

## COMPARATIVE CONCEPTS OF CRIMINAL LAW



COMPARATIVE CONCEPTS  
OF CRIMINAL LAW

*Edited by*  
Johannes KEILER  
David ROEF

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Tel.: +44 1223 370 170 | Fax: +44 1223 370 169  
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## Comparative Concepts of Criminal Law. 3rd edition

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## PREFACE

For the third edition of this handbook, we have revised and updated several chapters. This has been done so as to incorporate some important new legislative developments, case law and scholarly writing. The chapter on forms of participation has been substantially updated and revised and now incorporates the recent decision of the UK Supreme Court in *Jogee* (2016) with regard to joint criminal enterprise liability, as well as new German and Dutch case law. Similarly, the chapter on corporate criminal liability has been revised and now also discusses the issue of mens rea and corporate fault, amongst other issues. Minor amendments have moreover been made to the chapter on commission versus omission. Finally, we have added an entirely new chapter on principles of criminalisation and the limits of criminal law. Our aim was to offer students a concise introduction to the issue of criminalisation and to furthermore provide some insights into which societal developments, interests and values can influence the scope of modern criminal law. We hope that these amendments will provide the reader with an even fuller picture and analysis of certain doctrinal issues of the general part.

We acknowledge once again the great co-operation with Hans Kluwer of Intersentia Publishing, who was willing to publish this more extended third edition. We would also like to thank our colleagues in the criminal law department of Maastricht University and the many students who commented on the previous edition, especially Davide Muraro, who also assisted us with the editing of some chapters.



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## LIST OF ABBREVIATIONS

AC	Appeals Cases
AG	Advocate General
All ER	All England Law Reports
appl. no.	application number
BayObLG	Bayerisches Oberstes Landesgericht
BeckRS	Beck-Rechtsprechung
BGH	Bundesgerichtshof
BGHSt	Bundesgerichtshof's Official Gazette, criminal cases
BVerfG(E)	(Decision of the) Bundesverfassungsgericht
CLR	Commonwealth Law Reports
CPS	Crown Prosecution Service
Cr App R	Criminal Appeal Reports
Crim LR	Criminal Law Review
DCC	Dutch Criminal Code
DPP	Director of Public Prosecutions
EC	European Communities
ECHR	European Convention of Human Rights
ECtHR	European Court of Human Rights
ECJ	European Court of Justice
ECR	European Court Reports
EU	European Union
EWCA	England & Wales Court of Appeal
EWCA Crim	England & Wales Court of Appeal (Criminal Division) Decisions
EWHC	England & Wales High Court
GCC	German Criminal Code
HR	Hoge Raad
JA	Juristische Arbeitsblätter
JR	Juristische Rundschau
Jura	Juristische Ausbildung
JuS	Juristische Schulung
JZ	Juristenzeitung
KB	King's Bench
LJ(J)	Lord Justice(s) of Appeal
MDR	Monatsschrift für Deutsches Recht

MPC	Metropolitan Police Commissioner
NbSr	Nieuwsbrief Strafrecht
NJ	Nederlandse Jurisprudentie
NJB	Nederlands Juristenblad
(N)JW	(Neue) Juristische Wochenschrift
NJOZ	Neue Juristische Online Zeitschrift
NStZ(-RR)	Neue Zeitschrift für Strafrecht (-Rechtsprechungsreport)
OLG	Oberlandesgericht
OWiG	Ordnungswidrigkeitengesetz
QB(D)	Queen's Bench (Division)
R	Regina
Rb.	Rechtbank
Re	Regarding (ablative of <i>res</i> )
RG	Reichsgericht
RGSt	Reichsgericht, criminal cases
StGB	Strafgesetzbuch
StV	Strafverteidiger
TEU	Treaty on the European Union
TFEU	Treaty on the Functioning of the European Union
UK	United Kingdom
UKHL	United Kingdom House of Lords
UKPC	United Kingdom Privy Council
v	versus
WLR	Weekly Law Reports
ZRP	Zeitschrift für Rechtspolitik
ZStW	Zeitschrift für die gesamte Strafrechtswissenschaft