

Tübinger Schriften und Materialien zur Kriminologie

TÜKRIM

Yueh-Chung Ma, Rüdiger Wulf (Hrsg.)

KRIMINOLOGISCHE BEITRÄGE AUS TAIWAN UND DEUTSCHLAND, INSB. ZU SUCHT UND DROGEN

Herausgegeben von Institutsdirektor Prof. Dr. Jörg Kinzig
und Prof. em. Dr. Hans-Jürgen Kerner

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Institut für Kriminologie



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Kriminologische Beiträge aus Taiwan und Deutschland, insb. zu Sucht und Drogen

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YUEH-CHUNG MA, RÜDIGER WULF (HRSG.)

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Begrüßung (Bernd Heinrich)¹

Dear Ladies and Gentlemen,

I think it is just around two years ago – it was September 2024 – since I had the honour of welcoming a delegation from Taiwan here in Tübingen in my capacity as Dean of International Affairs.

At that time, we met in the institute “Auf dem Sand” following – like today – the invitation of the Institute of Criminology at the Law Faculty of the University of Tübingen.

Now we are meeting here – downtown – at the “China Centre” of our University, and when I look around, I see several familiar faces – not only from Tübingen, but also from Taiwan. I know some of you from the meeting two years ago.

And some of you I know very well.

And I am pleased that we are maintaining this tradition of gathering with colleagues from Taiwan for academic conferences here in Tübingen.

Contact with our colleagues of Taiwan is very important for us, as we have a long-standing friendship here in Tübingen.

Many doctoral students from Taiwan have completed their PhD here in Tübingen and since then have become famous professors in Taiwan.

I – for myself – have also travelled to Taiwan several times to give some lectures in your country.

Just in March this year, I was able to accept an invitation from the National Taiwan University in Taipei to spend two weeks as a visiting professor and was impressed of the high quality of legal education in Taiwan.

So, we share many traditions, particularly in the field of criminal law – but not only there – and, as you know, the legal systems in Germany and Taiwan are comparable in many respects.

This year, we are again looking forward to some exciting lectures and a pleasant accompanying program, including several interesting presentations today.

I hope you have recovered well from your journey from Taiwan to Germany. While it was crazy hot here in Germany last week, we have ordered more pleasant weather for you this week.

¹ Prof. Dr. Dr. h.c. *Bernd Heinrich* ist Prodekan der Juristischen Fakultät der Universität Tübingen für Internationales und Schwerpunktstudium.

So, we can fully dedicate ourselves to legal work and our collaboration.

For my person I very much regret that I cannot continue with your interesting program today. We are in the middle of the semester, and I have a full lecture schedule every Tuesday – and this is today.

Begrüßung (Jörg Kinzig)¹

Dear guests and friends from Taiwan and Germany,

There is a German proverb that goes: „After every rain, the sun comes out again.“ As you certainly know, Germany were knocked out of the FIFA World Cup yesterday by Paraguay. For a lot of Germans, this is a national disaster. So it has rained a great deal during this night.

This makes it all the more wonderful that we are already welcoming lovely people from Taiwan here in Tübingen this very morning. Some of our guests like our esteemed colleague and friend Yueh-Chung Ma we have known for a long time, whilst others are visiting us in Tübingen for the second time. This meeting of good friends is responsible for the fact the sun seems to be shining once again.

My colleague Rüdiger Wulf is also responsible for the sunshine, having carefully prepared both the academic programme and the social programme. For that, dear Rüdiger, I would like to thank you most sincerely.

And I would like to thank also Emily Graf from the China Center Tübingen for hosting us this morning.

But I've said enough now. And so I wish us all a fruitful morning at the 4th German-Taiwanese Workshop.

And I give the floor to our friend Yueh-Chung Ma from Chung Chen University in Chiayi/Taiwan, leader of the Taiwanese delegation

¹ Prof. Dr. *Jörg Kinzig* ist Direktor des Instituts für Kriminologie der Universität Tübingen.

Begrüßung (Yueh-Chung Ma)²

Dieser Workshop findet nun bereits zum vierten Mal statt. Das Thema der heutigen Veranstaltung lautet auf unseren Wunsch "Sucht und Drogen." Das Thema liegt mir besonders auch deshalb am Herzen, weil ich Präsident der Taiwan Society for Substance Abuse Prevention bin. Wir nehmen in Taiwan mit Interesse die Teillegalisierung von Cannabis in Deutschland wahr, aber auch die Entwicklung des Glücksspielmarktes hinsichtlich nicht stoffgebundener Abhängigkeit.

Die taiwanesishe Delegation besteht wieder aus vier Mitgliedern, je zur Hälfte männlich und weiblich, im Einklang mit dem heutigen Konzept der Geschlechtergleichstellung. Ich möchte unsere Delegation vorstellen. Professor Lai Yun-lien, Institut für Kriminalprävention der National Chung Cheng University, nimmt zum dritten Mal an dieser Konferenz teil. Professor Cheng Chin-Chin, ehemalige Dekanin unserer Juristischen Fakultät und Spezialistin für Arbeitsrecht, und Professor Hung Ling-Chia, ebenfalls von der Juristischen Fakultät und Expertin für Gesellschafts- und Finanzrecht, sind die weiteren Teilnehmerinnen. Die Damen waren auch schon beim letzten Workshop dabei.

Für die vier aufeinander folgenden Jahre des Workshops möchte ich Herrn Professor Kinzig und Herrn Professor Wulf vom Institut für Kriminologie der Universität Tübingen meinen herzlichen Dank aussprechen. Ohne ihre umfassende Unterstützung wären die fruchtbaren Ergebnisse der letzten drei Jahre nicht möglich gewesen. Um den Austausch zu vertiefen, haben wir in den letzten fünfzehn Jahren zahlreiche Professoren Ihres Instituts eingeladen.

Eine besondere Freude ist es für mich, dass mein Doktorvater, Herr Prof. Dr. Hans-Jürgen Kerner, auch am heutigen Workshop wieder teilnimmt.

Der letztjährige Bericht wurde mit Unterstützung von Prof. Rüdiger Wulf bereits veröffentlicht und wird zweifellos einen langen Einfluss auf die Entwicklung der Kriminologie in Taiwan haben. Auch die heutigen wissenschaftlichen Vorträge und Diskussionen werden sicher wichtige Ergebnissen bringen.

Diese langjährigen gegenseitigen Besuche haben die Freundschaft zwischen den führenden kriminologischen Forschungsinstituten beider Länder gestärkt. Ich bin überzeugt, dass wir durch den Austausch Seiten eine für beide Länder jeweils passende Kriminalpolitik entwickeln können.

Abschließend wünsche ich dem heutigen Workshop viel Erfolg.

² Prof. Dr. Yueh-Chung Ma ist der Leiter der Delegation aus Taiwan.

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Abkürzungen

EFE	Elder Financial Exploitation
EKOCAN	Evaluation des Konsumcannabisgesetzes Evaluation of the Recreational Cannabis Act
FinCEN	US Financial Crimes Enforcement Network
FOI	Financial Ombudsman Institution's
FSC	Financial Supervisory Commission
KTV	Karaoke TV
NHPA	Narcotics Hazard Prevention Act, 毒品危害防制條例
StGB	Strafgesetzbuch
UN	United Nations
WHO	World Health Organization

1 Situation und Prävention für Substanzmissbrauch bei Jugendlichen in Taiwan **(Yueh-Chung Ma)**

1.1 Einleitung

Der Konsum von Betäubungsmitteln stellt nicht nur eine erhebliche Gefahr für die Gesundheit der betroffenen Personen dar, sondern kann zugleich negative Auswirkungen auf die öffentliche Sicherheit und die gesellschaftliche Ordnung entfalten. Die mit dem Betäubungsmittelkonsum verbundenen Risiken manifestieren sich einerseits in den gesundheitlichen und sozialen Folgen für die Konsumenten selbst, andererseits in der Entstehung drogenbezogener Kriminalität¹.

Aus rechtlicher Perspektive nehmen Drogenkonsumenten eine ambivalente Stellung ein. Sie erscheinen einerseits als Normadressaten strafrechtlicher Sanktionen, andererseits werden sie aufgrund ihrer Abhängigkeitserkrankung vielfach als behandlungsbedürftige Personen angesehen. Diese Doppelstellung prägt seit Langem die rechtspolitische Diskussion über den angemessenen Umgang mit drogenabhängigen Straftätern.

Die besondere Problematik des Betäubungsmittelkonsums liegt in dessen Suchtpotenzial. Die durch eine Abhängigkeit hervorgerufene eingeschränkte Fähigkeit zur Verhaltenssteuerung führt häufig zu wiederholtem Drogenkonsum und nicht selten zu Rückfällen. Vor diesem Hintergrund stellt sich die Frage, inwieweit strafrechtliche Sanktionen geeignet sind, auf das Verhalten der Betroffenen einzuwirken, oder ob therapeutischen Maßnahmen der Vorrang einzuräumen ist.

Drogenabhängige befinden sich zudem häufig in sozial prekären Lebensverhältnissen und weisen einen erhöhten Bedarf an medizinischer, psychologischer und sozialer Unterstützung auf. Dementsprechend gehört die Entwicklung wirksamer Strategien zur Behandlung und Resozialisierung Betroffener zu den zentralen Anliegen moderner Betäubungsmittelpolitik.

Vor diesem Hintergrund wird die Frage einer Entkriminalisierung von Drogenkonsumenten seit Jahrzehnten kontrovers diskutiert. Die Auseinandersetzung bewegt sich im Spannungsfeld zwischen dem Schutz individueller und kollektiver Rechtsgüter, den Anforderungen einer effektiven Kriminalitätsbekämpfung sowie dem Gebot einer angemessenen gesundheitspolitischen Betreuung drogenabhängiger Personen. Die rechtliche Behandlung des Betäubungsmittelkonsums zählt daher bis heute zu den umstrittensten Themen des Betäubungsmittelstrafrechts und der Kriminalpolitik.

1.2 Aktuelle Analyse der Lage

1.2.1 Definition von Betäubungsmitteln

Im Zusammenhang mit betäubungsmittelbezogenen Straftaten und deren strafrechtlichen Folgen finden sich in verschiedenen Rechtsgebieten unterschiedliche Begriffsverwendungen. So verwendet das Strafgesetzbuch im Rahmen der Maßregeln der Besserung und

¹ Ma 2021, p. 81.

Sicherung den Begriff des „Hangtäters“ (§ 64 StGB), dessen Straffälligkeit auf den übermäßigen Konsum berauschender Mittel zurückzuführen ist². Daneben werden in der polizeilichen Praxis häufig Begriffe wie „Drogenkonsument“ oder „drogenabhängiger Straftäter“ verwendet, während im gesundheits- und suchtpolitischen Diskurs zwischen legalen und illegalen Suchtmitteln unterschieden wird. Die Vielfalt dieser Begriffe verdeutlicht bereits die unterschiedlichen Perspektiven, aus denen das Phänomen des Betäubungsmittelkonsums betrachtet wird³.

Die begriffliche Bestimmung von Betäubungsmitteln beziehungsweise Drogen ist jedoch keineswegs eindeutig. Im allgemeinen Sprachgebrauch werden unter Drogen regelmäßig diejenigen Substanzen verstanden, deren Besitz, Erwerb oder Vertrieb gesetzlich verboten oder strafrechtlich reglementiert ist, etwa Cannabis, Heroin oder Kokain. Demgegenüber werden Alkohol, Tabak oder koffeinhaltige Getränke trotz ihrer psychoaktiven Wirkung vielfach als sozial akzeptierte Genuss- oder Konsummittel angesehen⁴.

Aus medizinischer und suchtwissenschaftlicher Perspektive erscheint eine solche Differenzierung jedoch nur bedingt überzeugend. Auch legal verfügbare Substanzen können erhebliche gesundheitliche Risiken begründen und Abhängigkeitspotential aufweisen. Dementsprechend orientiert sich die WHO nicht an der rechtlichen Zulässigkeit einer Substanz, sondern an deren Wirkung auf den menschlichen Organismus. Nach ihrem weiten Begriffsverständnis können alle Stoffe als Drogen beziehungsweise psychoaktive Substanzen eingeordnet werden, die Veränderungen körperlicher, psychischer oder geistiger Funktionen hervorrufen.

Diese Definition besitzt insbesondere für medizinische und suchtwissenschaftliche Untersuchungen erhebliche Bedeutung, da sie eine wertungsfreie und rechtsordnungsunabhängige Betrachtung psychoaktiver Substanzen ermöglicht. Zugleich zeigt sie, dass die rechtliche Einordnung einer Substanz nicht zwangsläufig mit ihrem Gefährdungspotential oder ihrer pharmakologischen Wirkung übereinstimmen muss.

Die gesetzliche Definition von Betäubungsmitteln im taiwanischen Recht findet sich in Art. 2 des NHPA. Danach gelten als Betäubungsmittel solche Stoffe und deren Zubereitungen, die ein Abhängigkeitspotential aufweisen, missbräuchlich konsumiert werden können und geeignet sind, gesundheitliche oder gesellschaftliche Schäden hervorzurufen. Erfasst werden darüber hinaus auch andere Stoffe und deren Erzeugnisse, die auf den psychischen Zustand oder das Verhalten des Menschen einwirken.

Das NHPA verfolgt damit einen umfassenden Betäubungsmittelbegriff, der sowohl auf pharmakologische Eigenschaften als auch auf die von den jeweiligen Stoffen ausgehenden sozialen Gefahren abstellt. Die rechtliche Einordnung erfolgt nicht allein nach der chemischen Beschaffenheit eines Stoffes, sondern berücksichtigt zugleich dessen Missbrauchspotential sowie die mit seinem Konsum verbundenen Risiken für die öffentliche Gesundheit und die gesellschaftliche Ordnung.

Gemäß Art. 2 NHPA werden Betäubungsmittel entsprechend ihrem Abhängigkeitspotential, ihrer Missbrauchsanfälligkeit sowie ihrer Gefährlichkeit für die Gesellschaft in vier Kategorien eingeteilt. Diese Klassifizierung bildet die Grundlage für die differenzierte

² Göppinger 2008, § 27 Rn. 1.

³ Göppinger 2008, § 27 Rn. 2.

⁴ European Drug Report 2020: Trends and Developments, European Monitoring Centre for Drugs and Drug Addiction Publications Office of the European Union, Luxembourg, 2020, p. 20.

strafrechtliche und verwaltungsrechtliche Regulierung der einzelnen Stoffgruppen und dient zugleich als Maßstab für die Bemessung der jeweiligen Rechtsfolgen.

