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TERMINATION OF CRIMINAL PROCEEDINGS FOR A CRIMINAL OFFENSE WHEN THE ACCUSED PERFORMS DUTIES OR INSTRUCTIONS UNDER THE CODE OF CRIMINAL PROCEDURE OF THE FEDERAL REPUBLIC OF GERMANY

ПРИПИНЕННЯ КРИМІНАЛЬНОГО ПРОВАДЖЕННЯ ЗА КРИМІНАЛЬНИЙ ЗЛОЧИН, КОЛИ ОБВИНУВАЧЕНИЙ ВИКОНУЄ ОБОВ'ЯЗКИ АБО ДОРУЧЕННЯ ВІДПОВІДНО ДО КРИМІНАЛЬНО-ПРОЦЕСУАЛЬНОГО КОДЕКСУ ФЕДЕРАТИВНОЇ РЕСПУБЛІКИ НІМЕЧЧИНА

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The article examines the mechanism for terminating criminal proceedings in the Federal Republic of Germany under § 153a of the German Code of Criminal Procedure (StPO), which allows prosecutors to discontinue a misdemeanour case if the accused accepts and fulfils specific obligations or directives. The provision, introduced in 1974, operationalises the "ultima ratio" principle by treating criminal punishment as a last resort and offering a pragmatic, flexible response to petty crime. The author traces the historical development of § 153a, emphasising its widespread use at the pre-trial stage and its dual function of relieving judicial caseloads while promoting restitution and victim-oriented solutions.

A comparative analysis with Ukrainian law (Articles 45–46 of the Criminal Code of Ukraine) highlights conceptual parallels – release from liability through active repentance or reconciliation – but underscores decisive differences: Ukrainian prosecutors lack unilateral authority to close a case, and any remedial actions by the accused remain purely voluntary and court-approved, without formally imposed conditions.

Constitutional considerations are addressed through the jurisprudence of the German Federal Constitutional Court, which has affirmed that the § 153a procedure does not infringe Article 92 of the Basic Law (judicial monopoly) nor Article 6(2) of the European Convention on Human Rights (presumption of innocence). Obligations under § 153a are deemed non-punitive because they are voluntarily undertaken, require no judicial finding of guilt, and carry no criminal record. Nevertheless, the article engages with scholarly critiques concerning potential inequality – particularly a "pay-to-escape" perception for affluent defendants – and the lack of statutory guidelines defining the scope and proportionality of imposed conditions.

The author concludes that, despite normative ambiguities and the risk of abuse, § 153a StPO remains an effective criminal-policy tool for decriminalising minor wrongdoing and enhancing prosecutorial efficiency. Ongoing legislative refinement is recommended to safeguard legal certainty, equality before the law, and protection against arbitrary prosecutorial discretion.

Key words: closure of criminal proceedings, presumption of innocence, active repentance, victim, pre-trial investigation, criminal proceedings, justice.

У статті досліджується механізм припинення кримінального провадження у ФРН на підставі § 153a Кримінального процесуального кодексу (КПК ФРН), що передбачає можливість закриття справи за кримінальним проступком за умови виконання обвинуваченим визначених обов'язків або приписів. Автор аналізує еволюцію норми, її мету та принцип «ultima ratio», за яким кримінальне покарання розглядається як крайній засіб. Показано, що широка практична застосовність § 153a сприяє розвантаженню судової системи, особливо на досудовій стадії, і водночас викликає наукові дискусії щодо конституційності, відповідності принципу презумпції невинуватості та ризику зловживань.

Порівняльно-правовий огляд українського законодавства (статті 45–46 КК України) демонструє подібність інституту звільнення від кримінальної відповідальності у зв'язку з дійовим каяттям чи примиренням із потерпілим, проте визначає ключові відмінності: відсутність у прокурора права самостійно закривати провадження та добровільний характер дій обвинуваченого без накладення обов'язкових приписів.

Розглянуто конституційні аспекти: позиції Федерального конституційного суду ФРН щодо відсутності конфлікту з § 92 Основного закону (монополія суду на правосуддя) та зі статтею 6(2) ЄКПЛ (презумпція невинуватості). З'ясовано, що обов'язки за § 153a не є кримінальним покаранням у формально-юридичному розумінні, оскільки їх виконання є добровільним, не передбачає встановлення вини та не тягне судимості. Водночас наголошено на критиці, пов'язаній із можливістю «викупу» від переслідування заможними особами та відсутністю чітких матеріальних критеріїв для визначення змісту обов'язків.

