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National Criminal Law in a Comparative Legal Context

Volume 5.1: Grounds for rejecting criminal liability
Australia, Japan, Russia, Switzerland, Turkey, Uganda

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This publication is part of the *International Max Planck Information System for Comparative Criminal Law*, a project at the heart of the Institute's comparative legal research. One of its primary objectives is to develop a universal *meta-structure of criminal law* that can serve as the basis for the organization of material, enable systematic comparisons, and further the development of an international criminal law doctrine. This meta-structure is also a prerequisite for analyzing the various approaches taken around the world to shared criminal law-related problems, identifying general legal principles, and drafting international model codes. A second goal of the project is to provide access to data from the participating legal systems in the form of country reports organized on the basis of the aforementioned universal meta-structure.

Towards these ends, a pilot project was carried out to analyze, structure, and present the general part of the criminal law in twelve legal systems. The results were published in five volumes from 2008 to 2010 (in German). In the meantime, the project is being continued in English, and the number of legal systems included in the study has grown considerably – with contributions from researchers at the Max Planck Institute as well as from external research partners. This volume contains fruits of this expansion (Australia, Japan, Russia, Switzerland, Uganda) as well as a translated, revised report from the pilot project (Turkey).

Contents

Outline of the country reports

Grounds for excluding criminal liability

Introduction and overview (systematization) — Self-defense, choice of evils, duress, provocation — Special powers, special obligations — Consent — Social acceptability, permissible risk — Age of actor — Intellectual disability, mental illness, intoxication — Mistakes of law — Other grounds

(Discussion includes the underlying concept of each ground, its objective and subjective prerequisites as well as its legal consequences.)

Grounds for terminating or expunging criminal liability

Overview — Pardon — Amnesty and related grounds — Time limits (for prosecution of crimes/for execution of sentences) — Other grounds

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