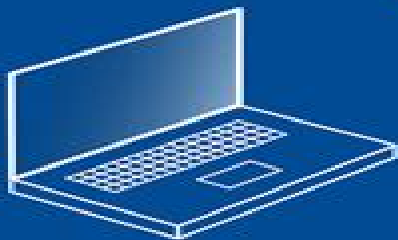


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Korruptionsstrafrecht



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Die straflose Vorteilsannahme Tobias Friedhoff, 2020-12-09 Der Tatbestand der Vorteilsannahme gem 331 StGB wirft nach seiner Reform im Jahr 1997 immer noch erhebliche rechtsdogmatische Fragen und Probleme auf Diese schlagen unmittelbar auf seine Anwendung in der Rechtsprechung sowie auf die Handhabung des Tatbestandes in Wirtschaft und Politik durch Das Werk geht diesen Problemen auf den Grund und gibt darauf Antworten Dabei wird das gesch tzte Rechtsgut das Vertrauen der Allgemeinheit in eine sachlich und neutral entscheidende Verwaltung genau herausgearbeitet Hinsichtlich der Restriktion des Tatbestandes durch das Merkmal der Sozialad quanz wird 331 StGB auf seine Vereinbarkeit mit dem Bestimmtheitsgebot untersucht Dabei kommt Friedhoff zu dem Schluss dass der Tatbestand nicht mit Art 103 Abs 2 GG vereinbar ist Eine rechtsvergleichende Analyse der 331 StGB entsprechenden Normen in sterreich und der Schweiz legt anschlie end dar wie dort mit der Problematik umgegangen wird Hieraus zieht der Autor R ckschl sse f r eine m gliche Reform des Tatbestandes in Deutschland Die Arbeit schlie t mit einem Formulierungsvorschlag f r einen neuen Tatbestand der Vorteilsannahme der die derzeitigen Schw chen nicht mehr enth lt und zu mehr Rechtssicherheit f hren kann

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