try to enforce their rights as children of the deceivers.