

## **Punishment on Stalking: Focusing on German Legal Scheme**

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### **Abstract**

Stalking is a kind of morbid, unusual, long-term or repeated interference behavior to specific individuals. The forms of behavior are diverse, such as tracking, standing guard, waiting, voiceless calls and sending messages or e-mails by electronic communication tool. Although stalking is not the behavior which seriously violates individuals' freedom, it resembles threatening and it creates mental fear to the victims.

Over the past years, stalking and harassment behaviors have long been viewed mild violation of laws. As a result, they are not treated as criminal behaviors in the field of the Criminal Code, and neither are there corresponding criminal regulations on punishments. Applicable regulations are only available in the Domestic Violence Prevention Act. However, apparently, such a legislative status is insufficient. At present, among the laws and regulations of various countries in the world, in addition to Domestic Violence Prevention Act, general criminal regulations concerning "anti-stalking" almost have been established in various countries in the world. From the perspective of integrity of personal protection, it is necessary for Taiwan to formulate similar laws and regulations.

In recent ten years, issue of "anti-stalking" became an important topic of women's and children's safety. Harm and effect of stalking on victims are seriously treated. With the demands and expectation of different circles, Ministry of the Interior of Taiwan developed the draft of "prevention of stalking". However, it lacked direct criminal punishment and regulation on stalking and the protection on personal freedom was insufficient. Currently, in academic circle of the criminal

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law, regarding the issue, the common research is comparative study between American law and Japanese law instead of studies related to German Legal Scheme. This study focuses on analysis and exploration of related German laws in order to enhance the discussion of the said issue and serve as reference for future lawmaking in Taiwan.

**Keywords: stalking, cyberstalking, domestic violence, civil protection order, contempt of court**