Överskuldsatt och skyldig
En rättsvetenskaplig analys av konsumentskyddet mot överskuldsättning

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Akademisk avhandling

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Abstract
Consumer credit is seen as a matter of course and an essential precondition enabling the individual consumer to allocate in a smooth manner his or her income to varying expenses, and allowing the growth-rate to increase in society. The consumer community using different forms of credit has increased and includes today a diversity of social groups such as the elderly, children, the rich and the poor. Credit is not just a good thing, however, as it involves risks of failing to fulfill the credit contract obligations.

The point of departure for the thesis is that over-indebtedness constitutes a problem which society wishes to solve because it causes considerable difficulties for both individuals and society as a whole. Numerous rules govern loans in Sweden, from the moment the consumer contemplates entering into a credit contract to the moment when the consumer is too indebted to repay the debt when due and must seek debt-repayment-plan modification. The thesis examines and analyses which consumer protections against over-indebtedness emerge from these rules.

The study shows that the regulatory measures adopted in recent years are similar to each other and mostly consist of rules protecting the consumer before a credit contract is concluded. Although the purpose of other existing rules addressing the last phase of the credit process is to protect the consumer who miscalculated his or her future economic circumstances, the protection is overall weak. In fact some of the rules in the last phase of the credit process can contribute to aggravating the consumer’s economic situation.

Keywords
c consumer protection, consumer credit, over-indebtedness, debt relief, debt problems