Автор робить висновок, що § 153a КПК ФРН, попри суперечності, залишається ефективним інструментом кримінальної політики, забезпечуючи гнучку реакцію на малозначні злочини та водночас вимагає подальшого нормативного уточнення для гарантування рівності перед законом і запобігання зловживанням.

Ключові слова: закриття кримінального провадження, презумпція невинуватості, дійове каяття, потерпілий, досудове розслідування, кримінальне провадження, правосуддя.

The Code of Criminal Procedure of the Federal Republic of Germany (hereinafter – CCP FRG), § 153a provides for the possibility to close criminal proceedings in relation to criminal offenses due to expediency when certain duties or instructions have been imposed on the accused.

It should be noted that Article 12 of the Criminal Code of Ukraine and § 12 of the Criminal Code of the Federal Republic of Germany regulate the classification of criminal offenses. Pursuant to Article 12, Criminal Code of Ukraine all offenses are classified into criminal misdemeanors, minor, serious and especially serious crimes. [1] Under § 12, Criminal Code of the Federal Republic of Germany criminal offenses are divided into felonies and misdemeanors. Unlike Ukrainian legislation, German law does not categorize crimes depending

on the nature and degree of social danger of the act; rather it provides for the division of all criminal offenses into felonies and misdemeanors depending on the type and amount of punishment. Thus, felonies are unlawful acts for which the law provides for a minimum penalty of one-year imprisonment. Misdemeanors are unlawful acts for which the law provides for a penalty of up to one-year imprisonment or a fine [2, 337].

Currently, the practice demonstrates that criminal proceedings in Germany are increasingly terminated on the grounds of expediency with the accused being given obligations and instructions pursuant to § 153a, CCP FRG [3, 918].

With the consent of both the court having jurisdiction over the main proceedings and the accused, the prosecutor's office may, provided that the subject of the proceedings is a criminal offense, temporarily waive the filing of a public charge simultaneously imposing obligations on the accused or giving him or her instructions if they are deemed to be suitable to eliminate the public interest in the criminal proceedings and if the gravity of the offense does not contradict thereto. Importantly, it is at its own discretion and based on the specific circumstances of the case and taking into account the personality of the accused that the prosecutor's office imposes certain obligations on him or her (e.g. the obligation to perform certain work to compensate for the damage caused by the criminal offense at issue; to pay a certain amount of money in favor of a socially useful institution or state account; to perform other socially useful work; the obligation to pay the victim a certain amount of money necessary for his or her maintenance; to make serious efforts to compensate the victim and at the same time to rectify the consequences of the wrongful act or a bigger part thereof or to seriously seek their compensation; to participate in a social training course or a seminar on traffic rules; to undergo psychiatric, psychotherapeutic or social therapy treatment), the period for fulfillment being fixed.

The legislator provides the accused with the opportunity to take certain steps to eliminate the harmful consequences of the criminal offense and restore the disturbed law in order to resolve the criminal law conflict. If the accused fulfills such obligation, the prosecutor's office closes the criminal case; otherwise the criminal proceedings are resumed according to the general procedure. The possibility of closing criminal proceedings is also provided for in court. Where a public charge has been filed, the court may, with the consent of the prosecutor's office and the accused temporarily terminate the proceedings pending the end of the trial, during which the facts may be finally established simultaneously imposing obligations or giving instructions to the defendant. According to the current practice, however, criminal proceedings are more frequently closed on the grounds of expediency at the pre-trial stage [4, c. 38–39; 5, 67].

The rule provided by § 153a, CCP FRG appeared following the enactment of 1974 Introductory Law to CC FRG [6].

However, the debates on the legal nature of the duties and instructions enshrined therein, as well as the problems associated with their implementation has not been completed.

It is noteworthy that the criminal legislation of Ukraine contains provisions similar to § 153a, CCP FRG. This refers to the release of a person from criminal liability in connection with effective repentance and reconciliation of the accused with the victim (Articles 45, 46, Criminal Code of Ukraine). There are significant differences, however, which can be summarized as follows.

Any criminal offense affects the interests of participants in particular social relations causing a conflict between the interests of the person(s) who committed the crime and the person(s) who suffered from the perpetrator's unlawful behavior. Therefore, criminal law relations are of a conflict nature.

