

# THE GERMAN JUDICIAL SYSTEM

Articles 92-96 of the German Constitution (*Grundgesetz*) establishes the court structure in Germany. As a Federal Republic, Germany's courts are divided between the Federation (*Bund*) and 16 states (*Länder*). At the federal level there is a supreme court for each of the six major jurisdictions: constitutional, ordinary, labour, social, tax, and administrative courts, as well as a special military tribunal and a Federal Patent Court. The regional and higher regional courts are, at the same time, courts of appeal of their respective states.

## 1. The Constitutional Courts (*Verfassungsgerichte*)

### **The Federal Constitutional Court** (*Bundesverfassungsgericht - BVerfG*)

The Federal Constitutional Court is the highest court in Germany and it is located in Karlsruhe. There are 16 judges, with exclusive jurisdiction over issues relating to the Federal Constitution (*Grundgesetz*) and the protection of fundamental rights of individual citizens as defined in the Basic Law.

### **The State Constitutional Courts** (*Landesverfassungsgerichte; Staatsgerichtshöfe*)

The *State Constitutional Courts* are not in the same hierarchical structure as the *Federal Constitutional Court*, but rather each is a court of first and last instance in its own hierarchy. Each *State Constitutional Court* has exclusive jurisdiction over its State Constitution (*Landesverfassung*).

## 2. Courts of Ordinary Jurisdiction (*Ordentliche Gerichte*)

### **The Federal Court of Justice** (*Bundesgerichtshof - BGH*)

Located in *Karlsruhe (Baden-Wuerttemberg)*, the Federal Court of Justice represents the final court of appeals for all cases originating in the regional and appellate courts and holds no original jurisdiction. Appeals on questions of law to the Federal Court of Justice are restricted to cases where the Higher Regional Courts either expressly grant leave to appeal or where the dispute is of general importance.

### **The Higher Regional Courts** (*Oberlandesgerichte - OLG*)

The *24 higher Regional Courts* primarily review points of law raised in appeals from the lower courts. For cases originating in local courts, this is the level of final appeal. These courts also hold original jurisdiction in cases of treason and anti-constitutional activity. Similar to the regional courts, The higher Regional Courts are divided into panels of judges, arranged according to legal specialisation.

### **The Regional Courts** (*Landgerichte - LG*)

There are 116 regional courts, divided into two sections, the (*Zivilkammern*) and criminal (*Strafkammern*) Regional courts function as courts of appeals for decisions from the local courts and hold original jurisdiction in most major civil and criminal matters.



### **The Local Courts (*Amtsgerichte - AG*)**

These 675 courts hear cases of minor criminal offences or small civil suits. These courts also carry out routine legal functions, such as probate. Some local courts are staffed by two or more professional judges, but most have only one judge, who is assisted by lay judges in criminal cases.

### **3. Specialised Courts**

In addition to the Constitutional Courts and the Ordinary Courts, there are also four specialised Courts, with a similar structure to the Ordinary Courts,

#### **Labour Courts (*Arbeitsgerichte - ArbG*)**

The *Arbeitsgerichtsbarkeit* is the employment law jurisdiction, and includes trade union disputes. The Federal Labour court (*Bundesarbeitsgericht*) is located in Erfurt.

#### **Social Courts (*Sozialgerichte*)**

The *Sozialgerichtsbarkeit* is the 'social' jurisdiction, covering public law disputes relating to state welfare payments and the like. The Federal Social Court (*Bundessozialgericht*) is located in Kassel.

#### **Financial Courts (*Finanzgerichte*)**

The *Finanzgerichtsbarkeit* is the fiscal jurisdiction, taking in public law disputes relating to taxation. The Federal Financial Court (*Bundesfinanzhof*) is located in Munich.

#### **Administrative Courts (*Verwaltungsgerichte*)**

This is the general administrative jurisdiction, covering all public law disputes of a non-constitutional nature. The Federal Administrative Court (*Bundesverwaltungsgericht*) is located in Leipzig.

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<http://www.jura-lotse.de/Links/Urteile/>