



*Definition:* a **crime** is a breach of law and public order which is subject to punishment

*Synonyms are:* offence, criminal offence, criminal act, punishable act, criminal deed

The Act of defining crimes is called:

**German Criminal Code** = ***Strafgesetzbuch (StGB)***

German Law distinguishes between two different categories of crime:

**Verbrechen:**

- felony
- major crime
- serious offence

*Ref: 12 StGB*

**Vergehen:**

- offence
- crime
- misdemeanour

plus:

O W I:

- transgression
- infringement
- contravention

*Ref: Ordnungswidrigkeiten (OWiG)  
Regulatory Offences Act*

known as **petty** or **minor crime**

According to German Law three elements are necessary to commit a crime:

**1. Subject matter or substance of a crime** **TBM**

**2. Illegality** **Rewi**

*when*

- no case of self-defence
- not in defence of a third person
- not rightfully carrying out one's duties

**3. Guilt or culpability** **Schuld**

- intentionally, wittingly 1st degree
- wilfully, knowingly 2nd degree

*(intention = Vorsatz)*

*(negligence = Fahrlässigkeit)*

**with bad intention** = Absicht  
**gross negligence** = grobe Fahrlässigkeit  
**premeditated** = vorsätzlichen  
**guile** = Arglist  
**malice** = Niederträchtigkeit  
**with base motive** = niederer Beweggrund



**Criminal proceedings may be initiated in two ways:**

**By: 1. Prosecution in the Public Interest**

*Ref: §151, 152 StPO*

**On: 2. Request / Demand for prosecution**

*Ref: §77 ff StGB*

*either way leads to:*

**- accusation / indictment**

*Ref: §170 StPO*

*and then to:*

**- judicial inquiry / investigation in court**

<b>German Criminal Code</b>	=	<b><i>Strafgesetzbuch (StGB)</i></b>
<b>Criminal Procedural Code</b>	=	<b><i>Strafprozeßordnung (StPO)</i></b>
<b>Regulatory Offences Act</b>	=	<b><i>Ordnungswidrigkeiten (OWiG)</i></b>