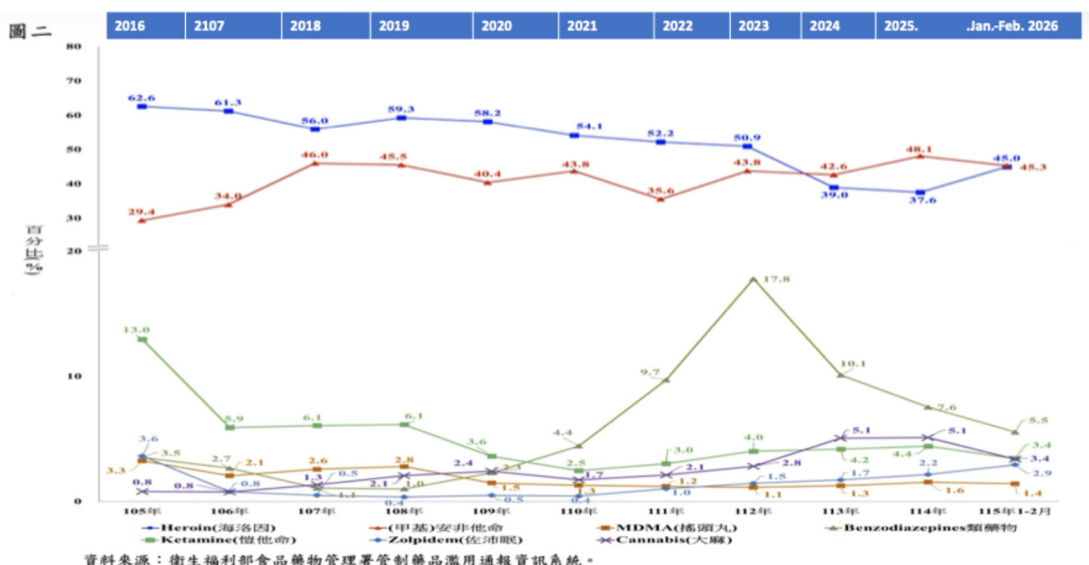
Angesichts des fortschreitenden medizinischen und technologischen Wandels werden fortlaufend neue Arzneimittel und psychoaktive Substanzen entwickelt. Bestimmte Stoffe können dabei aufgrund ihrer therapeutischen Wirkungen für die Behandlung spezifischer Erkrankungen von erheblichem medizinischem Nutzen sein, zugleich jedoch ein Missbrauchs- oder Abhängigkeitspotential aufweisen. In solchen Fällen stellt sich die Frage nach ihrer rechtlichen Einordnung und den Grenzen zwischen Arzneimittelrecht und Betäubungsmittelrecht.

Im taiwanischen Recht ist die Abgrenzung zwischen Betäubungsmitteln und kontrollierten Arzneimitteln („controlled drugs“) nicht immer eindeutig. Beide Stoffgruppen weisen teilweise vergleichbare pharmakologische Eigenschaften auf und können auf das zentrale Nervensystem einwirken. Die unterschiedliche rechtliche Behandlung beruht daher nicht allein auf der stofflichen Beschaffenheit, sondern maßgeblich auf dem jeweiligen Regelungszweck und der vorgesehenen Verwendung.

Dies kommt insbesondere in Art. 2 Abs. 4 NHPA zum Ausdruck. Danach unterfallen Stoffe, die als Betäubungsmittel oder psychotrop wirkende Substanzen für medizinische, pharmazeutische oder wissenschaftliche Zwecke verwendet werden, grundsätzlich besonderen gesetzlichen Regelungen und nicht dem Anwendungsbereich des NHPA. Der Gesetzgeber trägt damit dem Umstand Rechnung, dass identische oder vergleichbare Wirkstoffe je nach Verwendungszweck unterschiedlichen Regulierungsregimen unterliegen können.

Die Unterscheidung zwischen Betäubungsmitteln und kontrollierten Arzneimitteln beruht folglich weniger auf einer strikt naturwissenschaftlichen Differenzierung als vielmehr auf einer normativen Entscheidung des Gesetzgebers. Maßgeblich sind insbesondere die therapeutische Zweckbestimmung, die medizinische Notwendigkeit sowie die jeweiligen Kontroll- und Überwachungsmechanismen. Dies verdeutlicht zugleich, dass die rechtliche Qualifikation einer Substanz nicht zwangsläufig mit ihrer pharmakologischen Wirkung oder ihrem Gefährdungspotential identisch sein muss.

Bild 1.: Statistische Übersicht über häufige Drogenmissbrauchsarten, die von medizinischen Einrichtungen in Taiwan im Laufe der Jahre gemeldet wurden



Quelle: Meldesystem für Drogenmissbrauch des Ministeriums für Gesundheit und Soziales

1.2.2 Ursachen und Motive des Betäubungsmittelkonsums

Laut einer im vergangenen Jahr durchgeführten Studie lassen sich deutliche Unterschiede hinsichtlich der Konsummotive von Betäubungsmitteln zwischen Jugendlichen und Erwachsenen feststellen. Während bei Erwachsenen häufig komplexere psychosoziale oder suchtbezogene Faktoren im Vordergrund stehen, spielen bei Jugendlichen insbesondere Neugier, Gruppeneinflüsse sowie der Wunsch nach sozialer Anerkennung und Identitätsbildung eine zentrale Rolle. Der Konsum wird dabei teilweise als Ausdruck von „Erwachsenensein“ oder als Demonstration von Mut gegenüber dem sozialen Umfeld interpretiert.

Aufgrund der erhöhten Zugänglichkeit und der besonderen Entwicklungsphase weisen Jugendliche ein erhöhtes Risiko auf, mit Betäubungsmitteln in Kontakt zu geraten. Präventionsmaßnahmen sollten daher nicht nur auf reine Verbote abstellen, sondern insbesondere auf Aufklärung und Sensibilisierung zielen, um Fehleinschätzungen hinsichtlich der Wirkung und sozialen Bedeutung des Konsums entgegenzuwirken.

Charakteristisch für den Einstieg in den Drogenkonsum ist häufig ein prozesshafter Verlauf. Dieser beginnt oftmals mit Neugier und experimentellem Verhalten, wird sodann durch gruppendynamische Einflüsse verstärkt, kann in eine regelmäßige Anwendung übergehen und schließlich in eine Abhängigkeit münden. Vor diesem Hintergrund erscheint es aus präventiver Sicht erforderlich, zwischen den unterschiedlichen Phasen des Konsumverhaltens zu differenzieren, um zielgerichtete Interventions- und Behandlungsmaßnahmen entwickeln zu können.

Die Wirkung der einzelnen Betäubungsmittel wird von Konsumenten unterschiedlich wahrgenommen. Insbesondere beim Erstkonsum berichten viele Jugendliche über unangenehme körperliche Reaktionen wie Schwindel, Übelkeit oder Angstzustände. Gleichwohl kann ein solcher negativer Ersteindruck allein nicht als hinreichender Schutzfaktor gegen eine spätere erneute Einnahme angesehen werden, da die weiteren Konsumententscheidungen häufig durch soziale und psychologische Faktoren überlagert werden.

In der einschlägigen Literatur werden die Ursachen des Substanzmissbrauchs bei Schülern regelmäßig in mehrere Kategorien unterteilt:

- (1) individuelle psychologische Faktoren, insbesondere die Bewältigung von Stress, depressiven Verstimmungen oder emotionalen Konflikten;
- (2) kognitive Fehleinschätzungen, etwa die irrige Annahme, bestimmte Substanzen wie Ketamin seien nicht suchterzeugend;
- (3) peerbezogene Faktoren, insbesondere der soziale Druck innerhalb der Gleichaltrigengruppe sowie die Angst vor sozialer Ausgrenzung; und
- (4) Umweltfaktoren, insbesondere die leichte Verfügbarkeit entsprechender Substanzen, die den Erstkonsum begünstigen können.

1.2.3 Aktuelle Situation in Taiwan

Laut Statistiken des taiwanischen Bildungsministeriums (2023) belief sich die Zahl der Schülerinnen und Schüler, die im Zeitraum von 2014 bis 2022 einen Betäubungsmittelkonsum im Rahmen verschiedener Bildungssysteme angaben, auf 2012. Die Erhebungen

zeigen insgesamt einen rückläufigen Trend der selbstberichteten Konsumprävalenz unter Schülerinnen und Schülern über alle Bildungssysteme hinweg. Gleichwohl bleibt die Gruppe der Schülerinnen und Schüler der Sekundarstufe I und II im Vergleich zu anderen Bildungsstufen am stärksten betroffen.

Diese Befunde deuten darauf hin, dass insbesondere Jugendliche im schulpflichtigen Alter weiterhin eine besonders vulnerable Gruppe im Hinblick auf den Erstkontakt mit Betäubungsmitteln darstellen. Aus kriminal- und gesundheitspolitischer Perspektive ist dies insofern bedeutsam, als der frühe Substanzkonsum häufig mit einem erhöhten Risiko der Entwicklung problematischer Konsummuster sowie weiterer sozialer und gesundheitlicher Folgeschäden verbunden ist.

Der Betäubungsmittelkonsum im Jugendalter entfaltet dabei nicht nur individuelle Auswirkungen auf die körperliche und psychische Gesundheit der Betroffenen, sondern wirkt sich mittelbar auch auf das familiäre Umfeld sowie auf gesellschaftliche und staatliche Strukturen aus. Vor diesem Hintergrund gewinnt die Analyse der bestehenden Präventions- und Interventionsmechanismen im Umgang mit jugendlichen Betäubungsmittelkonsumenten besondere Relevanz.

Da der Betäubungsmittelkonsum unter Jugendlichen trotz bestehender Maßnahmen weiterhin als persistierendes Problem in Erscheinung tritt, besteht ein erhebliches kriminalpolitisches und sozialpolitisches Interesse an einer systematischen Untersuchung der bestehenden Behandlungs- und Präventionsansätze in Taiwan. Ziel ist es insbesondere, bestehende Defizite zu identifizieren und darauf aufbauend weitergehende Reform- und Optimierungsansätze zu entwickeln.

Tabelle 1. Statistische Ergebnisse des Abgleichs zwischen Informationen zu Drogenverdächtigen und dem Studentenstatus von 2018 bis 2022

Unter 18-Jährige				18 – 24-Jährige			
	Polizeibericht über die Anzahl der Person	Aktuelle Studierende	Nicht-Schulkinder	Anzahl der von der Polizei festgenommenen Personen	Gymnasium	Universität	Insgesamt
2018 年	786	270 (34.3%)	516 (65.6%)	11,729	214	344	558 (4.8%)
2019 年	680	272 (40.0%)	408 (60.0%)	7,561	73	246	319 (4.2%)
2020 年	738	273 (37.0%)	465 (63.0%)	9,579	174	376	550 (5.7%)
2021 年	571	194 (34.0%)	377 (66.0%)	5919	105	189	294 (5.0%)
2022 年	440	141 (32.0%)	299 (68.0%)	5136	51	156	319 (4.03%)

Quelle: Ministerium für Bildung (2023). Bericht über die Erfolge bei der Medikamentenvermeidung 2022.

Das Gesetz zur Prävention von Jugendkriminalität wurde am 19. Juni 2019 novelliert; die Bestimmungen des Art. 18 Abs. 2 bis 7 traten am 1. Juli 2023 in Kraft. Die Reform verfolgt mehrere zentrale Zielsetzungen. Dazu zählen insbesondere die Streichung bzw. Neustrukturierung bislang bestehender Regelungen zum Umgang mit Jugendkriminalität, die stärkere Umsetzung der Vorgaben der UN-Kinderrechtskonvention sowie die konsequente Ausrichtung am Grundsatz der „vorrangigen administrativen Intervention“. Ziel dieser Neuausrichtung ist es, eine frühzeitige Entstigmatisierung

gefährdeter Jugendlichen zu erreichen und deren Behandlung stärker präventiv als repressiv zu gestalten⁵.

Ferner sieht die Reform die Erweiterung differenzierter Interventions- und Behandlungsmaßnahmen sowie die institutionelle Stärkung spezialisierter Jugendstrukturen vor. Hervorzuheben ist zudem die Intensivierung der Rolle von Jugendstraf- bzw. Jugendgerichten sowie die gesetzlich verankerte Verpflichtung zur persönlichen Anwesenheit von Jugendermittlern im gerichtlichen Verfahren. Darüber hinaus wird die Einführung eines Systems der restaurativen Justiz (Restorative Justice) vorgesehen, das auf Wiedergutmachung und soziale Reintegration abzielt.

Ein wesentliches Leitmotiv der Reform besteht in der terminologischen und konzeptionellen Umstellung von der Kategorie des „jugendlichen Straftäters“ hin zu derjenigen des „gefährdeten Jugendlichen“. Diese begriffliche Neuausrichtung dient der Entstigmatisierung der betroffenen Personengruppe und verschiebt den Schwerpunkt staatlichen Handelns von einer primär justiziellen Kontrolle hin zu einer vorrangig administrativ-präventiven Intervention.

Gleichwohl ist darauf hinzuweisen, dass die Behandlung gefährdeter Jugendlichen einerseits und die strafrechtliche Verfolgung jugendlicher Straftaten andererseits institutionell und funktional unterschiedlichen Zuständigkeiten unterliegt. Die Reform bewegt sich damit im Spannungsfeld zwischen präventiver Sozialpolitik, jugendhilferechtlichen Maßnahmen und klassischem Jugendstrafrecht und wirft Fragen nach der praktischen Koordination der beteiligten Behörden auf.

Vor diesem Hintergrund kann die gegenwärtige Reform als eine bereichs- und behördenübergreifende Präventionsstrategie charakterisiert werden, die unterschiedliche staatliche Akteure aus Bildung, Sozialwesen, Polizei und Justiz miteinander verzahnt. Dabei ist absehbar, dass die interinstitutionelle Kommunikation und Kooperation künftig eine weiter zunehmende Bedeutung erlangen wird. Zugleich stellt die Heterogenität der institutionellen Perspektiven und Handlungslogiken eine erhebliche Herausforderung für die effektive Koordination präventiver und repressiver Maßnahmen im Umgang mit straffälligen Jugendlichen dar.

Parallel zu diesen Entwicklungen ist auf den zunehmenden Bedeutungsgewinn synthetischer Betäubungsmittel hinzuweisen. Diese Substanzen können im Unterschied zu traditionellen pflanzlichen Drogen ohne landwirtschaftlichen Anbau hergestellt werden und lassen sich unter geeigneten Voraussetzungen nahezu überall synthetisieren, sofern entsprechende Ausgangsstoffe und technische Kenntnisse vorhanden sind. Aus einer Analyse internationaler Markt- und Entwicklungstendenzen ergibt sich, dass die Nachfrage nach synthetischen Betäubungsmitteln in den letzten Jahren deutlich angestiegen ist.

Als Ursachen dieser Entwicklung werden in der Literatur insbesondere folgende Faktoren genannt:

- (1) vergleichsweise niedrige Preise im Vergleich zu klassischen Betäubungsmitteln;
- (2) geringere Produktionskosten;

⁵ Zeng 2023, p. 84.

