

Klaus Hoffmann-Holland

Der Modellgedanke im Strafrecht

Eine kriminologische und strafrechtliche Analyse von Modellversuchen

[The Concept of Pilot Projects in Criminal Law. An Analysis of Pilot Projects from the Standpoint of Criminology and Criminal Law.]



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Pilot projects have been a determining factor in the development of criminal law, the law of criminal procedure, criminal law relating to young offenders, in the execution of a sentence and in the imposition of sanctions. Klaus Hoffmann-Holland analyzes individual methods of criminological research in pilot projects and answers the controversial question regarding penal restrictions on and opportunities for pilot projects. The author shows the scope for pilot projects in criminal law, for example for the testing of the so-called »baby flap«, to which mothers in Germany can bring their newborn babies anonymously if they are unable to care for them, as well as measures of »harm reduction« in the law governing the use and traffic of drugs (giving injections, controlled handing out of heroin for the treatment of drug addicts, control of drug content). Here it is important to differentiate between the legal means for pilot projects on the basis of statutory testing stipulations and those means which are based on practical initiatives. In the latter case, a result-oriented teleological interpretation makes it possible to consider socio-scientific approaches in legal science.

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