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The principle of justice, the effective prevention of crime, and the rule of law demand that crime should not pay: it cannot be accepted that a person who has gained wealth through crime is allowed to enjoy the fruits of his criminal activities. During the last four decades, significant efforts have been made, both on the international and national levels, to develop fair and efficient rules enabling the authorities to forfeit assets derived from crime. However, the vast majority of legal systems throughout Europe have not succeeded in upholding this important aspect of the rule of law. The European Commission held in 2012 that “confiscation of criminal assets remains underdeveloped and underutilized” in the EU Member States, and that “there is a significant underutilisation of asset confiscation laws throughout the EU.”

The main reason why confiscation legislation has proven inefficient lies in the many difficulties in reaching a criminal conviction of the offender. In order to remedy this situation, new strategies are emerging. One of the most radical but at the same time efficient legal tools that has been developed to overcome the “criminal conviction problem” is the introduction of rules enabling confiscation without a former criminal conviction: Non-Conviction-Based Confiscation (NCBC).

The purpose of this book is to get the reader acquainted with different NCBC legislation models, to analyze the diverse structural issues and human rights issues that NCBC legislation raises in a European context, and to discuss and carve out some guidelines for legislating NCBC. This book is essential reading for policy makers, practitioners, and academics throughout Europe who believe that crime should not pay.

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Rui / Sieber (eds.)
Non-Conviction-Based Confiscation in Europe

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Possibilities and Limitations on Rules Enabling
Confiscation without a Criminal Conviction

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The Max Planck Institute for Foreign and International Criminal Law in Freiburg is part of the Max Planck Society, an organization dedicated to the advancement of basic research. The Institute is composed of a department of criminal law, led by Prof. Dr. Dr. h.c. mult. Ulrich Sieber, and a department of criminology, headed by Prof. Dr. Dr. h.c. Hans-Jörg Albrecht.

In addition to the study of basic questions of criminal law, comparative law, and criminology, the Institute's research agenda focuses primarily on three central challenges epitomized by the terms “global society“, “information society“ and “new risk society“: Crime is becoming more global; in so doing, it makes increasing use of international data networks; through the employment of technology and organization, its consequences for society as a whole – even in seemingly isolated cases – can be significant.

Thus, the Institute's current research program encompasses the goals and methods of comparative law and legal harmonization, model criminal laws, European criminal law, international law, Internet and information law, money laundering, organized crime, terrorism, crime in post-conflict societies, as well as empirical studies of criminal procedure, alternative methods of crime prevention, reactions to dangerous offenders, and victimology.



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