- (3) hohe Gewinnmargen im illegalen Handel;
- (4) die Möglichkeit gezielter chemischer Modifikation mit variierender pharmakologischer Wirkung;
- (5) flexible und dezentrale Produktionsstrukturen in räumlicher Nähe zu den Absatzmärkten, wodurch Transport- und Distributionskosten reduziert werden;
- (6) die Erschließung neuer regionaler Märkte;
- (7) die Ansprache neuer Konsumentengruppen; sowie
- (8) die eingeschränkte Wirksamkeit bestehender Kontrollmechanismen, da neuartige synthetische Substanzen aufgrund ihrer variierenden chemischen Struktur häufig nicht unmittelbar in bestehende Kontroll- und Verbotslisten aufgenommen sind⁶.

In der einschlägigen wissenschaftlichen Diskussion wird darüber hinaus hervorgehoben, dass synthetische Betäubungsmittel durch ein besonderes Gefährdungsprofil gekennzeichnet sind, das sich insbesondere aus ihrer leichten Herstellbarkeit, niedrigen Beschaffungskosten, hohen Verfügbarkeit sowie der regulatorischen Dynamik ergibt. Diese Faktoren erhöhen sowohl das Missbrauchspotential als auch die gesamtgesellschaftliche Gefährdung erheblich.

Vor diesem Hintergrund wird die Notwendigkeit eines effektiven Frühwarnsystems betont, das in der Lage ist, neue Konsumtrends und Substanzentwicklungen frühzeitig zu identifizieren, systematisch zu erfassen und zeitnah geeignete Gegenmaßnahmen einzuleiten. Ziel eines solchen Systems ist es, sowohl die epidemiologische Lage als auch die Dynamik des illegalen Marktes kontinuierlich zu beobachten und eine adaptive Reaktionsfähigkeit der zuständigen Behörden sicherzustellen⁷.

1.2.4 Produktion und Distribution synthetischer Betäubungsmittel

Mehrere Studien haben die Konsummuster neuartiger psychoaktiver Substanzen untersucht und dabei festgestellt, dass diese Substanzen typischerweise durch bestimmte strukturelle Merkmale gekennzeichnet sind, insbesondere durch „Clusterbildung“, „Offenheit“, „Zirkulation“ sowie ein vergleichsweise niedriges Preisniveau. Diese Faktoren können insgesamt dazu beitragen, dass insbesondere Jugendliche leichter Zugang zu entsprechenden Substanzen erhalten und ein erhöhtes Risiko der Entwicklung problematischer Konsummuster besteht⁸.

Unter „Clusterbildung“ wird dabei verstanden, dass Konsumhandlungen häufig in bestimmten sozialen Räumen stattfinden, insbesondere in Vergnügungs- und Freizeitstätten wie Bars, KTV-Einrichtungen, Diskotheken oder vergleichbaren Unterhaltungslokalen. In diesen Kontexten kommt es zu einer räumlichen und sozialen Verdichtung von Konsumgelegenheiten, die gemeinschaftliche Konsummuster begünstigt.

Der Begriff der „Offenheit“ beschreibt demgegenüber, dass sich der Konsum neuartiger Betäubungsmittel im Vergleich zu klassischen Substanzen weniger im verborgenen Bereich

⁶ Yang et al. 2012, p. 278.

⁷ Ma 2021, p.117.

⁸ Ma 2021, p. 118.

vollzieht, sondern verstärkt in semi-öffentlichen oder öffentlichen Räumen stattfindet. Dies erhöht die Sichtbarkeit entsprechender Verhaltensweisen und erleichtert zugleich die soziale Weitergabe von Konsumpraktiken.

Mit „Zirkulation“ wird insbesondere der Distributionsmechanismus bezeichnet, der sich zunehmend auf digitale Vertriebswege sowie auf den Verkauf innerhalb von Freizeit- und Unterhaltungseinrichtungen stützt. Diese Struktur ermöglicht eine flexible, dezentrale und schwer kontrollierbare Verbreitung entsprechender Substanzen. Das Kriterium der „Billigkeit“ schließlich verweist auf das im Vergleich zu klassischen Betäubungsmitteln niedrigere Preisniveau, das eine stärkere Vereinbarkeit mit den finanziellen Möglichkeiten jugendlicher Konsumentengruppen aufweist.

In der Gesamtschau zeigt sich, dass diese Faktoren in erheblichem Maße mit jugendlichen Freizeit- und Sozialkulturen verknüpft sind. Lediglich das Preisniveau stellt dabei einen weitgehend unabhängigen Einflussfaktor dar, während die übrigen Merkmale eng mit spezifischen sozialen Kontexten jugendlicher Lebenswelten verbunden sind. Vor diesem Hintergrund haben sich bestimmte Freizeitorte wie Bars, KTV-Einrichtungen und Diskotheken in einzelnen Fällen zu relevanten Konsumräumen für Jugendliche entwickelt.

Im Hinblick auf präventive und kontrollpolitische Maßnahmen wird in der Literatur betont, dass die zuständigen Behörden verstärkt auf die Untersuchung sozialer Räume jugendlicher Freizeitgestaltung sowie deren Regulierung achten sollten. Derzeit stützen sich entsprechende Maßnahmen überwiegend auf polizeiliche Ermittlungen und repressive Eingriffe. Ein umfassendes, normativ ausgestaltetes Regulierungsregime, das über bloße Gefahrenabwehr hinausgeht und auch verwaltungsrechtliche Instrumente systematisch einbezieht, ist bislang nur in Ansätzen entwickelt. Dies führt zu einer regelungstechnischen Lücke bei der präventiven Kontrolle potenzieller Konsumorte.

Vor diesem Hintergrund wird die Auffassung vertreten, dass administrative Steuerungs- und Kontrollmechanismen auszubauen sind, um eine effektivere Prävention und Regulierung zu gewährleisten. Gegebenenfalls sei auch eine gesetzliche Konkretisierung der Verantwortlichkeit von Betreibern entsprechender Einrichtungen in Betracht zu ziehen. Die Erfassung, Prävention und Regulierung von Konsumorten sollte daher als integraler Bestandteil eines umfassenden Präventions- und Kontrollansatzes verstanden werden.

Ein weiterer relevanter Kontext betrifft sogenannte „Din Tao“-Veranstaltungen (religiöse bzw. kulturelle Prozessionen), die in bestimmten Fällen von kriminellen Gruppierungen als Rekrutierungs- und Einflussraum genutzt werden. Empirische Untersuchungen deuten darauf hin, dass ein Teil der Teilnehmer solcher Veranstaltungen bereits ein erhöhtes Risiko für Substanzkonsum aufweist, etwa im Hinblick auf Alkohol, Tabak oder andere psychoaktive Substanzen. In einzelnen Fällen kann es zudem zu einer gezielten Einflussnahme durch kriminelle Akteure kommen, die diese sozialen Strukturen zur Rekrutierung jugendlicher oder zur Vermittlung illegaler Aktivitäten nutzen.

Gleichzeitig ist darauf hinzuweisen, dass „Din Tao“ als soziales und kulturelles Phänomen nicht per se als problematisch einzustufen ist. Vielmehr bestehen erhebliche Unterschiede in Organisation, Leitung und Zusammensetzung der jeweiligen Gruppen. Gerade diese Heterogenität wird jedoch als ein Faktor identifiziert, der missbräuchliche Nutzungen durch kriminelle Akteure erleichtern kann. Vor diesem Hintergrund wird in der Literatur teilweise vorgeschlagen, eine differenzierte Kategorisierung entsprechender Gruppen vorzunehmen, um zielgerichtete administrative oder rechtliche Maßnahmen zu ermöglichen.

Soweit Jugendliche selbst in kriminell beeinflusste Gruppierungen eingebunden sind, wird dies als besonders relevanter Ansatzpunkt präventiver Maßnahmen angesehen. Dies gilt insbesondere vor dem Hintergrund, dass im Zusammenhang mit bestimmten kriminellen Netzwerken auch Schnittstellen zum Betäubungsmittelhandel bestehen können.

1.2.5 Ursachen der Suchtentwicklung

Die Rekrutierungsmethoden durch soziale Einflussnahme und gezielte Verführung können die Wahrscheinlichkeit einer späteren Abhängigkeitsentwicklung erheblich erhöhen. Insbesondere im Kontext gemeinschaftlicher Konsumsituationen kann bei Jugendlichen eine erhöhte Anfälligkeit für Gruppendruck festgestellt werden, sodass individuelle Konsumententscheidungen häufig durch soziale Dynamiken überlagert werden.

Problematisch ist darüber hinaus, dass ein Teil der Akteure gezielt darauf abzielt, Betäubungsmittel an Jugendliche zu verkaufen, diese als wiederkehrende Konsumenten zu etablieren und hierdurch eine dauerhafte Kundenbindung im Sinne eines illegalen Marktes zu schaffen. In der kriminologischen Literatur wird in diesem Zusammenhang teilweise auch auf eine schrittweise Einbindung in weitergehende illegale Vertriebsstrukturen hingewiesen.

Ein weiteres relevantes Problem besteht in verbreiteten Fehlvorstellungen über Betäubungsmittel der Kategorien III und IV. Sowohl bei Jugendlichen als auch in Teilen der Allgemeinbevölkerung besteht mitunter die irriige Annahme, dass diese Substanzen aufgrund ihrer vergleichsweise niedrigeren Einstufung kein oder nur ein geringes Abhängigkeitspotential aufweisen. Diese Fehleinschätzung kann zu einer bagatellisierenden Wahrnehmung des Konsums führen und das Risiko eines Einstiegs in den Substanzgebrauch erhöhen.

Der Verlauf der Abhängigkeitsentwicklung wird in der kriminologischen und suchtwissenschaftlichen Literatur häufig als stufenförmiger Prozess beschrieben. Dieser beginnt typischerweise mit Neugier und experimentellem Verhalten, wird durch peer-bezogene Einflussfaktoren verstärkt, geht in eine gelegentliche bzw. kontrollierte Anwendung über und kann schließlich in eine manifeste Abhängigkeit münden. Diese Prozesslogik verdeutlicht, dass auch Substanzen mit vermeintlich geringerem Gefährdungspotential nicht als unproblematisch einzustufen sind.

Vor diesem Hintergrund erscheint es aus präventiver Sicht erforderlich, insbesondere Fehleinschätzungen hinsichtlich der Gefährlichkeit und des Abhängigkeitspotentials einzelner Substanzkategorien entgegenzuwirken. Die zuständigen Behörden sollten daher verstärkt auf Aufklärungs- und Präventionsmaßnahmen abzielen, die insbesondere auf die Korrektur irreführender Wahrnehmungen in Bezug auf Substanzen der Kategorien III und IV gerichtet sind. Ziel ist es, sowohl bei Jugendlichen als auch in der Allgemeinbevölkerung ein realitätsgerechtes Risikobewusstsein zu fördern und dadurch frühzeitigen Konsum- und Abhängigkeitsentwicklungen entgegenzuwirken.

1.2.6 Zusammenfassung

Neu auftretende Betäubungsmittel weisen ein besonders dynamisches und schwer prognostizierbares Gefährdungsprofil auf, das ihre rechtliche Erfassung und Kontrolle erheblich erschwert. Vor diesem Hintergrund stellt sich die Frage, inwieweit ein effektives Frühwarnsystem rechtlich normiert und institutionell implementiert werden kann, um frühzeitig auf neue Substanzen und Konsummuster zu reagieren.

Gleichwohl ist darauf hinzuweisen, dass ein Frühwarnsystem für sich genommen nicht geeignet ist, das Phänomen neuartiger Betäubungsmittel vollständig zu verhindern oder umfassend zu kontrollieren. Vielmehr verbleibt eine Vielzahl ungelöster rechtlicher, organisatorischer und praktischer Fragestellungen. Diese betreffen unter anderem die Kriterien der rechtlichen Einordnung neu auftretender Substanzen, die Methoden ihrer frühzeitigen Identifikation sowie mögliche Schwierigkeiten bei deren analytischer Erfassung.

Darüber hinaus stellen sich Fragen der institutionellen Umsetzung, insbesondere hinsichtlich der Ausstattung und Schulung des Ermittlungs- und Kontrollpersonals, der Entwicklung geeigneter Ermittlungs- und Beschlagnahmeverfahren sowie der Einrichtung geeigneter labortechnischer Kapazitäten zur Substanzanalyse, etwa im Zusammenhang mit forensischen Urinuntersuchungen und deren rechtlicher Bewertung.

Ferner ist zu berücksichtigen, dass präventive Maßnahmen wie Drogenaufklärung und Öffentlichkeitsarbeit einen wesentlichen Bestandteil eines umfassenden Kontrollkonzepts darstellen. Diese dienen insbesondere der Sensibilisierung für die Gefahren neuartiger Substanzen und der Reduktion von Fehlwahrnehmungen in der Bevölkerung.

Die genannten Problembereiche gehen jedoch über den alleinigen Regelungsgegenstand eines Frühwarnsystems hinaus. Vielmehr bedarf es eines integrierten Ansatzes, der ein solches System mit weitergehenden Maßnahmen der Betäubungsmittelkontrolle verbindet. Hierzu zählen insbesondere die fortlaufende Aktualisierung der Substanzklassifikation, die Verbesserung der operativen Ermittlungs- und Beschlagnahmekapazitäten, die systematische Aus- und Fortbildung des zuständigen Personals sowie die kontinuierliche Risikoaufklärung.

In diesem Sinne ist die Etablierung eines Frühwarnsystems lediglich als erster Baustein eines umfassenden Regulierungs- und Kontrollkonzepts zu verstehen. Sobald neuartige Betäubungsmittel identifiziert und klassifiziert sind, obliegt es den zuständigen Behörden, ein koordiniertes Maßnahmenbündel umzusetzen, das sowohl repressive als auch präventive Elemente umfasst und insbesondere die Bereiche Ermittlungs- und Beschlagnahmepraxis, Prävention, Therapie sowie Schadensminimierung integriert.

1.3 Analyse der bestehenden Präventions- und Steuerungsinstrumente

1.3.1 Freiheitsstrafe und Abschreckung im Lichte der Generalprävention

In den letzten Jahren stellt die Überbelegung von Justizvollzugsanstalten eine der zentralen Herausforderungen der strafrechtlichen Vollzugspraxis in Taiwan dar. Der Belegungsgrad liegt dabei in einzelnen Einrichtungen bei nahezu 120 % der vorgesehenen Kapazitäten. Innerhalb der Gefängnispopulation stellen Betäubungsmitteldelinquenten eine besonders große Tätergruppe dar. Parallel hierzu treten weitere strukturelle Problemlagen auf, insbesondere im Bereich der Sicherheit der Einrichtungen, der personellen Ausstattung der Vollzugsbehörden sowie einer vergleichsweise hohen Rückfallquote.