A criminal law conflict is a "conflict with the criminal law" that a person who has committed a socially dangerous act enters into. The content of a criminal conflict is conflict behavior that results in the commission of a criminal offense.

A criminal law conflict is a clash of interests between a person who has committed a crime and the state, society or an individual with regard to the perpetrator's unlawful behavior.

One of the possibilities to resolve this conflict is the institution of exemption from criminal liability (effective remorse and reconciliation), which is somewhat similar to § 153a, CPC FRG, as has been mentioned above. However, there are significant differences; firstly, the prosecutor's office does not impose any obligations or other instructions on the accused regarding his behavior; rather, the accused independently, of his own free will compensates for the damage caused, reconciles with the victim, compensates and eliminates (as far as possible) the consequences of his or her act. Secondly, the case is closed exclusively by a judge who issues the corresponding ruling; the prosecutor's office has no power to close the proceedings on its own.

The peculiarity of § 153a, CPC FRG is that it allows for the abandonment of criminal prosecution; furthermore, such prosecution for the purpose of imposing a criminal penalty does not occur since the accused faces an alternative burden that makes the imposition of a criminal penalty or correctional measures unnecessary. The imposition of measures similar to criminal punishment is related to the limitation of the obligation to prosecute a criminal offense under § 153a, CPC FRG. Hence, the abandonment of the legal proceedings for consideration of a criminal case and the issuance of the relevant judgment is associated with the imposition of measures similar to criminal punishment.

It is by introducing § 153a, CPC FRG that the German legislator attempted to avoid increasing the penalties for minor criminal offenses since some of them were reclassified as criminal misdemeanors. In addition, the aim was to speed up the judicial process by simplifying the investigation of minor criminal offenses in order to release time and resources for faster and more effective investigations of medium and serious crimes [3, c. 923].

The mechanism provided for in § 153a, CCP FRG was intended to be a flexible and practical tool of criminal policy that would allow for an adequate response to petty crime. Since German criminal law continues to regulate fairly common, widespread and typical petty offenses, such as shoplifting and fraud, the German legislator was unable to offer an alternative substantive solution. In order to avoid criminal punishment in such cases, as well as regular full-fledged court proceedings to establish and prove a person's guilt, a so-called procedural solution was proposed. The German legislator deemed it more acceptable since in practice it provides more discretion in making a decision on a minor criminal offense (misdemeanor) in each case and thus, within the framework of the law, allows to overcome the strict distinction between crimes and misdemeanors.

The provisions of § 153a, CPC FRG apply to minor crimes, the prosecution of which due to their insignificance cannot be terminated under § 153, CPC FRG. The German Supreme Court deems that Article 153a, CPC FRG is a new way of terminating a criminal case, which does not require a traditional trial, but provides for the mandatory consent of the accused, which legitimizes the process. At the same time, § 153a, CPC FRG is an exception to the fundamental principle of the entire German criminal procedure – that of material truth – since the state's refusal to prosecute a person who has committed a criminal offense is not certified by a court judgment, but by an act of a public officer. Despite the criticism of this provision, § 153a, CPC FRG is widely used in practice. This applies not only to minor everyday crimes, but also to large, complex trials involving significant damage or politically important cases [7, 439]. For instance, former Federal Chancellor Helmut Kohl who was accused of breach of trust was released from criminal prosecution under § 153a, CPC FRG [8, 426]. The waiver of criminal prosecution under § 153a, CPC FRG

most frequently occurs in the cases of property, transport, tax and environmental offenses, as well as in criminal proceedings for economic offenses, where an agreement is often reached between the parties to the process.

Thus, § 153a, CPC FRG is a means of decriminalization since it considers criminal law to be the "last resort" (*ultima ratio*), which should be used only as an extreme measure. This allows, in particular, according to the German Supreme Court, to avoid formal conviction and criminal record in border areas where criminal punishment is not required in the first place. This provision also reduces the burden on the judicial system, since the termination of criminal prosecution on this basis usually occurs at the pre-trial stage (at the stage of inquiry). This, in turn, contributes to the effective functioning of the judicial system in cases where it is necessary to consider a criminal case in a general manner, as well as in cases where there is no "cooperation" between the parties to the process. In addition, § 153a, CPC FRG contributes to the improvement of the victim's position, since the expansion of the possibilities of compensation and the increase in the list of duties and instructions imposed on the accused allow taking into account the specific interests of the victim [5, c. 82].

