

The 1813 German Penal Code: The Modern Paradigm in the 19th Century

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Abstract

This paper focuses on the analysis of Germany and the Kingdom of Bavaria, “Criminal Code of 1813”. This paper analyzes the Penal Code and study the legislators Feuerbach on his impact study to the Taiwan's criminal law .

This paper also discusses the legislative background of “1813 Criminal Code” , and analyzes the substantive regulations of the Code. The author hopes this paper can help the reader in Asia understand the structure and the content of the Penal Code and understand the development process of the German Penal Code.

“Criminal Code of 1813” divide into three part. The first part is like “the General Penal Code” now a day. Part II and III are similar to “special section of criminal law”. It is the same with Germany in 1851’s “the Prussian Penal Code” and 1871’s “Empire of Germany Criminal Code.”

In the last part of the paper, the authors analyze the changes of the German criminal law in the eighteenth century and the nineteenth-century and try to compared the Bavarian “Criminal Code of 1751” and “Criminal Code of 1813”, and to find out the same and the differences between this two Code and to explain how the German criminal penalties code has been change.

Keywords: 1813 Criminal Code, 1851 Prussian Penal Code, German Empire Penal Code, kinds of Punishment , general principles of criminal law, special provisions of criminal law