Diese Faktoren stellen die erzieherische und resozialisierende Funktion des Strafvollzugs in erheblichem Maße in Frage. Vor diesem Hintergrund stellt sich die grundlegende kriminalpolitische Frage, wie der Vollzug gegenüber der größten Gefangenengruppe – den wegen Betäubungsmitteldelikten verurteilten Personen – unter Berücksichtigung des

Resozialisierungsprinzips sowie des sozialstaatlichen Auftrags des Strafvollzugs angemessen ausgestaltet werden kann.

Die Problematik ist von den zuständigen Justizvollzugsbehörden unmittelbar in den Blick zu nehmen. Aus einer rechtsvergleichenden Perspektive zeigt sich, dass insbesondere der verstärkte Einsatz gemeindebasierter Maßnahmen („community-based treatment“) in zahlreichen Rechtsordnungen einen zentralen Ansatz zur Reduzierung von Haftbelastungen und zur Förderung von Resozialisierung darstellt. Die entsprechende Entwicklung kann als internationaler kriminalpolitischer Trend zur Diversifizierung freiheitsentziehender und nicht freiheitsentziehender Sanktionen verstanden werden.

Gleichwohl ist zu berücksichtigen, dass solche Modelle aufgrund unterschiedlicher sozialer, kultureller und institutioneller Rahmenbedingungen nicht ohne Weiteres auf andere Rechtssysteme übertragen werden können. Sie können jedoch als wertvolle Referenzpunkte für eine Reform und Weiterentwicklung des nationalen Systems dienen, insbesondere im Hinblick auf die Entlastung der Strafvollzugskapazitäten und die Verbesserung der Behandlungs- und Reintegrationsmöglichkeiten von Betäubungsmitteldelinquenten.

1.3.2 Drogenbehandlungszentren zwischen Therapie und Freiheitsentzug

Im Bereich der institutionellen Behandlung von Drogenkonsumenten bestehen in Taiwan zwar bereits eigenständige Einrichtungen zur Suchtbehandlung, diese weisen jedoch weiterhin einen ausgeprägten institutionalisierten und teilweise haftähnlichen Charakter auf. Für die Betroffenen werden sowohl die beobachtende als auch die zwangsweise durchgeführte Rehabilitation in der Praxis häufig als funktionales Äquivalent zu freiheitsentziehenden Sanktionen wahrgenommen.

Zudem bestehen erhebliche Unterschiede hinsichtlich der verfügbaren Ressourcen, des Anteils qualifizierten Fachpersonals sowie der Ausbildungsstandards in den jeweiligen Behandlungseinrichtungen. Diese strukturellen Defizite wirken sich unmittelbar auf die Effektivität der therapeutischen Maßnahmen aus und beeinträchtigen deren nachhaltige Wirksamkeit⁹.

Im Bereich des Strafvollzugs ist ferner zu beobachten, dass Betäubungsmitteldelinquenz häufig mit einer Vielzahl vergleichsweise kurzer Freiheitsstrafen sanktioniert wird. Die kumulative Belastung dieser Sanktionen führt jedoch zu einer erheblichen Inanspruchnahme von Haftkapazitäten und trägt zur Überbelegung der Justizvollzugsanstalten bei. Zugleich beschränkt sich der Strafvollzug bei dieser Deliktgruppe vielfach auf eine reine Freiheitsentziehung, ohne dass darüber hinausgehende intensive therapeutische Behandlungsprogramme in ausreichendem Umfang integriert werden. Dies führt dazu, dass der Vollzug primär eine isolierende Funktion erfüllt, während rehabilitative Elemente nur eingeschränkt zur Geltung kommen.

1.3.3 Priorität administrativer Intervention im Jugend- und Betäubungsmittelrecht

Das Gesetz zur Prävention von Jugendkriminalität wurde am 19. Juni 2019 novelliert; die Änderungen in Art. 18 Abs. 2 bis 7 traten am 1. Juli 2023 in Kraft. Die Reform enthält mehrere zentrale Neuerungen. Zu den wesentlichen Elementen zählen insbesondere die

⁹ Ma 2021, p. 125.

Streichung bzw. Neuordnung bislang geltender Bestimmungen zur Jugendkriminalität, die stärkere Orientierung an den Vorgaben der UN-Kinderrechtskonvention sowie die konsequente Umsetzung des Grundsatzes der „vorrangigen administrativen Intervention“. Ziel dieser Neuausrichtung ist insbesondere die Entstigmatisierung gefährdeter Jugendlichen und eine Verschiebung des Schwerpunktes staatlichen Handelns von einer primär gerichtlichen Kontrolle hin zu frühzeitigen administrativen Interventionsmechanismen.

Darüber hinaus sieht die Reform die Erweiterung diversifizierter Behandlungs- und Interventionsmaßnahmen vor, die Stärkung spezialisierter Jugendstrukturen sowie die institutionelle Aufwertung der Ermittlungs- und Schutzfunktionen im Jugendbereich. Hervorzuheben ist ferner die Verpflichtung zur tatsächlichen Anwesenheit von Jugendermittlern im gerichtlichen Verfahren sowie die Einführung eines Systems der restaurativen Justiz (Restorative Justice), das auf Wiedergutmachung, Konfliktlösung und soziale Reintegration abzielt.

Die Reform zielt insgesamt darauf ab, Jugendkriminalität durch frühzeitige Intervention und stärkere sozialpolitische Steuerung wirksam zu reduzieren. Das neue Regelungsmodell ist dabei geprägt von einer begrifflichen Verschiebung weg vom „jugendlichen Straftäter“ hin zum „gefährdeten Jugendlichen“. Diese Terminologieänderung dient der Entstigmatisierung der betroffenen Personengruppe und spiegelt zugleich eine konzeptionelle Verlagerung von gerichtlicher Sanktionierung hin zu vorrangig administrativer Prävention wider.

Gleichwohl ist zu berücksichtigen, dass die Behandlung gefährdeter Jugendlichen einerseits und die strafrechtliche Reaktion auf bereits begangene Jugenddelikte andererseits unterschiedlichen institutionellen und funktionalen Logiken unterliegt und verschiedene zuständige Behörden einbindet.

Vor diesem Hintergrund ist die Reform als bereichs- und behördenübergreifende Präventionsstrategie zu verstehen, die insbesondere Bildungswesen, Sozialverwaltung, Polizei und Justiz miteinander verknüpft. Dabei ist absehbar, dass die interinstitutionelle Kommunikation und Kooperation künftig weiter an Bedeutung gewinnen wird. Zugleich stellt die Heterogenität der institutionellen Zuständigkeiten und Perspektiven eine erhebliche Herausforderung für die effektive Koordination von Behandlungs- und Präventionsmaßnahmen im Jugendbereich dar.

1.4 Schlussfolgerungen

Für Drogenabhängige unterschiedlicher Altersgruppen sowie im Hinblick auf verschiedene Kategorien von Betäubungsmitteln ergeben sich differenzierte Behandlungs- und Präventionsanforderungen. Mit dem raschen Aufkommen neuartiger Betäubungsmittel stehen die zuständigen Behörden jedoch häufig vor der Herausforderung, zeitnah ein hinreichendes Verständnis der jeweiligen Substanzen zu entwickeln, während sich gleichzeitig deren missbräuchliche Verbreitung dynamisch ausweitet.

Vor diesem Hintergrund stellt sich die kriminalpolitische Aufgabe, nicht nur bestehende Problemlagen im Zusammenhang mit klassischen Betäubungsmitteln wie Heroin zu bewältigen, sondern zugleich adäquat auf neue Entwicklungen im Bereich synthetischer und neuartiger Substanzen zu reagieren. Trotz der Tatsache, dass drogenbezogene Risiken als nahezu unvermeidbare Begleiterscheinung gesellschaftlicher Modernisierungs- und Transformationsprozesse angesehen werden können, besteht gleichwohl ein erhebliches öffentliches Interesse daran, deren Schadenspotential zu begrenzen und das Auftreten sowie die

Verbreitung entsprechender Substanzen möglichst zu reduzieren oder präventiv zu verhindern.

In diesem Zusammenhang erscheinen insbesondere Forschung, Prävention, Kontrolle sowie Behandlung als zentrale und praxisrelevante Handlungsfelder. Aus wissenschaftlicher Perspektive erfordert dies einen interdisziplinären Ansatz, der rechtliche, pädagogische, psychologische, soziale und medizinische Erkenntnisse miteinander verbindet.

Ziel eines solchen Ansatzes ist es, die individuellen Dispositionen der Betroffenen sowie deren familiäre Hintergründe, peer-bezogene Einflussfaktoren und gesellschaftliche Umweltbedingungen systematisch zu erfassen und in ihrer Wechselwirkung zu analysieren. Besonderes Augenmerk ist dabei auf die Interaktion zwischen Individuum und Substanzkonsum zu richten, um sowohl Ursachen als auch Verlaufsformen von Abhängigkeitsentwicklungen besser zu verstehen und daraus wirksame präventive und therapeutische Maßnahmen abzuleiten.

1.5 Empfehlungen

Vor dem Hintergrund der dargestellten Problemlagen in den Bereichen Betäubungsmittelkontrolle, -beschlagnahme, -entwöhnung sowie Prävention unterbreitet die vorliegende Untersuchung eine Reihe konkreter Handlungsempfehlungen¹⁰.

1.5.1 Drogenablehnung

Angeichts der hohen Dunkelziffer des Betäubungsmittelkonsums im Hochschul- und Schulbereich sollte unter Wahrung der institutionellen Autonomie der Bildungseinrichtungen ein systematischer und regelmäßiger Informationsaustausch zwischen dem Bildungsministerium, den Schulen sowie den zuständigen Polizeibehörden etabliert werden. Ziel ist insbesondere die frühzeitige Identifikation Schülern potenzieller Risikobereiche innerhalb und außerhalb von Bildungseinrichtungen sowie die Verbesserung der Zusammenarbeit bei der Prävention und Aufklärung von Drogenkonsum unter und Studierenden.

1.5.2 Drogenermittlung und Beschlagnahme

Für sogenannte „sensible Orte“ mit erhöhter Zugänglichkeit für Jugendliche – etwa Internetcafés, Nachtclubs oder KTV-Einrichtungen – ist aufgrund der heterogenen Besucherstruktur und der erschwerten Kontrollmöglichkeiten eine verstärkte behördliche Aufsicht erforderlich. Dabei kann insbesondere eine risikoorientierte Kontrolle jugendlicher Aufenthaltsorte außerhalb der üblichen Zeiten in Betracht gezogen werden, um mögliche Gefährdungslagen frühzeitig zu erkennen. Ziel ist die konsequente Unterbindung der Verfügbarkeit von Betäubungsmitteln sowie die Unterbrechung illegaler Vertriebsstrukturen.

1.5.3 Drogenentwöhnung und Rehabilitation

Bei Jugendlichen und jungen Erwachsenen mit wiederholtem Konsum insbesondere von Substanzen der Kategorien III und IV wird empfohlen, frühzeitig strukturierte Interventions- und Behandlungsmaßnahmen einzuleiten. Hierbei kann eine abgestufte Systematik von beobachtender Rehabilitation bis hin zu verpflichtenden Maßnahmen der Resozialisierung

¹⁰ Ma 2021, p. 130.

in Betracht gezogen werden, um einer Chronifizierung des Konsumverhaltens entgegenzuwirken.

Unter Rückgriff auf vergleichbare Schutzmechanismen aus dem Jugend- und Opferschutzrecht kann die kurzfristige Unterbringung gefährdeter Jugendlicher in geschützten Einrichtungen erwogen werden. Ziel ist eine temporäre Herauslösung aus risikobehafteten sozialen Umfeldern sowie die Ermöglichung von pädagogischer Intervention und Verhaltensreflexion. Gleichzeitig kann eine solche Maßnahme auch eine generalpräventive Wirkung entfalten.

1.5.4 Prävention von Betäubungsmittelkonsum

Empirische Befunde weisen darauf hin, dass Jugendliche aus belasteten oder dysfunktionalen Familienstrukturen ein erhöhtes Risiko für Substanzkonsum aufweisen. Daher sollte die Zusammenarbeit zwischen Schulen, Sozialdiensten und Eltern intensiviert werden. Frühwarn- und Unterstützungsmechanismen können dazu beitragen, problematische Entwicklungen frühzeitig zu erkennen. Dabei ist jedoch sicherzustellen, dass präventive Maßnahmen verhältnismäßig ausgestaltet werden und keine unverhältnismäßige Stigmatisierung oder Belastung familiärer Beziehungen erfolgt¹¹.

Im Rahmen einer risikoorientierten Gefahrenabwehr kann eine behördliche Kategorisierung von Aufenthaltsorten Jugendlicher (z. B. in „Regel-, Risiko- und Hochrisikobereiche“) erfolgen. Für Hochrisikobereiche wie bestimmte Unterhaltungseinrichtungen kann eine verstärkte behördliche Kontrolle vorgesehen werden. Dabei ist jedoch stets eine sorgfältige Abwägung zwischen Präventionsinteresse und Grundrechten der betroffenen Betreiber und Besucher erforderlich.

Ferner wird diskutiert, ob eine Anpassung der bestehenden ordnungsrechtlichen Sanktionen im Hinblick auf den Konsum bestimmter Substanzkategorien durch Erwachsene erforderlich ist. Ziel einer solchen Maßnahme wäre eine stärkere generalpräventive Abschreckungswirkung sowie die Reduzierung der Nachfrage im illegalen Markt.

Schließlich ist der Ausbau präventiver Bildungs- und Beratungsangebote von zentraler Bedeutung. Ziel entsprechender Maßnahmen ist insbesondere die Stärkung der Selbstwirksamkeit, des Selbstwertgefühls und der sozialen Resistenz gegenüber Gruppendruck. Hierdurch kann der Einfluss negativer Peer-Dynamiken reduziert und das Risiko eines Erstkonsums nachhaltig gesenkt werden¹².

¹¹ Zeng 2023, p. 85.

¹² Zeng 2023, p. 84.

Literatur

Göppinger, Hans: Kriminologie, 6. Aufl., München: Beck 2008.

Ma, Yueh-Chung: Wirtschaftsrecht: Die Bekämpfung zur globalisierten Kriminalität, 3. Aufl. 2021.

Yang, Shu-Lung, Ma, Yueh-Chung, Cheng, Kai-pao, Liu, Chien-Yu (2016): A study of the feasibility of administrative interventions prior to judicial treatment for drug-related juveniles, *Journal of Substance Abuse Research*, p. 1-26.

Zeng, Li-Wen (2023): The Current Situations and Response for Juvenile Drug-related Crime Prevention Measures in Taiwan, *Taiwan Police College Journal*, p. 57-92.

