



Das Diebstahlsdelikt im Codex Georgianus: Eine rechtshistorische Studie (German Edition)

Sebastian Siepe

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Vermutlich war es Friedrich Esaias von Pufendorf, der 1770-1772 den Codex Georgianus verfasste - einen Landrechtsentwurf für das Kurfürstentum Braunschweig-Lüneburg, der aus ungeklärten Gründen nie Gesetzeskraft erlangt hat. Sebastian Siepe vergleicht die diebstahlsrechtlichen Vorschriften dieses Entwurfes mit der damaligen Rechtslage, die durch das Spannungsverhältnis von gemeinen und partikularen Rechtsquellen geprägt war und, nicht zuletzt auch durch eine ausgesprochen aktive zeitgenössische Rechtswissenschaft, ständigen Veränderungen unterlag. Einen Schwerpunkt legt Siepe auf die bedeutsame Unterscheidung zwischen großen und kleinen Diebstählen und zeichnet die wirtschaftliche Entwicklung der Grenze zwischen diesen beiden Deliktsvarianten nach. Auch den Gesetzestypus bestimmt er genauer: Können die Diebstahlvorschriften, wie auch die zivilrechtlichen Vorschriften des Codex Georgianus, als eine späte Form der sogenannten „Kontroversengesetzgebung“ angesehen werden?

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