

Classification of Criminal Offenses according to the Criminal and Criminal Procedure Legislation of Germany, Austria, and Switzerland

Dr. iur. **Anna Serebrennikova**

Faculty of Law, Moscow State University n. a. Lomonosov
Professor at the Department of Criminal Law and Criminology
E-mail: *serebranna@hotmail.com*

Alexander Trefilov

Institute of Legislation and Comparative Law under the Government of the Russian Federation
Senior scientific officer
Candidate of legal sciences
E-mail: *trefilovaa1989@gmail.com*

The article is devoted to the questions connected with classification of criminal actions in criminal codes of three states of Romano-Germanic legal family – Germany, Austria and Switzerland. The article notes that the classification of the criminal act originated in the French criminal law and has been adopted in most of the countries belonging to the continental legal family. The Criminal Code of 1810 (Code Penal Imperial) secured a three-member structure of the criminal act: crime – *délit* – contravention. The German Criminal Code (RGSt) of 1871 divided all criminal acts, depending on their severity into three groups: crime (*Verbrechen*), offense (*Vergehen*) and violation (*Übertretung*). The two-member stricter of the criminal act is adopted in the current CC of Germany, Switzerland and Austria: crime and offense. The author analyzes the criminal legislation and the criminal and procedural legislation of the aforementioned countries with a particular focus on value of division of criminal actions on crimes and offenses for criminal and criminal procedural law of the respective countries.

Keywords: Germany, Austria, Switzerland, criminal law, criminal code, criminal procedural law, code of criminal procedure, classification of criminal actions, crime, offense.