

Max Foerster

Transfer der Ergebnisse von Strafverfahren in nachfolgende Zivilverfahren

[Transferring the Results of Criminal Proceedings to Subsequent Civil Proceedings.]

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Max Foerster studies the significance of criminal proceedings for subsequent civil proceedings. Legal practice often leads to unpredictable and thus inadmissible elements of surprise in the subsequent civil proceedings. Based on the principle of separation, court rulings are often in a separation dilemma, resulting in an undifferentiated transfer. The author proves that this dilemma can only be solved by *res judicata*. In order to illustrate this, he develops a proposal for a law for the asymmetrical transfer of final sentences which protects the rights of all those concerned. According to his proposal, the *res judicata* of such judgments against the person convicted applies to civil proceedings as well. This solution fits in well with the structures of the various courts and would strengthen procedural law and thus increase efficiency.

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