

ภาคผนวก ข

ประมวลกฎหมายอาญาเยอรมัน

Criminal Code (Strafgesetzbuch, StGB)

As promulgated on 13 November 1998 (Federal Law Gazette I, p. 945, p. 3322).

Translation provided by the Federal Ministry of Justice and reproduced with kind permission.

Title Three Perpetration And Incitement Or Accessoryship

Section 25 Perpetration

(1) Whoever commits the crime himself or through another shall be punished as a perpetrator.

(2) If more than one person commit the crime jointly, each shall be punished as a perpetrator (co-perpetrator).

Section 26 Incitement

Whoever intentionally induces another to intentionally commit an unlawful act, shall, as an inciter, be punished the same as a perpetrator.

Section 27 Accessoryship

(1) Whoever intentionally renders aid to another in that person's intentional commission of an unlawful act shall be punished as an accessory.

(2) The punishment for the accessory corresponds to the punishment threatened for the perpetrator. It shall be mitigated pursuant to Section 49 subsection (1).

Section 28 Special Personal Characteristics

(1) If special personal characteristics (Section 14 subsection(1)) establishing the perpetrator's punishability are not present in relation to the inciter or accessory, then his punishment shall be mitigated pursuant to Section 49 subsection(1).

(2) If the law provides that special personal characteristics aggravate, mitigate or exclude punishment, then this shall apply only to the participants (the perpetrator or the inciter or accessory) as to whom they exist.

Section 29 Independent Punishability of the Participant

Every participant shall be punished according to his own guilt irrespective of the guilt of the other.

Section 30 Attempted Participation

(1) Whoever attempts to induce or incite another to commit a serious criminal offense shall be punished according to the provisions governing serious criminal offense attempt. However the punishment shall be mitigated pursuant to Section 49 subsection (1). Section 23 subsection (3) shall apply accordingly.

(2) Whoever declares his willingness, whoever accepts the offer of another, or whoever agrees with another to commit or incite the commission of a serious criminal offense, shall be similarly punished.

Section 31 Abandonment of Attempted Participation

(1) Whoever voluntarily:

1. renounces the attempt to induce another to commit a serious criminal offense, and averts any existing danger that the other may commit the act;
2. after he has declared his willingness to commit a serious criminal offense, renounces his plan; or

3. after he agrees to commit a serious criminal offense, or accepts the offer of another to commit a serious criminal offense, prevents the commission of the act,

shall not be punished under Section 30.

(2) If the act does not take place due in no part to the contribution of the abandoning party, or if it is committed independently of his previous conduct, then his voluntary and earnest efforts to prevent the act suffice for exemption from punishment.