2 Prison-based Treatment and its Effects on the Self-efficacy among incarcerated Drug Abusers in Taiwan¹

(Lai, Yung-Lien; Wu, Hei-Ching; Wang, Shih-Hua)²

2.1 Introduction

The concept of self-efficacy was originally proposed by *Bandura* (1977) and later became a central construct within Social Learning Theory (*Bandura* 1986). Since then, self-efficacy has attracted substantial scholarly attention and has been widely applied across a broad range of disciplines, including education, sport psychology, healthcare, mental health, and substance use treatment (*Ho et al.* 2007; *Kadden/Litt* 2011). Extensive empirical evidence has demonstrated that individuals' beliefs regarding their capability to successfully perform specific behaviors play a critical role in shaping behavioral outcomes, psychological adjustment, and treatment effectiveness.

Within the field of substance use disorders, self-efficacy has consistently been identified as an important predictor of treatment engagement, abstinence maintenance, and relapse prevention. Individuals with higher levels of self-efficacy are generally more likely to cope effectively with high-risk situations and maintain long-term recovery. Nevertheless, despite the growing body of research examining the relationship between self-efficacy and substance use outcomes, relatively limited attention has been devoted to understanding self-efficacy among individuals undergoing compulsory drug treatment within correctional settings. More importantly, self-efficacy has yet to be fully incorporated as a routine psychosocial assessment indicator in correctional substance abuse treatment programs.

Beyond the addiction literature, self-efficacy has also been linked to criminal behavior and post-release adjustment. *Andrews/ Bonta* (1994) suggested that offenders' perceptions of their own competence and ability to manage life challenges may influence their likelihood of successful community reintegration following release from incarceration. Subsequent studies have further indicated that self-efficacy may serve as a meaningful predictor of recidivism and desistance among formerly incarcerated individuals (*Ung/Lloyd* 2023). However, empirical research examining the determinants of self-efficacy among incarcerated populations remains limited. In particular, little is known about the individual, social, and institutional factors that shape self-efficacy among individuals receiving drug treatment in correctional facilities, nor is there sufficient evidence regarding how self-efficacy may contribute to successful reintegration and reduced reoffending following release.

To address these gaps in the literature, the present study investigates the factors associated with self-efficacy among individuals participating in correctional drug treatment programs. By identifying the key determinants of self-efficacy within this population, this study seeks to contribute to the development of evidence-based treatment interventions and to

¹ This paper is written using the survey data from the project titled "Assessment of Recidivism Risk Factors for Drug Abusers in Drug Rehabilitation Centers After Reintegrating into Society: A Longitudinal Study" (NSTC112-2410-H-015-006-SS2), funded by the National Science and Technology Council (NSTC) from August 2023 to July 2025 and led by Dr. Lai Yung-Lien.

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provide practical implications for enhancing correctional rehabilitation programs. Ultimately, strengthening self-efficacy among drug-involved offenders may facilitate successful community reintegration, reduce relapse and recidivism, and promote long-term recovery and public safety.

2.2 Literature Review

2.2.1 Self-Efficacy

The concept of self-efficacy was first introduced by *Bandura* (1977), who defined it as an individual's belief in his or her capability to successfully perform behaviors necessary to achieve desired outcomes. In other words, self-efficacy refers to the extent to which individuals perceive and believe that they possess the competence required to accomplish specific tasks when confronted with particular situations. According to Bandura, individuals who possess strong self-efficacy beliefs are more likely to engage in behaviors necessary to attain desired goals and persist in the face of challenges.

Bandura (1977) further distinguished between *efficacy expectancy* and *outcome expectancy*. Outcome expectancy refers to an individual's belief that a particular behavior will lead to a specific outcome. However, believing that a behavior will produce a desired outcome does not necessarily imply confidence in one's ability to successfully perform the actions required to achieve that outcome. Thus, confidence in one's own capabilities constitutes a fundamental component of self-efficacy. A substantial body of empirical evidence indicates that individuals with higher levels of self-efficacy are more likely to engage in challenging activities, invest greater effort, persist in the face of obstacles, and achieve superior performance outcomes. Conversely, individuals with lower self-efficacy are more likely to avoid demanding tasks, disengage when difficulties arise, and experience poorer performance outcomes (e.g. *Bandura* 1997; *Bandura/Locke* 2003; *Multon et al.* 1991).

Over the past several decades, the concept of self-efficacy has been widely applied across diverse fields, leading to the development of context-specific conceptualizations of self-efficacy. For example, *Liang* (1998) characterized self-efficacy as a situation-specific construct, referring to learners' beliefs regarding their ability to successfully accomplish particular tasks or behaviors. Similarly, *Lin* (2003) argued that self-efficacy reflects individuals' perceptions of their capability to complete tasks successfully when faced with specific situations. Likewise, *Chang* (2003) defined self-efficacy as an individual's belief in his or her capacity to achieve desired goals and behavioral outcomes. Collectively, these perspectives suggest that self-efficacy embodies a future-oriented belief characterized by confidence, anticipation, and perceived competence. Even when individuals have not yet encountered a particular situation, they may nonetheless believe that they possess the capability to perform effectively when such situations arise in the future (*Ho et al.* 2007).

To further examine the significance of self-efficacy across behavioral domains, *Bandura/Locke* (2003) conducted a review and retrospective analysis of nine studies investigating performance outcomes in areas such as occupational performance, academic achievement, athletic performance, psychosocial functioning, and health-related behaviors. Their findings indicated that self-efficacy serves as a significant predictor of coping behaviors, performance levels, and persistence in the face of challenging circumstances. Moreover, self-efficacy was found to moderate both initial and subsequent performance outcomes. They concluded that self-efficacy reflects individuals' beliefs that desired outcomes can be

attained through their own efforts and actions, making self-efficacy an essential determinant in initiating and sustaining adaptive behavioral responses.

Bandura (1986) further argued that self-efficacy can influence future behavior independently of past performance and cited numerous studies demonstrating that individuals' perceptions of self-efficacy are often stronger predictors of future behavior than their previous accomplishments. Extending this perspective to the field of crime and deviance, *Andrews/Bonta* (1994) were among the first scholars to apply Bandura's self-efficacy framework to criminal behavior. They suggested that self-efficacy may predict subsequent offending and recidivism, conceptualizing it as the degree to which individuals believe they can successfully resist engaging in criminal behavior or a series of criminal acts.

Subsequent empirical studies have provided support for the relationship between self-efficacy and recidivism outcomes among offenders (e.g. *Chen et al.* 2018; *Kelly* 2020; *Kent* 2019; *Mokuolu/Ajiboye* 2020; *Wells-Parker et al.* 2000). For instance, *Lee et al.* (2010) conducted a retrospective recidivism follow-up study of individuals released from the Keelung Drug Treatment Center in Taiwan between July 1998 and December 2002. Their findings revealed that the proportions of participants who relapsed into drug-related offending and were subsequently convicted within six months, one year, two years, and two and a half years after release were 12.5%, 32.2%, 46.0%, and 65.7%, respectively. These findings suggest that the rehabilitative interventions provided within correctional drug treatment facilities may have diminishing effects over time, potentially reflecting a gradual decline in self-efficacy and a corresponding increase in recidivism risk.

Nevertheless, previous research has primarily focused on examining the consequences of self-efficacy, particularly its relationship with recidivism. Comparatively little attention has been devoted to identifying the factors that influence self-efficacy among incarcerated populations, including individuals undergoing compulsory drug treatment. Accordingly, rather than examining the effects of self-efficacy on subsequent criminal behavior, the present study adopts a reverse analytical perspective by investigating the determinants of self-efficacy among incarcerated individuals, with particular emphasis on persons receiving correctional drug treatment.

2.2.2 Factors Influencing Self-Efficacy

Existing research suggests that several factors may influence the level of self-efficacy among individuals undergoing institutional treatment and correctional rehabilitation. The major factors identified in the literature are discussed below.

2.2.2.1 Social Support

Social support refers to an individual's perception and evaluation of the extent to which he or she is cared for, can obtain assistance from others, and belongs to a supportive social network. Such support may take various forms, including emotional support (e.g., care and encouragement), informational support (e.g., advice and guidance), tangible support (e.g., financial assistance), and companionship support (e.g., a sense of belonging) (*Cullen* 1994). Social support may be assessed through individuals' perceptions of available support, the actual support received, or the degree to which they are integrated into social networks (*Hupcey* 2002).

Sources of social support may be either formal or informal. Formal support can be provided by governmental agencies, nonprofit organizations, and community groups, whereas informal support typically derives from family members, spouses, relatives, and close friends. More recently, researchers have also identified household pet support as a source of emotional comfort and social reintegration for incarcerated individuals (*Christine/Petra* 2004).

Traditionally, the concept of social support has been applied in correctional research because socially isolated individuals have been found to be at greater risk of suicidal ideation, suicide attempts, and self-harming behaviors than those who possess strong support networks. More recent studies have demonstrated that inmates with higher levels of social support not only report fewer negative thoughts but also exhibit greater confidence regarding successful community reintegration following release (*Mokuolu/Ajiboye* 2020).

Empirical evidence further suggests that social support contributes significantly to the development of self-efficacy. For example, *Stephens et al.* (1995) examined 61 male and 51 female marijuana treatment participants and found that social support significantly enhanced self-efficacy, which subsequently predicted marijuana cessation. Similarly, *Mokuolu/Ajiboye* (2020), in a study involving university students and individuals receiving substance abuse treatment, found that social support positively influenced self-efficacy and indirectly contributed to reductions in future drug use intentions. Accordingly, the present study conceptualizes social support as comprising two dimensions: family support and peer support.

2.2.2.2 Low Self-Control

Gottfredson and Hirschi's (1990) *A General Theory of Crime* posits that offenders are characterized by low self-control, a trait manifested through impulsivity, risk-taking, short-sightedness, insensitivity, volatile temper, and a preference for immediate gratification. According to the theory, low self-control originates primarily from deficiencies in childhood socialization, including ineffective parenting practices, inadequate supervision, and failures of family and educational institutions to foster self-regulation during early development.

Gottfredson and Hirschi (1990) argued that self-control is largely established during childhood and remains relatively stable throughout the life course. Subsequent empirical studies have generally supported the relative stability of self-control, although some evidence suggests that changes may occur under specific developmental circumstances (*Turner/Piquero* 2002; *Hay/Forrest* 2006). Within correctional and criminological research, low self-control has consistently been identified as a significant predictor of criminal involvement and recidivism (*Pratt/Cullen* 2000; *DeLisi/Vaughn* 2008).

However, contemporary scholarship has increasingly conceptualized self-control as a self-initiated capacity that enables individuals to resist maladaptive or self-destructive temptations in pursuit of long-term goals. Thus, the concept has evolved from merely inhibiting immediate gratification to facilitating the attainment of valued future outcomes. Individuals with higher levels of self-control are more likely to delay gratification, allocate resources toward future goals, and pursue long-term personal development (*Duckworth et al.* 2016).

Bandura (2012) further emphasized the close relationship between self-control and self-efficacy. Specifically, individuals possessing strong self-control tend to focus on goal attainment and performance standards. Because they have successfully overcome similar challenges in the past, they are more likely to develop stable perceptions of efficacy regarding

future tasks. Consequently, self-control and self-efficacy are generally expected to be positively associated.

2.2.3 Treatment Programs

According to Taiwan's Narcotics Hazard Prevention Act and the Act Governing the Execution of Rehabilitation Dispositions, individuals subject to compulsory drug rehabilitation are required to participate in a one-year treatment program upon admission to a drug treatment facility. The rehabilitation process consists of three phases: the adjustment phase, the psychological counseling phase, and the social adaptation phase.

The adjustment phase focuses on developing physical endurance, perseverance, and confidence in overcoming substance dependence. The psychological counseling phase aims to strengthen treatment motivation, foster rehabilitation commitment, and assist participants in overcoming drug dependency. Finally, the social adaptation phase emphasizes the reconstruction of interpersonal relationships, the enhancement of problem-solving skills, and the development of competencies necessary for successful community reintegration.

During the compulsory drug rehabilitation period, prison-based treatment programs typically include physical fitness training, recreational and sports activities, vocational training, labor participation, religious instruction, health education, counseling services, civic education, and career development programs. Research has consistently indicated that positive treatment experiences are associated with higher levels of self-efficacy among individuals undergoing drug rehabilitation (*Chen et al. 2018; Sheykhnezhad/Seyedfatemi 2019*). For instance, studies have found that participants who perceive counseling services and treatment interventions as supportive and constructive report significantly higher levels of self-efficacy (*Chu et al. 2019*). These findings suggest that perceptions of treatment quality and therapeutic engagement are positively related to self-efficacy during the rehabilitation process.

2.2.4 Neighborhood Context

In contextualizing the cognitive pathways to recovery, ecological theories of crime emphasize that an individual's psychological resources are heavily constrained by their pre-incarceration environment. Empirical evidence indicates a significant negative relationship between perceived levels of neighborhood disorder - both physical and social - and the post-release self-efficacy of incarcerated drug abusers (*Boardman et al. 2001; Duncan et al. 2002*). According to social cognitive frameworks, individuals residing in structurally disadvantaged and disorganized communities are routinely exposed to pervasive drug cues, community violence, and systemic stressors, which severely deplete their emotional and cognitive regulation resources over time (*Latkin/Curry 2003*).

This environmental toll directly undermines what criminological and psychological literature terms "refusal self-efficacy," or the internal belief in one's capacity to resist substance use under social and situational pressure. When incarcerated drug offenders anticipate returning to a home neighborhood characterized by severe structural decay, open drug markets, and weak collective efficacy, their internal confidence in maintaining long-term sobriety plummets, which significantly increases their immediate relapse intentions (*Boardman et al. 2001*). Furthermore, exposure to high neighborhood disorder often breeds an ambient sense of legal cynicism - the belief that the law and its agents are corrupt or incapable of maintaining safety - which further erodes an offender's motivation to comply with

supervision guidelines, neutralizing their prosocial coping mechanisms (*Walters* 2016). Consequently, understanding an offender's self-efficacy requires looking beyond individual-level traits to account for the macro-level environmental stressors they must navigate upon community re-entry.

2.2.5 Control Variables

In addition to the primary explanatory variables discussed above, the present study includes gender, age, age at first offense, educational attainment, marital status, monthly income prior to incarceration, gang affiliation, number of prior treatment admissions, and length of institutional stay as control variables. These factors are incorporated into the analytical model to assess their potential influence on self-efficacy among individuals undergoing compulsory drug rehabilitation.

2.3 Research Design and Methodology

2.3.1 Sampling and Research Procedures

Following approval from the Institutional Review Board of a university [Approval No: NCKU-HREC-F-112-336-2], the research team contacted the Agency of Corrections, Ministry of Justice, Taiwan, to seek permission to conduct the study in correctional drug treatment facilities and drug treatment units attached to women's prisons. Upon obtaining official approval from the Agency of Corrections, data collection was conducted between November and December 2023. The principal investigator and research assistants visited three drug treatment centers and two women's prisons with attached drug treatment units located in western Taiwan. Participants were recruited during scheduled assessment sessions arranged by the correctional institutions.