In practice, the most common grounds for discontinuing prosecution in Germany are the payment of a sum of money to a socially useful organization or the state treasury, as well as measures aimed at compensating the victim.

The possibility of termination of criminal prosecution by the prosecutor's office without a sufficient judicial procedure is open to criticism. The question is whether § 153a, CPC FRG complies with Articles 92 and 103 (part 2) of the Constitution of Germany, according to which justice in the country is administered exclusively by courts and an unlawful act is only punishable where criminal liability therefor was established by law prior to its commission. The German Constitutional Court has reiterated that criminal punishment can only be imposed by a court [9, c. 73].

Pursuant to § 153a (1), CPC FRG, the procedure for termination of a criminal prosecution requires the participation of a judge. However, the public prosecutor's office has full authority to initiate the termination of the prosecution, as well as to determine the specific obligation and the time limit for its fulfillment. Further, under paragraph 2 of this section, the court cannot rule to close the public prosecution proceedings without the consent of the prosecutor's office. Pursuant to Article 92 of the German Constitution, the act of a judge in deciding to terminate the proceedings cannot be considered the administration of justice. Thus, if the measures provided for in § 153a, CPC FRG were considered as analogous to criminal punishment, a conflict with Article 92 of the German Constitution would be inevitable.

In addition, the legal nature of the obligations and instructions imposed on the accused under § 153a, CPC FRG remains rather problematic.

On the one hand, it cannot be denied that the fulfillment of duties and instructions, including the most common in practice – payment of a certain amount of money (§ 153a, CPC FRG), is perceived by the accused as a burden arising from the criminal charge. In this regard, it may hardly be denied that these obligations perform a function similar to punishment; otherwise, it is difficult to explain how their fulfillment can eliminate the public interest in criminal prosecution and the need for punishment [10, 197]. Furthermore, the application of the provisions of § 153a, CPC FRG is the state's reaction to the actions (or omission) of an individual who, from the viewpoint of substantive law, has committed criminal injustice. Thus, the accused is subjected to a quasi-punishment for the criminal act committed.

On the other hand, the purpose of criminal punishment is to ethically condemn injustice. This can hardly be regarded as being achieved by applying § 153a, CPC FRG since the imposition of duties or instructions is not linked to the establishment of guilt. The Federal Office for Judicial Statistics does not make an entry in the Federal Centralized Register since the presumption of innocence remains valid. In addition, it is essential that the accused should have the right to fulfill these duties voluntarily whereas compulsory fulfillment thereof is unacceptable [11, c. 952].

The key criterion here is the basis on which the legal nature of such obligations is determined (including the punishment-like nature thereof). Yet, another problem arises with regard to voluntariness: it is unclear whether the accused really voluntarily fulfills the duties imposed on him or her, given the decision-making procedure provided for in § 153a, CPC FRG.

The FRG Constitutional Court deems that the substantive interpretation of Article 92 of the German Constitution means that the legislator has excluded the monopoly of the court on decision-making in certain areas [9, 73]. The question whether the measures under § 153a, CPC FRG may be equated with punishment depends on the purpose thereof. The above mentioned obligations, however, are not intended to "punish criminal injustice" since punishment implies the state's reaction that condemns the wrongful act. However, where § 153a, CPC FRG is concerned, the accused has the possibility to voluntarily eliminate the state's need for punishment by way of performing certain actions. Measures provided for by § 153a, CPC FRG are not criminal punishment according to the position of the FRG Supreme Court, which corresponds to the leading scientific opinion. In particular, the court analyzes whether these measures constitute criminal punishment within the meaning of the German Fundamental Law (*Grundgesetz*), especially in the context of Article 92, which establishes that justice is administered exclusively by the courts. The court concluded that the measures provided for in § 153a, CPC FRG are not criminal punishment. This follows from:

– **Voluntary execution**: The defendant agrees to fulfill certain conditions voluntarily.

– **No determination of guilt**: The use of these measures does not require a finding of the defendant's guilt and therefore does not lead to conviction.

– **No enforcement**: In case of non-compliance with the conditions, the criminal prosecution continues in the usual manner without the use of coercive measures.

