

International Max Planck Information System for Comparative Criminal Law Project on the General Part of the Criminal Law

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Project Description:

The importance of comparative criminal law and its methodological underpinnings has increased significantly as a result of changes due to globalization. A comprehensive, systematic comparison of a multitude of criminal law systems is an essential prerequisite for the identification of changes in criminal law internationally, for the formulation of general legal principles, and for the design of future criminal policy. Yet it is still unclear whether such a “universal comparison” of criminal law is theoretically or practically feasible. The Max Planck Institute intends to explore

this and related issues in its project “International Max Planck Information System for Comparative Criminal Law.”

The project’s chief objectives are to develop an international meta-structure of criminal law and to draft a canon of international criminal law. In a first step, the study will determine whether, given the diversity of criminal law systems around the world, it is possible to elucidate an overarching structure that can serve as the basis of a systematic and functional legal comparison. Such a meta-structure is a prerequisite for analyzing approaches adopted around the world to date, identifying common legal principles, and drafting an international canon of criminal law and international model codes. A group of criminal law comparativists at the Max Planck Institute in Freiburg set out to craft such a universal meta-structure for the general part of the criminal law. They tested their proposed structure by using it as the basis for country reports on 12 representatively selected legal systems.

In addition to its basic research goals, the project has a practical, application-oriented objective, namely, the development of an information system for the comparison of the criminal laws of the legal systems under study. The idea is to produce both a comprehensive encyclopedia of criminal law around the globe – thereby meeting the challenge posed by Professor Claus Roxin in 1999 when he called for a traditional compendium of criminal law as the “future task of global criminal law science” – and, as the highly-structured collection of data evolves, to create an electronic system for use on the Internet that will contribute to advances in computer-based comparative criminal law. The system is freely accessible at infocrim.org. The goal is to facilitate the analysis of participating legal systems on the basis of their country reports not only in full text and with the help of a hierarchically-structured classification system but also by means of meta-parameters that have been formulated using techniques of comparative law. Ultimately, this information system will evolve into a tool that makes entirely new kinds of comparative analyses possible.

Results of the pilot project – a total of five German-language volumes – were published in 2008, 2009, and 2010. Meanwhile, a second group of researchers has embarked upon another round of testing of the meta-structure. This second group, writing in English, is tasked with preparing country reports on 13 more legal systems. Additional country reporters have joined the project over the course of time. The ensuing comparative legal analysis will serve as the first building blocks of an international canon of criminal law. Thus, this project constitutes the cornerstone not only of the Institute’s research focus on comparative criminal law but also of its focus on the international harmonization of criminal law.

Print Publications:

Sieber, U., Jarvers, K. & Silverman, E. (eds.). National Criminal Law in a Comparative Legal Context: Volume 4.2: Special forms of criminal liability; France, Korea (Vol. S 128.4.2). Berlin: Duncker & Humblot (2021).

- National Criminal Law in a Comparative Legal Context: Volume 5.2: Grounds for excluding criminal liability, grounds for terminating or expunging criminal liability; Bulgaria, France, Greece, Korea, Portugal, Sweden (Vol. S 128.5.2). Berlin: Duncker & Humblot (2019).
 - National Criminal Law in a Comparative Legal Context: Volume 1.5: Introduction to national systems; India, Italy, Romania, Spain (Vol. S 128.1.5). Berlin: Duncker & Humblot (2018).
 - National Criminal Law in a Comparative Legal Context: Volume 2.2: General limitations on the application of criminal law; France, Greece, Korea, Portugal, Sweden, Thailand, Turkey Uganda, (Vol. S 128.2.2). Berlin: Duncker & Humblot (2017).
 - National Criminal Law in a Comparative Legal Context: Volume 3.2: Defining criminal conduct; Austria, Bulgaria, France, Greece, Portugal, Thailand, Turkey, Uganda (Vol. S 128.3.2). Berlin: Duncker & Humblot (2017).
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 - National Criminal Law in a Comparative Legal Context: Volume 1.4: Introduction to national systems; Austria, France, Russia, Uganda (Vol. S 128.1.4). Berlin: Duncker & Humblot (2014).
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- Sieber, U., Forster, S. & Jarvers, K. (eds.). National Criminal Law in a Comparative Legal Context: Volume 2.1: General limitations on the application of criminal law; Australia, Bosnia and Herzegovina, Hungary, India, Iran, Japan, Romania, Russia, Switzerland, Uruguay, United States of America (Vol. S 128.2.1). Berlin: Duncker & Humblot (2011).
- National Criminal Law in a Comparative Legal Context: Volume 3.1: Defining criminal conduct; Australia, Bosnia and Herzegovina, Hungary, India, Iran, Japan, Romania, Russia, Switzerland, Uruguay, United States of America (Vol. S 128.3.1). Berlin: Duncker & Humblot (2011).

Sieber, U. & Cornils, K. (Hrsg.). Nationales Strafrecht in rechtsvergleichender Darstellung: Allgemeiner Teil: Teilband 4: Tatbeteiligung - Straftaten in Unternehmen, Verbänden und anderen Kollektiven; China, Côte d'Ivoire, England und Wales, Frankreich, Italien, Korea, Österreich, Polen, Schottland, Schweden, Spanien, (Vol. S 114.4). Berlin: Duncker & Humblot (2010).

– Nationales Strafrecht in rechtsvergleichender Darstellung: Allgemeiner Teil: Teilband 5: Gründe für den Ausschluss der Strafbarkeit - Aufhebung der Strafbarkeit – Verjährung; China, Côte d'Ivoire, England und Wales, Frankreich, Italien, Korea, Österreich, Polen, Schottland, Schweden, Spanien, Türkei (Vol. S 114.5). Berlin: Duncker & Humblot (2010).

– Nationales Strafrecht in rechtsvergleichender Darstellung: Allgemeiner Teil: Teilband 1: Grundlagen; China, Côte d'Ivoire, England und Wales, Frankreich, Italien, Korea, Österreich, Polen, Schottland, Schweden, Spanien, Türkei (Vol. S 114.1). Berlin: Duncker & Humblot (2009).

– Nationales Strafrecht in rechtsvergleichender Darstellung: Allgemeiner Teil: Teilband 2: Gesetzlichkeitsprinzip - Internationaler Geltungsbereich - Begriff und Systematisierung der Straftat; China, Côte d'Ivoire, England und Wales, Frankreich, Italien, Korea, Österreich, Polen, Schottland, Schweden, Spanien, Türkei (Vol. S 114.2). Berlin: Duncker & Humblot (2008).

– Nationales Strafrecht in rechtsvergleichender Darstellung: Allgemeiner Teil: Teilband 3: Objektive Tatseite – Subjektive Tatseite - Strafbares Verhalten vor der Tatvollendung; China, Côte d'Ivoire, England und Wales, Frankreich, Italien, Korea, Österreich, Polen, Schottland, Schweden, Spanien, Türkei (Vol. S 114.3). Berlin: Duncker & Humblot (2008).