To comply with ethical research standards, all data collection procedures were conducted in accordance with approved research ethics protocols. Prior to questionnaire administration, participants were informed of the purpose of the study and the procedures involved. They were explicitly advised that participation was entirely voluntary and that refusal to participate would not affect their treatment, institutional management status, or legal rights in any way. Because the questionnaire was administered using identifiable responses, the research team repeatedly emphasized participants' right to decline participation, discontinue participation at any time, and withdraw from the study without penalty. Participants were also assured that their responses would remain confidential, would not be disclosed to correctional authorities, and would not influence any aspect of their institutional treatment or rehabilitation process.

During data collection, the principal investigator and research assistants remained available to answer participants' questions and provide clarification when necessary. Completion of the questionnaire required approximately 20 minutes. Upon completion, questionnaires were reviewed by members of the research team to identify missing responses and minimize invalid cases. Participants who completed the survey were asked to rest quietly or read books while waiting for other participants to finish. After all questionnaires were collected and verified, the research team departed from the facility. Given the relatively small number of individuals undergoing compulsory drug treatment at the time of data collection, a census sampling approach was adopted. A total of 437 valid questionnaires were obtained for subsequent statistical analyses.

2.3.2 Variables and Measures

The study included one dependent variable, seven independent variables, and several control variables. The operationalization and measurement of these variables are described below.

2.3.2.1 Dependent Variable: Self-Efficacy

Self-efficacy was measured using a modified version of the Self-Efficacy Scale developed by Ho et al. (2007) based on Bandura's (1977) theory of self-efficacy. The instrument was adapted to reflect the experiences and circumstances of individuals undergoing compulsory drug treatment. The scale consisted of five items, "I am capable of finding a stable and law-abiding job after release"; "I am capable of resisting the influence of negative peers"; "I am confident that I will not harm society after release"; "I am confident that I will not use drugs after release."; "I am confident that I will avoid social circles associated with drug use after release." Responses were measured on a four-point Likert scale ranging from 1 ("Never") to 4 ("Always"). Higher scores indicate stronger self-efficacy. Exploratory factor analysis yielded an eigenvalue of 4.05, explaining 81.1% of the variance. The scale demonstrated excellent internal consistency (Cronbach's $\alpha = .94$).

2.3.2.2 Independent Variables

Low self-control was measured using the Self-Control Scale developed by Grasmick et al. (1993) and translated and adapted for Taiwanese populations by Chen and Lin (2010). The scale consists of four dimensions: Impulsivity (5 items); Risk-taking (5 items); Self-centeredness/Hedonism (5 items); Temper/Emotional instability (5 items). The instrument contains 20 items rated on a four-point Likert scale ranging from 1 ("Never") to 4 ("Always"). Higher scores indicate greater levels of low self-control. Factor analysis produced an eigenvalue of 6.73, explaining 33.7% of the variance, with a Cronbach's α of .89.

Neighborhood disorder assessed participants' perceptions of the residential environment prior to incarceration. The measure was adapted from the Deviant Community Subscale of the Youth Life Situation Scale developed by Chen (1997). Items assessed conditions such as public loitering, congregating youth, noise and disturbances generated by entertainment venues, illegal parking, graffiti, and littering. The scale contains ten items measured on a four-point Likert scale ranging from 1 ("Not serious at all") to 4 ("Very serious"). Higher scores indicate greater levels of neighborhood disorder. The scale yielded an eigenvalue of 6.81 (68.2% explained variance) and a Cronbach's α of .95.

Perceptions of Treatment Programs. Participants were asked to evaluate the usefulness of treatment programs provided by the correctional institution. Items assessed the extent to which the programs enhanced participants' knowledge of: Health education; Career counseling; Vocational training; Work skills; and Religious instruction. The scale consists of ten items rated on a four-point Likert scale ranging from 1 ("Strongly disagree") to 4 ("Strongly agree"). Higher scores indicate more positive perceptions of treatment programs. The scale yielded an eigenvalue of 7.16 (71.5% explained variance) and a Cronbach's α of .96.

Drug harm knowledge assessed participants' understanding of the consequences of drug use following participation in treatment programs. The scale contains three items: "I understand what withdrawal symptoms are"; "I understand what drug craving is"; and "I understand the physical and psychological harms caused by drug use." Responses were

measured on a four-point Likert scale ranging from 1 ("Strongly disagree") to 4 ("Strongly agree"). Higher scores indicate greater knowledge regarding drug-related harms. The scale yielded an eigenvalue of 2.25 (71.1% explained variance) and a Cronbach's α of .83.

Addiction recovery knowledge assessed participants' understanding of addiction recovery resources and coping strategies. The scale consists of five items measuring: "Perceived adequacy of treatment services"; "Knowledge of available recovery resources"; "Skills learned through individual counseling"; "Skills learned through group counseling"; and "Skills learned through classroom-based treatment programs." Responses were measured on a four-point Likert scale ranging from 1 ("Strongly disagree") to 4 ("Strongly agree"). Higher scores indicate greater recovery-related knowledge. The scale demonstrated an eigenvalue of 3.50 (70.1% explained variance) and a Cronbach's α of .89.

Family support was measured using Wang's (2010) Family Support Scale, which assesses emotional, informational, and tangible support provided by family members. The scale consists of ten items rated on a five-point Likert scale ranging from 1 ("Never") to 5 ("Always"). Higher scores indicate greater family support. The scale yielded an eigenvalue of 5.88 (65.3% explained variance) and a Cronbach's α of .93.

Peer support was measured using a revised version of the Prison Adjustment Scale developed by Chen/Lin (2010). Example items include: "Fellow inmates listen to me and understand my feelings"; "Fellow inmates comfort and encourage me"; "I provide advice and support to fellow inmates"; and "Fellow inmates and I care for one another." The scale consists of eight items rated on a Likert scale, with higher scores indicating greater perceived peer support. The scale yielded an eigenvalue of 5.58 (69.8% explained variance) and a Cronbach's α of .94.

2.3.2.3 Control Variables

Nine control variables were included in the analyses: Gender (0 = female, and 1 = male, age, age at first drug use, educational attainment, marital status, monthly income prior to incarceration, gang affiliation (0 = no, 1 = yes), number of treatment admissions, and length of institutional stay. Of note, age was calculated based on the respondent's age in 2023. Length of institutional stay was calculated as the number of months between admission and December 2023. These variables were included to control for demographic and criminal history characteristics that may influence self-efficacy among individuals undergoing compulsory drug treatment.

2.4 Results

2.4.1 Descriptive Statistics

Table 1 presents the descriptive statistics of the study sample. Of the 437 participants, 374 (85.6%) were male and 63 (14.4%) were female. Participants ranged in age from 24 to 83 years, with a mean age of 46.2 years ($SD = 6.89$). The age at first drug use ranged from 12 to 63 years, with a mean age of 23.6 years ($SD = 8.64$). Regarding educational attainment, 10.5% had completed elementary school or below, 52.9% had completed junior high school, 34.1% had completed senior high school or vocational school, 1.6% had completed junior college, and 0.9% had obtained a university degree or higher. With respect to marital status, 43.5% were single and never married, 9.7% were cohabiting with an opposite-sex partner, 0.2% were cohabiting with a same-sex partner, 13.6% were married and living with their

spouse, 1.8% were married but separated, 1.4% were widowed, 25.1% were divorced and single, and 4.4% were divorced but cohabiting. For subsequent analyses, participants who were married or cohabiting were combined into a single category and coded as 1, whereas all other categories were coded as 0.

Regarding monthly income prior to institutionalization, 46.7% reported earning between NT\$20,001 and NT\$40,000 per month, followed by 26.5% who earned between NT\$40,001 and NT\$60,000. Approximately 72.8% reported that they had never been members of a gang nor participated in gang activities. Furthermore, 50.8% had undergone compulsory drug treatment on more than one occasion. Participants had been institutionalized for an average of 4.19 months ($SD = 2.13$), with lengths of stay ranging from less than one month to eleven months.

With regard to the study scales, the dependent variable, self-efficacy, had a mean score of 3.63 ($SD = 0.59$) on a four-point scale, suggesting that participants generally reported relatively high levels of self-efficacy following participation in correctional treatment programs. Among the independent variables, the mean score for low self-control was 2.09 ($SD = 0.42$), indicating a moderately elevated level of low self-control among participants. The mean neighborhood disorder score was 2.20 ($SD = 1.06$), suggesting that participants generally perceived their pre-incarceration residential environments as moderately disordered. The mean scores for treatment program perceptions, addiction recovery knowledge, and drug harm knowledge were 2.84 ($SD = 0.61$), 3.05 ($SD = 0.67$), and 3.27 ($SD = 0.64$), respectively, indicating generally favorable evaluations of treatment experiences and substantial gains in treatment-related knowledge. Family support exhibited a relatively high mean score of 4.11 ($SD = 0.93$) on a five-point scale, while peer support during institutionalization demonstrated a high mean score of 3.47 ($SD = 0.54$) on a four-point scale.

Table 1 Descriptive statistics of all respondents (n=437)

Variable	Description	frequency (%)	Range	Mean (SD)
Dependent Variable				
Self- efficacy	5-item scale		1-4	3.63(0.59)
Independent variables				
Gender	Male Female	374(85.6) 63(14.4)		
Age	Age at interview		24-83	46.2(6.89)
Age at first drug use	First-time drug use		12-63	23.6(8.64)
Education level	Elementary Junior high school Senior high school Junior college University and above	46 (10.5) 231 (52.9) 149 (34.1) 7 (1.6) 4 (0.9)		
Marital status	Single Opposite-sex Cohabitant Same-sex Cohabitant Married & living together Married but separated Widowed Divorced and single Divorced but cohabiting	189 (43.5) 42 (9.7) 1 (0.2) 59 (13.6) 8 (1.8) 6 (1.4) 109 (25.1) 19 (4.4)		
Monthly income prior to incarceration	NT\$20,000 NT\$20,001-40,000 NT\$40,001-60,000 NT\$60,001+above	68 (15.6) 204(46.7) 116(26.5) 44(10.1)		
Gang affiliation	No gang affiliation Gang member/ participated in gang activities	318(72.8) 88 (20.1)		
Treatment admission	One admission Two and more admissions	187(42.8) 222(50.8)		
Length of stay	Month on treatment facility (at the end of 2023)		0-11	4.19(2.13)
Low self-control	20-item scale		1-4	2.09(0.42)
Neighborhood disorder	10-item scale		1-4	2.20(1.06)
Perceived treatment programs	10-item scale		1-4	2.84(0.61)
Addiction recovery knowledge	5-item scale		1-4	3.05(0.67)
Drug harm knowledge	3-item scale		1-4	3.27(0.64)
Family support	9-item scale		1-5	4.11(0.93)
Peer support	8-item scale		1-4	3.47(0.54)
Note:				
1.Percentages may not total 100% due to missing responses.				
2. SD = standard deviation.				

2.4.2 Multiple Regression Analysis

Prior to conducting the multivariate analyses, potential multicollinearity among the independent variables was examined. Multicollinearity refers to excessive correlations among predictor variables that may distort regression estimates. Variance Inflation Factors (VIFs) were used to assess this issue. Following the recommendations of Judge et al. (1988), VIF values below 4 indicate that multicollinearity is not a serious concern. In the present study, all VIF values were below 2.0, suggesting that multicollinearity was not problematic. Because the dependent variable, self-efficacy, was measured as a continuous variable, Ordinary Least Squares (OLS) regression was employed to estimate the effects of the independent variables.

Table 2 presents the results of the multiple regression analysis predicting self-efficacy among individuals undergoing compulsory drug treatment. The overall model was statistically significant, $F(16, 420) = 6.58$, $p < .001$, and explained approximately 22% of the variance in self-efficacy (Adjusted $R^2 = .22$).

Among the independent variables, peer support emerged as a significant positive predictor of self-efficacy ($\beta = .178$, $p < .01$), indicating that participants who perceived greater support from fellow inmates reported higher levels of self-efficacy. Drug harm knowledge ($\beta = .169$, $p < .01$) and addiction recovery knowledge ($\beta = .169$, $p < .05$) were also positively associated with self-efficacy, suggesting that individuals who possessed greater knowledge regarding the harmful effects of drugs and addiction recovery strategies exhibited stronger confidence in their ability to maintain positive behavioral change. In contrast, neighborhood disorder was negatively associated with self-efficacy ($\beta = -.129$, $p < .05$). Participants who reported residing in more socially disorganized neighborhoods prior to institutionalization tended to report lower levels of self-efficacy.

Among the control variables, monthly income prior to incarceration was positively associated with self-efficacy ($\beta = .121$, $p < .05$), indicating that individuals with higher pre-incarceration income levels were more likely to report stronger efficacy beliefs. Comparing the standardized coefficients, peer support represented the strongest predictor of self-efficacy ($\beta = .178$), followed by drug harm knowledge ($\beta = .169$) and addiction recovery knowledge ($\beta = .169$). Neighborhood disorder emerged as the strongest negative predictor ($\beta = -.129$).

Overall, the findings suggest that interpersonal support and treatment-related knowledge play important roles in shaping self-efficacy among individuals undergoing compulsory drug treatment, whereas exposure to socially disorganized environments may undermine confidence in one's ability to successfully reintegrate into society following release.

Table 2 OLS Results for Predicting Self-efficacy (N=437)

	B (S.E.)	Beta	t
Male ^a	-.068 (.084)	-.046	-.809
Age	.008 (.005)	.099	1.668
Age at first drug use	.003(.003)	.050	.956
Education attainment	.058(.040)	.072	1.425
Married /cohabiting ^b	.007(.063)	.006	.114
Monthly income	.007(.033)	.121	2.294*
Gang Affiliation ^c	.008(.067)	.006	.122
N. of treatment additions	-.056(.060)	-.053	-.926
Length of stay	.002(.013)	.010	.187
Low self-control	-.051(.072)	-.040	-.708
Neighborhood disorder	-.065(.026)	-.129	-2.491*
Perceived treatment programs	.045(.054)	.051	.834
Addiction recovery knowledge	.132(.052)	.169	2.549*
Drug harm knowledge	.143(.051)	.169	2.801**
Family support	.034(.032)	.058	1.074
Peer support	.180(.056)	.178	3.217**
F=6.579 ***			
Adj. R ² = .22			

Note: 1.a reference group=female; b reference category = single/ divorced & single/ winnowed/married but separated ; c reference group= No gang affiliation/ no prior gang involvement 2.*p<.05, **p<.01, ***p<.001.

2.5 Discussion and Implications

2.5.1 Discussion

The successful reintegration of individuals with substance use disorders and the prevention of post-release recidivism have become important concerns in both public health and criminological research. Supported by Taiwan's National Science and Technology Council, the present study forms part of a two-year longitudinal research project examining individuals undergoing compulsory drug treatment. The first year focuses on institutional adjustment during treatment, whereas the second year will follow participants after release to investigate community reintegration and recidivism outcomes.