Thus, the court ruled that the measures under § 153a, CPC FRG are an alternative way to resolve criminal cases and do not violate the provisions of Article 92 of the German Constitution [12, 70]. The crucial point is that the accused may not be compelled to fulfill his or her duties. This all occurs regardless of whether it is due to procedural tactics or to the recognition of a wrong committed by the accused [13, 1135].

The argument that the accused fulfills such obligations voluntarily only partly does not affect the legal construction of the waiver of prosecution. Actual voluntariness and normative voluntariness should not be confused. According to the legal construction of § 153a, CPC FRG if the accused refuses to fulfill the obligations or fails to fulfill them no additional burdens are imposed on him or her and the criminal prosecution proceeds in a normal manner. It is important to distinguish between the pressure that the accused actually feels when making a decision and the use of coercion. The pressure arises from the need to make a decision under conditions of uncertainty, since the accused may not know the outcome of the trial. However, such pressure does not affect the voluntariness of the accused's decision, as provided for in § 153a, CPC FRG.

Hence, criminal penalties cannot be compared to the measures provided for in § 153a, CPC FRG. Accordingly, Article 92 of the Constitution of Germany does not prohibit the termination of criminal prosecution provided for in paragraph 153a, CPC FRG.

Another problem that arises when applying § 153a, CPC FRG is its correlation with the presumption of innocence. It follows from the presumption of innocence that not only crim-

inal punishment, but also measures similar to criminal punishment are permissible solely where the person's guilt has been proven in accordance with the procedure established by law (Article 6(2) of the Convention for the Protection of Human Rights and Fundamental Freedoms of November 4, 1950). The termination of criminal prosecution under § 153a, CPC FRG, which does not provide for the establishment of guilt, gives rise to an additional problem since there is no convincing legal basis for imposing obligations or instructions on the defendant and thus, they may constitute an inadmissible punishment for suspicion of committing a criminal offense.

A possible conflict with the presumption of innocence was debated during the legislative process for introduction of § 153a, CPC FRG. In this situation, the fact that the termination of criminal prosecution does not resolve the issue of guilt was not recognized as the grounds for conflict; this viewpoint was also upheld by the FRG Supreme Court [12, 176]. In particular, the court ruled that such duties and instructions do not possess the nature of punishment. This means that their fulfillment should not be considered as an admission of guilt or as the imposition of a criminal penalty. This decision is crucial for understanding how § 153a, CPC FRG complies with the principle of presumption of innocence: since the obligations imposed under this article are not viewed as punishment their application may not violate the presumption of innocence. Thus, a person may agree to fulfill such obligations without admitting his or her guilt, which allows avoiding a trial and possible criminal punishment. However, according to some German scholars, this justification is not sufficient to refute the criticism. To a large extent, this argumentation confirms that when criminal prosecution is terminated in accordance with § 153a, CPC FRG a citizen is forced to accept burdensome, punishment-like obligations without establishing his or her guilt, and therefore there are no sufficient legal grounds for their use for criminal purposes [11, c. 952].

Given that the presumption of innocence was created to protect citizens from unreasonable coercion, it allows criminal proceedings fulfilling their duty of restoring law and order. Criminal proceedings are not primarily aimed at sentencing a guilty person as is commonly believed. The purpose of the criminal proceedings is to investigate the factual circumstances of the case to make sure that the existing suspicion is confirmed or refuted. In this case, it is dysfunctional to impose duties and regulations on the accused that are substitutes for punishment without establishing his or her guilt, since the accused, despite the lack of evidence of his or her guilt, agrees to fulfill duties or regulations that are similar to punishment. This can only be realized if the defendant's consent is perceived by society as an admission of guilt.

The widespread opinion in the German academic community is that the application of § 153a, CPC FRG leaves the question of an individual's guilt open. This means that the mechanism established in § 153a, CPC FRG does not violate the presumption of innocence provided for in paragraph 2, Article 6 of the Convention for the Protection of Human Rights and Fundamental Freedoms of November 4, 1950, which remains unaffected even after the fulfillment of the duties and instructions imposed on the accused, primarily for the preventive and punitive purpose of commutation of criminal punishment. The authors emphasize that the mechanism provided for in § 153a, CPC FRG does not contradict the presumption of innocence since it does not provide for the establishment of guilt and does not impose criminal punishment [13, c. 1137].

