



Theft, fraud, bodily harm. How does the German Criminal Law work?

Germany is a free country, but there are some rules that have to be observed by everyone. Prohibitions are decided upon and set forth by the Parliament in their laws. The Criminal Law protects the most significant rights and interests. This means: Physical violence against any person is prohibited - also within the marriage and in the family. It is also prohibited to buy things you cannot afford or to ride the bus without buying a ticket. Everyone who possesses or deals with even small amounts of drugs is also punishable by law. This applies to cannabis and marijuana, amongst others.

The law is enforced by the prosecutor's office. The prosecutor starts investigating as soon as there is enough reason to suspect a crime. The police assist in these investigations. Should you ever witness a crime or become victim of a crime, immediately call the police.

The earlier they know of the crime, the faster they are able to react and secure evidence. But the police do more than investigate: They care for the victims, inform and refer them to help programs. The prosecutor and the police have to investigate all circumstances, be it to the disadvantage or the advantage of the accused. Sex, nationality and religious affiliation are of no consequence. Before the German law, the courts, the prosecutor, and the police all are equal.

Private persons, clerics or self-appointed justices of the peace may neither investigate nor punish crimes. This falls exclusively to the police, the prosecutor and the courts. We call this the state's "monopoly on violence". Even if a complaint of an offence has been withdrawn, both the prosecutor and the police have to continue their investigation. If there is evidence of a crime, the prosecutor will bring action to the court. Otherwise, they will close the investigation. The court will then determine whether or not the suspect has committed the alleged crime. Most of the time, this happens in public hearings that everyone who is interested can attend. During this procedure the court will question witnesses. They have to be truthful, otherwise they are punishable by law.

At the end of the hearing, the court passes judgement. In doing so it is completely independent and only bound by the German constitution and the Parliament's laws.

Bavarian State Ministry of Justice. Justice for the people.