The current study reports findings from the first phase of the project and examines self-efficacy among individuals receiving compulsory drug treatment. A review of the recidivism literature suggests that self-efficacy constitutes an important indicator of post-release adjustment among drug-involved offenders. Individuals who possess stronger self-efficacy beliefs prior to release are generally more likely to reintegrate successfully into society and less likely to reoffend (*Andrews/Bonta* 1994; *Ung/Lloyd* 2023). Accordingly, this study sought to assess the level of self-efficacy among individuals undergoing compulsory drug treatment and to identify the factors associated with variations in self-efficacy.

Several noteworthy findings emerged from the analysis. First, participants reported relatively high levels of self-efficacy. On average, respondents expressed considerable confidence in their ability to resist future drug-related temptations and successfully manage high-risk situations following release. This finding may reflect the perceived benefits of

institutional treatment and rehabilitation programs, although future longitudinal analyses are needed to determine whether such efficacy beliefs are maintained after release.

Second, peer support emerged as the strongest predictor of self-efficacy. This finding is broadly consistent with previous research demonstrating that social support contributes positively to self-efficacy and facilitates recovery from substance dependence (Mokuolu/Ajiboye 2020). Individuals who perceive greater support from peers are more likely to develop confidence in their ability to cope with future challenges and maintain abstinence. Interestingly, however, family support did not significantly predict self-efficacy in the multivariate model. Given the central role typically attributed to family support in offender rehabilitation and substance abuse recovery, this unexpected finding warrants further investigation. It is possible that the quality, stability, or availability of family relationships differs substantially among this population, thereby weakening the influence of family support on efficacy beliefs.

Third, treatment-related knowledge significantly enhanced self-efficacy. Both addiction recovery knowledge and drug harm knowledge were positively associated with self-efficacy, suggesting that participants who better understood the harmful consequences of drug use and the strategies available for maintaining recovery expressed greater confidence in their ability to avoid future substance use. These findings are consistent with previous studies indicating that positive treatment experiences and perceived treatment effectiveness contribute to enhanced self-efficacy among individuals receiving substance abuse treatment (Chen et al. 2018; Chu et al. 2019; Sheykhnezhad/Seyedfatemi 2019). Collectively, these results provide indirect evidence supporting the effectiveness of current treatment curricula implemented within Taiwanese correctional drug treatment facilities.

Finally, neighborhood disorder was negatively associated with self-efficacy. Participants who reported residing in more socially disorganized neighborhoods prior to incarceration exhibited lower levels of self-efficacy. This finding is particularly important because many individuals undergoing compulsory drug treatment are expected to return to the same residential environments following release. Prior research has shown that disadvantaged and socially disorganized neighborhoods may expose individuals to drug-related opportunities, deviant peer networks, and environmental stressors that increase the likelihood of relapse and recidivism (Dupéré et al., 2012). Consequently, individuals returning to highly disorganized neighborhoods may face substantial barriers to successful reintegration, regardless of the treatment received during incarceration.

Among the control variables, monthly income prior to incarceration was positively associated with self-efficacy. Individuals with higher incomes may experience greater economic stability, stronger labor market attachment, and reduced exposure to financial stressors, all of which may strengthen their confidence in managing future challenges without resorting to drug use. This finding further highlights the importance of socioeconomic resources in facilitating successful recovery and community reintegration.

Overall, the findings suggest that self-efficacy among individuals undergoing compulsory drug treatment is shaped by both institutional and social factors. Peer support and treatment-related knowledge appear to strengthen efficacy beliefs, whereas neighborhood disorder may undermine confidence in maintaining prosocial behavior after release. These findings provide important implications for correctional rehabilitation programs and suggest that treatment efforts should extend beyond institutional settings to address the social environments to which individuals return following release.

2.5.2 Limitations and Future Research

Several limitations should be acknowledged. First, because community-based deferred prosecution treatment programs have increasingly become the preferred judicial response to drug-related offenses in Taiwan, the population of individuals housed in compulsory drug treatment facilities has declined substantially. Consequently, some participants included in the present study had not yet completed all treatment components at the time of data collection. Their evaluations of treatment programs, addiction recovery knowledge, and drug harm knowledge may therefore not fully reflect the effects of the entire treatment process.

Second, although the present study was guided primarily by self-efficacy theory and rehabilitation research, future studies would benefit from incorporating broader correctional theories, particularly the deprivation model and the importation model. These perspectives may provide a more comprehensive understanding of how institutional and pre-incarceration experiences jointly influence self-efficacy among incarcerated populations.

Third, the present study employed Ordinary Least Squares regression because the primary variables were measured as continuous scales. Nevertheless, future research should consider utilizing Structural Equation Modeling to examine the complex pathways through which social support, treatment experiences, and personal characteristics influence self-efficacy.

Finally, additional explanatory variables may contribute to variations in self-efficacy but were not included in the current analysis. More importantly, the second phase of this longitudinal project should continue to follow participants after release in order to determine whether self-efficacy predicts subsequent relapse, recidivism, and successful community reintegration. Such analyses would provide a more rigorous test of the theoretical relationship between self-efficacy and post-release outcomes among individuals undergoing compulsory drug treatment.

References

- Andrews, D. A., & Bonta, J. (2014). *The psychology of criminal conduct*. Routledge.
- Bandura, A. (1986). *Social foundations of thought and action: A social cognitive theory*. Englewood Cliffs, NJ: Prentice-Hall.
- Bandura, A. (1997). *Self-efficacy: The exercise of control*. New York, NY: W. H. Freeman.
- Bandura, A. (2012). On the functional properties of perceived self-efficacy revisited. *Journal of Management*, 38(1), 9-44.
- Bandura, A., & Locke, E. A. (2003). Negative self-efficacy and goal effects revisited. *Journal of Applied Psychology*, 88(1), 87-89.
- Boardman, J. D., Finch, B. K., Ellison, C. G., Williams, D. R., & Jackson, J. S. (2001). Neighborhood disadvantage, stress, and drug use among adults. *Journal of Health and Social Behavior*, 42(2), 151-165.
- Chang, S.-Y. (2003). *The effects of English learning strategy instruction on junior high school students' learning performance and self-efficacy* (Unpublished master's thesis). Tzu Chi University, Hualien, Taiwan. (text in Chinese)
- Chen, C.-Y., Ke, C.-H., & Hsiao, J.-H. (2018). Interrelationships of self-efficacy, personal growth initiative, stages of change, and recidivism in adult drug offenders. *Journal of Substance Abuse Prevention and Treatment*, 3(2), 47-73. (text in Chinese)
- Chen, S.-T. (1997). A study on the establishment of a dual-scale for juvenile delinquency in Taiwan. *Journal of Taiwan Police College*, 2(3), 27-52. (text in Chinese)
- Chen, Y.-S., & Lin, C.-Y. (2010). *A study on the causes of female crime and related issues in correctional treatment in Taiwan* (Ministry of Justice Research Project Report No. 99). Ministry of Justice, Taipei, Taiwan. (text in Chinese)
- Christine, S., & Petra, B. (2004). Social Support. In S. Charles (ed.), *Encyclopedia of Applied Psychology* (pp. 435-438). Elsevier Academic Press.
- Chu, C.-F., Wu, T.-H., Li, T.-H., & Lai, L.-H. (2019). An exploration of the impacts of negative emotions, self-efficacy, therapeutic alliance, and peer support on the effectiveness of drug addiction treatment. *Journal of Substance Abuse Prevention and Treatment*, 4(2), 75-103. (text in Chinese)
- DeLisi, M., & Vaughn, M. G. (2008). The Gottfredson-Hirschi critiques revisited: Reconciling self-control theory, criminal careers, and career criminals. *International Journal of Offender Therapy and Comparative Criminology*, 52(5), 520-537.
- Duckworth, A. L., Gendler, T. S., & Gross, J. J. (2016). Situational strategies for self-control. *Perspectives on Psychological Science*, 11(1), 35-55.
- Duncan, S. C., Duncan, T. E., & Strycker, L. A. (2002). A multilevel analysis of neighborhood context and adolescent substance use. *American Journal of Community Psychology*, 30(1), 15-39.

- Dupéré, V., Leventhal, T., & Vitaro, F. (2012). Neighborhood processes, self-efficacy, and adolescent mental health. *Journal of Health and Social Behavior*, 53(2), 183-198.
- Gottfredson, M. R., & Hirschi, H. (1990). *A general theory of crime*. Stanford, CA: Stanford University Press.
- Grasmick, H. G., Tittle, C. R., Bursik, Jr., R. J., & Arneklev, B. J. (1993). Testing the core empirical implications of Gottfredson and Hirschi's general theory of crime. *Journal of Research in Crime and Delinquency*, 30, 5-29.
- Hay, C., & Forrest, W. (2006). The development of self-control: Examining self-control theory's stability thesis. *Criminology*, 44(4), 739-774.
- Ho, S.-J., Huang, T.-J., & Wu, Y.-Y. (2007). Development of a science self-efficacy scale. *Chinese Journal of Science Education*, 15(6), 613-626. (text in Chinese)
- Hupcey, J. E. (1998). Clarifying the social support theory-research linkage. *Journal of Advanced Nursing*, 27(6), 1231-1241.
- Judge, G. G., Hill, R. C., Griffiths, W. E., Lütkepohl, H., & Lee, T.-C. (1988). *Introduction to the Theory and Practice of Econometrics* (2nd ed.). New York: John Wiley.
- Kadden, R. M., & Litt, M. D. (2011). The role of self-efficacy in the treatment of substance use disorders. *Addictive Behaviors*, 36(12), 1120-1126.
- Kelly, M. (2020). *The predictive ability of self-efficacy on recidivism among adult male offenders* (Doctoral dissertation, Walden University).
- Kent, L. (2019). *Practicing Self-Efficacy and Transparency to Achieve Long-Term Recovery and Reduce Recidivism* (Doctoral dissertation, Walden University).
- Latkin, C. A., & Curry, A. D. (2003). Stressful neighborhoods and depression: A prospective study of the impact of neighborhood disorder. *Journal of Health and Social Behavior*, 44(1), 34-44.
- Lee, S.-H., Wu, H.-C., Huang, C.-C., Wang, C.-C., & Shih, C.-Y. (2010). Recidivism and protective factors of drug offenders: A case study of the Keelung area. *Taiwanese Journal of Criminology*, 13(1), 81-106. (text in Chinese)
- Liang, M.-S. (1998). The development of a learning self-efficacy scale for junior high school students. *Educational Review*, 14, 155-192. (text in Chinese)
- Lin, C.-H. (2003). *The effects of growth group on high school students' physics self-efficacy and learning achievement* (Unpublished master's thesis). National Taiwan Normal University, Taipei, Taiwan. (text in Chinese)
- Multon, K. D., Brown, S. D., & Lent, R. W. (1991). Relation of self-efficacy beliefs to academic outcomes: A meta-analytic investigation. *Journal of Counseling Psychology*, 38(1), 30-38. <https://doi.org/10.1037/0022-0167.38.1.30>
- Pratt, T. C., & Cullen, F. T. (2000). The empirical status of Gottfredson and Hirschi's General Theory of Crime: A meta-analysis. *Criminology*, 38(3), 931-964.

- Sheykhnezhad, F., & Seyedfatemi, N. (2019). Effect of group education on self-efficacy and craving tendencies in drug abusers in 5th Azar Drug Abuse Treatment Center of Gorgan. *Cogent Psychology*, 6(1), 1587818.
- Stephens, R. S., Wertz, J. S., & Roffman, R. A. (1995). Self-efficacy and marijuana cessation: a construct validity analysis. *Journal of Consulting and Clinical Psychology*, 63(6), 1022.
- Turner, M. G., & Piquero, A. R. (2002). The stability of self-control. *Journal of Criminal Justice*, 30(6), 457–471.
- Ung, J., & Lloyd, C. D. (2024). Exploring the relationships between criminal self-efficacy factors and recidivism. *Legal and Criminological Psychology*, 29(2), 195-211.
- Walters, G. D. (2016). Neighborhood disadvantage, legal cynicism, and offending: Assessing the internal and external validity of the systemic model. *Journal of Criminal Justice*, 47, 10–20.
- Wang, C.-Y. (2010). *A study of family support, drug craving, and relapse intention among substance abusers* (Unpublished master's thesis). National Chi Nan University, Nantou, Taiwan. (text in Chinese)
- Wells-Parker, E., Kenne, D. R., Spratke, K. L., & Williams, M. T. (2000). Self-efficacy and motivation for controlling drinking and drinking/driving: An investigation of changes across a driving under the influence (DUI) intervention program and of recidivism prediction. *Addictive Behaviors*, 25(2), 229-238.

3 Selected Preliminary Findings from the Evaluation of the (Partial) Legalization of Cannabis in Germany (*Schreier, Sarah; Iberl, Benedikt*)

3.1 Introduction and Legal Status Quo

Cannabis is one of the most widely used (illegal) drugs worldwide. Even though cannabis consumption is not without risk and may lead to addiction and further health-related problems, such as cannabis-induced psychosis or other cannabis-related disorders, its allure appears to prevail among both adults and adolescents (*Olderbak et al. 2024*). According to the most recent empirical data from the 2024 Epidemiological Survey of Substance Abuse (ESA), the 12-month prevalence of cannabis use for adults aged between 18 and 64 in Germany is around 10 % (*Olderbak et al. 2024, 627*). In fact, in Germany, cannabis is the third most consumed psychoactive substance directly following alcohol and tobacco with the overall demand for cannabis in Germany being estimated at 670 to 823 tons per year (*Manthey et al. 2025, 56 ff.; Manthey et al. 2026, 45 ff.*).

In a remarkable change of drug policy strategy, the German government passed the Cannabis Act (“Cannabisesetz”) on April 1, 2024. Following rather long and tedious discussions, the new law was eventually passed to the surprise of many within only a couple of days by both the German *Bundestag* and the German *Bundesrat*. The Cannabis Act encompasses two separate laws: the Recreational Cannabis Act (German: Konsumcannabisesetz; KCanG for short) and the Medicinal Cannabis Act (German: Medizinal-Cannabisesetz; MedCanG for short). The Cannabis Act marks a paradigm shift in terms of the way in which cannabis is dealt with in German society, as cannabis has been downgraded from an illegal narcotic to a partially legal psychoactive substance. The legislators’ pursued objectives behind the newly introduced law are threefold:

- Firstly, the newly introduced Recreational Cannabis Act legalizes two ways to obtain recreational cannabis for personal use: Either by self-cultivating cannabis at one’s residence, or by joining a non-commercial “cultivation association” where members can collaboratively grow cannabis. In this way, the Recreational Cannabis Act aims to strip (organized) crime groups of their monopoly on the cannabis trade and ultimately bring the black market for cannabis to a halt (*Federal Ministry of Health 2026*).
- Secondly, the Recreational Cannabis Act features a number of measures aimed at improving child and youth protection. Among those measures the legislator presents both the “expansion of prevention services by the Federal Institute of Public Health” and “early intervention programmes for children and juveniles consuming cannabis” (*Federal Ministry of Health 2026*). Furthermore, the law restricts public cannabis consumption by, for instance, prohibiting the consumption of cannabis in the immediate vicinity of children and adolescents or within close range of schools, playgrounds or publicly accessible sport facilities (Section 5 of the Recreational Cannabis Act; *Federal Ministry of Health 2026*).
- Thirdly, the Recreational Cannabis Act aims to ensure a high level of health and consumer protection. For instance, cannabis for recreational use cannot be bought in stores (as is common in some countries e.g. Canada or selected U.S. States) but

must be cultivated by the consumers themselves. Furthermore, the law regulates the amount of cannabis one can legally grow and own, e.g. by limiting the number for the private self-cultivation of cannabis to three plants, by limiting the quantity of cannabis to be legally possessed both in public and at home to 25 grams and 50 grams respectively, by limiting the quantities that cultivation associations may hand over to their members on a monthly basis, or by banning any kind of advertising for cultivation associations. In addition, the use of cannabis in the vicinity of a cultivation association is prohibited in order to avoid creating an incentive for increased consumption (*Federal Ministry of Health* 2026).