Compliance with the principles of legal certainty, equality before the law and the risk of abuse are additional problem arising in connection with the implementation of § 153a, CPC FRG. Opponents of the introduction of this provision consider the mechanism for termination of criminal prosecution due to monetary compensation as a kind of "ransom procedure" that creates inequality before the law and a risk of various types of abuse contrary to the uniform application of the law. There are fears that a wealthy defendant can "pay off" and avoid punishment, which threatens to violate the principle of equality before the law. Conversely, there is a risk of criminal sanctions being applied and, as a result, increased marginalization of persons subject to criminal prosecution due to their inability to fulfill such duties and obligations [7, c. 440].

By opting for a procedural solution, the legislator has actually constructed a sort of enforcement officers' law, which differs from regulatory law in that the fact that termination of a criminal case does not occur in the course of judicial procedure and, therefore, there are no clear requirements for the relevant decisions. This is a fundamentally different model of interaction of justice in each particular case. Further, the adoption of the Law on Reducing the Burden on Justice of January 11, 1993 [14, c. 51] resulted in the abolishment of the sole essential feature intended to regulate the consequences of minor but criminalized acts. Initially, a prerequisite for the application of § 153a, CPC FRG was "minor fault", which determined the purpose and scope of this provision. In the process of adopting the above said law, this criterion was replaced by "gravity of fault". Consequently, law enforcement officers have gained more discretion since currently, one of the conditions for the application of § 153a, CPC FRG provides that the gravity of the guilt should not contradict the duties imposed on the accused. Thus, in most cases, when all participants in the process reach a consensus on the termination of prosecution on this basis the above said procedural and economic method of conflict resolution is applied. Hence, after the criterion of "minor guilt" was abolished the grounds for using this mechanism have become even more controversial creating the increasing risk that wealthy defendants could avoid criminal punishment through "payoffs".

In addition, the legislative design of this mechanism has been criticized. The grounds for applying § 153a, CPC FRG are unclear and the process of discontinuing criminal prosecution lacks transparency. The decision-makers who conclude to terminate prosecution under § 153a, CPC FRG are left alone with this important criminal procedural issue since they are not guided by any substantive rule or a specific law on strict limitations of permissible duties and orders. Abuse can lead to an imbalance of power. The legislator cannot rely solely on general instructions or orders of the prosecutor's office; equality before the law and protection from arbitrariness of state authorities conducting criminal prosecutions must be ensured. Some researchers believe that the problem of equal treatment in § 153a, CPC FRG may increase the risk of abuse. The possibility of imposing any amount of obligations on the accused, including financial obligations, combined with the absence of a specific purpose (e.g., prevention of less serious crimes) leads to the practice by which § 153a, CPC FRG is used as a "panacea" that allows public authorities to reach the consent of the participants in the process. Scholars believe that the legislator is obliged to take effective procedural measures to protect against such abuses and to provide for special forms only for objectively appropriate cases [5, c. 85].

On the other hand, proponents of § 153a, CCP FRG argue that this provision has proven itself in practice and cannot be ignored in the modern world. The expansion of the list of duties and obligations, such as participation in road safety seminars demonstrates that the above mentioned mechanism is used reasonably. In addition, payment of monetary amounts by the accused – not only to the state budget – cannot be regarded as a method of "buying off" justice. Further, noteworthy is the development that occurred due to the latest legal reform; it included the exhaustive list of obligations and prescriptions in the annex list contained in § 153a of the German Code of Criminal Procedure. This allows for the selection of the most appropriate mechanism to achieve the stated goals taking into account the specific circumstances of the case and the character of the accused. The

courts and prosecutors are placed under an additional burden to find and test new methods of responding to acts that do not deserve criminal punishment as a result of the desired decriminalization and practitioners and scholars argue that this additional burden should not be avoided. For this reason, despite the strengthening of the powers of the prosecutor's office, which has effectively become a full-fledged pre-trial investigation body with broad administrative control powers, it is important that this norm be extended to "medium crime". In this regard, practice has not revealed any significant abuse in this area.

The number of supporters of this mechanism or at least those who have come to terms with it is growing every year despite the existing problems and dispositions regarding the termination of criminal prosecution with the imposition of obligations and orders on the accused under § 153a, CPC FRG. German law enforcers consider this provision to be effective, especially in terms of reducing the burden on the judicial system.

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