Before the partial legalization of cannabis via the Recreational Cannabis Act was passed in April 2024, the only legal aspect with regard to cannabis was consumption. Aside from that, all actions or acts related to recreational cannabis, such as possession, cultivation and production of cannabis plants, trade, import and export, supply and distribution of cannabis (including for immediate consumption) or obtaining and/or acquisition of cannabis, among others, were criminal offences and thus punishable by law. This all-but-one criminalization of cannabis according to Section 29 ff. of the German Narcotic Drugs Act (German: *Betäubungsmittelgesetz*, *BtMG* for short), however, did undoubtedly propose a challenge for persons wanting to legally consume cannabis: How could one legally consume cannabis if it was prohibited to even possess the cannabis one wanted to consume in the first place? While this construct has long been contested by both cannabis consumers, law enforcement agencies, legal scholars and politicians alike (LT-Drs. TH 7/665; LT-Drs. TH 7/452; LT-Drs. TH 7/453; *Simon* 2016), the instigation of the Recreational Cannabis Act finally provided legal clarity in this regard by not only allowing the legal possession and cultivation of cannabis for adults within certain limits but also granting cultivation associations the right to legally supply cannabis to their membership (Section 19 ff. of the Recreational Cannabis Act). All other cannabis-related activities, e.g. trade or import or export, remain illegal. Furthermore, this liberalized handling of cannabis applies only to adults; all handling of cannabis by children and adolescents below the age of 18 remains illegal.

3.2 EKOCAN – Who, what and how?

Section 43 of the Recreational Cannabis Act (§ 43 KCanG) stipulates an independent empirical evaluation of the Recreational Cannabis Act within a rather tight time frame. As such, selected empirical findings had to be presented by September 30, 2025 (*Manthey et al.* 2025) and April 1, 2026 (*Manthey et al.* 2026). A final evaluation report is due on April 30, 2028. The evaluation is to be focused on three different areas that are deemed relevant in the context of the partial legalization of cannabis in Germany: general health protection/public health, child and youth protection and crime.

Funded by the German Federal Ministry of Health from January 1, 2025, through April 30, 2028, said legally mandated evaluation of the German Cannabis Act is undertaken by the interdisciplinary research alliance “EKOCAN” (“*E*valuation des *K*onsum*c*annabis*g*esetzes” / “Evaluation of the Recreational Cannabis Act”). EKOCAN combines the expertise of researchers from the Centre for Interdisciplinary Addiction Research (ZIS) at the University of Hamburg, the Centre for Health and Society (chs) at the University of Duesseldorf and the Institute of Criminology (IoC) at the University of Tuebingen in order to collect, analyze and triangulate a wide array of both primary and secondary data to evaluate the impact of the Recreational Cannabis Act on public health, youth protection and crime.

Tasked with evaluating the impact of the Recreational Cannabis Act on crime, especially cannabis-related organized crime and crime control, the Institute of Criminology conducts a thorough mixed-methods analysis of its impact on crime-related trends and the work of law enforcement. In line with the overall design of the interdisciplinary research alliance, the extent and nature of the impact of the new cannabis regulation, the analysis of its impact on cannabis-related crime entails the combination of different types of data.

For instance, secondary data including parliamentary documents, news articles and, first and foremost, relevant public statistics such as the Police Crime Statistics (PCS; German: Polizeiliche Kriminalstatistik), the National Situation Reports on Organized Crime (German: Bundeslagebild Organisierte Kriminalität), the Federal Situation Report on Drug-Related Crime (German: Bundeslagebild Rauschgiftkriminalität) or official statistics on criminal investigation proceedings handled by public prosecution offices are analyzed in order to investigate the impact of the Recreational Cannabis Act on crime in general and drug-related and organized crime specifically.

Aside from that, the Institute of Criminology's analysis of the Recreational Cannabis Act is also founded on two methodologically different sources of primary data, namely two quantitative online surveys (named "POLCAN" and "OBCAN") and qualitative expert interviews. In the two quantitative online surveys, which were conducted in July and August 2025,¹ more than 8,000² members of the police force (including both patrol officers and police detectives investigating more serious drug-related (organized) crime; "POLCAN") and 438³ employees of regulatory offices ("OBCAN") participated. The two similar surveys sought to investigate the impact of the Recreational Cannabis Act on the work of police and regulatory authorities as well as the survey participants' experiences with the new legal situation and their attitudes towards the paradigm shift one year after the new law came into force. It is noteworthy to point out that the POLCAN-Survey with its 8,175 valid participants is to date one of the nationwide largest surveys of the German police force to be conducted by an independent research institution.

Also beginning in the summer of 2025, a qualitative evaluation of the Recreational Cannabis Acts impact on cannabis-related (organized) crime per se and the work of the police (both nationally and from the perspective of liaison officers in Europe, Asia and the Americas), customs and the prosecution was undertaken via a large-scale nationwide qualitative interview study. To date, more than 30 interviews have already been conducted with police officers, customs officers, prosecutors, judges, lawyers and members from within the cannabis milieu (e.g. drug dealers, individuals associated with cannabis-related organized crime).

¹ In fact, due to its great success and the highly interesting results, a second wave of the POLCAN survey will likely be conducted in 2027. It is expected that a replication of the survey two years after the first POLCAN wave and thus more than three years after the Recreational Cannabis Act came into force, will generate empirically interesting data and allow for the analysis of potential trends, e.g. in terms of the degree of legal certainty in the application of the law over time, etc.

² While the POLCAN survey overall was taken by 14.810 participants, 6.635 participants were excluded in the course of data cleaning so that the realized sample comprised only 8.175 participants.

³ While the OBCAN survey overall was taken by 787 participants, the realized sample comprised only 438 participants.

3.3 Selected Empirical Findings – What do we know so far?

In the following chapter, selected empirical findings from the ongoing mixed-methods evaluation of the Recreational Cannabis Act are presented.⁴ First, the impact of the partial cannabis legalization on the overall trend of cannabis-related crimes since 2009 is discussed. Secondly, empirical findings on the Recreational Cannabis Act's impact on the workload of law enforcement agencies stemming from different empirical data are triangulated and discussed before focusing on and addressing the new law's potential influence on organized crime.

3.3.1 Cannabis-Related Crime Trend

Measuring crime is often a rather difficult venture. Considering that crime statistics may not ever represent the actual number of all criminal offenses that in fact occur within a given time frame. As criminal offenses may only find their way into an official crime statistic if they are either reported to the police or the police happens to become otherwise aware of a crime, depending on the type of crime there might be significant discrepancies between actual and statistically recorded crime (*Newburn* 2007, 50 ff.; *Adler et al.* 1995, 27 ff.; *Kunz/Singelstein* 2016, 206 ff.). Criminal offences without immediate victims, such as drug-related offenses, pose a special challenge for statistical representation as they may only surface if law enforcement agencies themselves put in the work to find them, that is, if they become aware of such criminal acts via investigations and deliberate police work. Thus, most drug-related (organized) crime is often referred to as both victim-less and 'police work-dependent' crime (*Kunz/Singelstein* 2016, 206 ff.; *Rebscher/Vahlenkamp* 1988, 124).⁵ Keeping in mind that this circumstance is inherently connected to drug-related crimes in general and independently of the current legislative status of a given narcotic or drug, measuring the extent of drug-related crimes remains a particular challenge.

The German official crime statistic, the Police Crime Statistics, is compiled by the Federal Criminal Police Office (German: Bundeskriminalamt) based on police data from all German federal states. As previously stated, up until the Recreational Cannabis Act took effect on April 1, 2024, basically all handling of cannabis was illegal and criminalized – except for the mere consumption of cannabis. Considering that next to alcohol and tobacco cannabis is and has long been among the most commonly consumed (illegal) drugs, it is not surprising that cannabis-related criminal offences made up a large portion of the cases reported in the Police Crime Statistics. Between 2017 and 2023, German police recorded more than 200,000 such offences each year. Most of them (around 80 %) fell into the category of so-called "consumption-related offenses" (German: "Konsumnahe Delikte"), which equals behavior that is closely related to personal cannabis use, e.g. possession or acquisition.⁶ Thus, by legalizing cannabis possession within limits and creating legal sources of supply, it was to be expected that these extraordinarily high numbers would lead to a quite significant decline in the number of cannabis-related offenses from 2024 onwards.

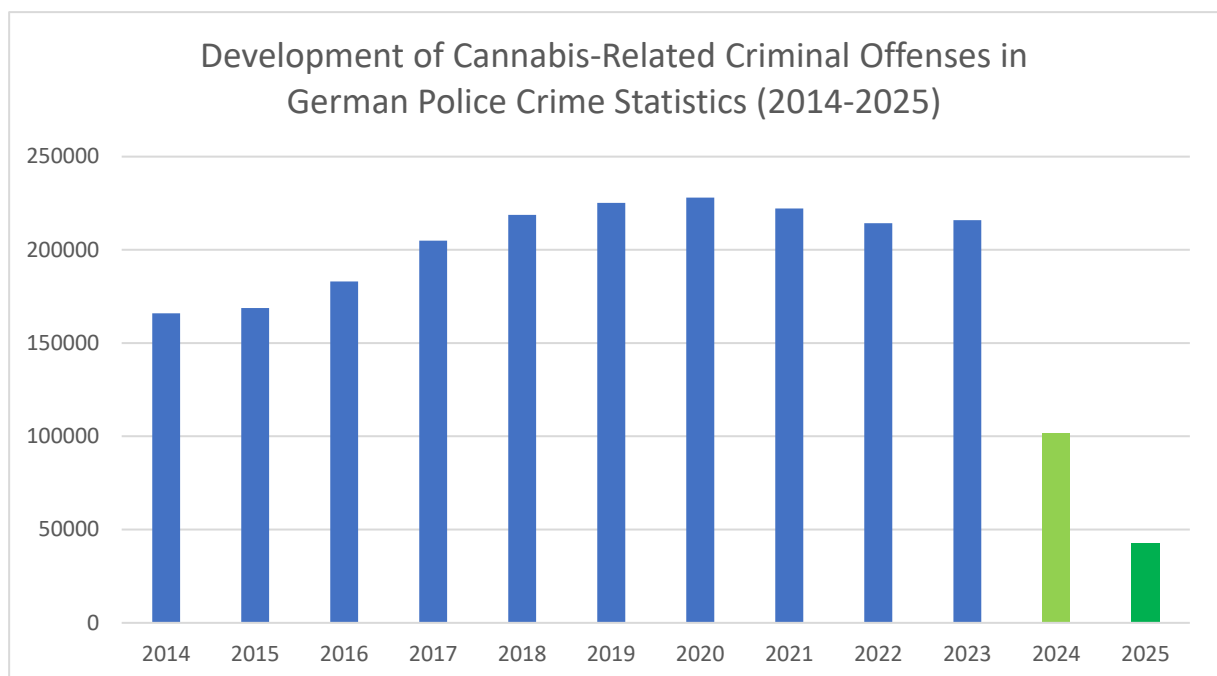
⁴ For a full report of all (preliminary) findings from the all-encompassing empirical evaluation of the Recreational Cannabis Act undertaken in EKOCAN, see *Manthey et al.* 2025 and *Manthey et al.* 2026.

⁵ In German, the term "*Kontrollkriminalität*" has been established when referring to the prerequisite of proactive police work for so-called primarily victim-less crimes to be included in crime statistics.

⁶ An in-depth explanation of the methodology used in the German Police Crime Statistics, particularly regarding the recording of drug and cannabis-related offenses, can be found in *Manthey et al.* 2025, p. 45 ff.

As illustrated in Figure 1, cannabis-related crime had been strong and steadily increasing between 2009 and 2020. While still remaining at a high level of more than 200,000 reported offenses per year, the number slightly declined in the years 2020 through 2023, possibly being linked to a “COVID-19-effect” due to the pandemics’ major disruption of social life for the majority of all but four years. Looking at the overall number of cannabis-related offenses in 2024, there is a significant drop from 215,865 cases in 2023 to 101,345 cases in 2024 (-53 %). As the Recreational Cannabis Act with the respective paradigm shift legalizing a number of previously prohibited behaviors did not take effect until April 1, 2024, the Police Crime Statistic for 2024 includes 84,028 cases of cannabis-related offenses within the first quarter of 2024. Following the partial legalization of cannabis on April 1, 2024, all cannabis-related offences according to Section 34 of the Recreational Cannabis Act and Section 25 of the Medicinal Cannabis Act amounted to overall 17,317 cases for the remainder of 2024.

Figure 1: Cannabis-Related Crime Trend According to the German Police Crime Statistics (2009-2025)



Since the legal status quo of cannabis changed during the year, a detailed distinction of the cases by criminal offense (e.g., consumption-related offenses or more severe crimes such as illegal trade) is not possible for 2024. Thus, the most recent numbers for 2025 are more informative, as they include only criminal offenses according to the new law and therefore allow for a more detailed analysis regarding the nature of recorded offenses. In 2025, a total of 42,823 cannabis-related criminal offenses were registered by police. Compared to the pre-decriminalization numbers of 2023, this is a decrease by 80 %. Thus, the number of cannabis-related crime has significantly decreased as a result of the implementation of the Recreational Cannabis Act in 2024. Considering the distribution of offenses, now the more serious (trade-related) offenses make up for approximately $\frac{3}{4}$ of all reported cases in the Police Crime Statistics.

In fact, even though the overall perception of a growing call for criminalization of acts in the current political climate seems to be on the rise, the decriminalization of previously prohibited actions such as sodomy/homosexual sexual activities (Manthey et al. 2025, 149) are

the result of successful decriminalizing legislative efforts within recent decades. When comparing the statistically measurable, quantitative effect of such successful recent decriminalization efforts, the partial legalization of cannabis via the Recreational Cannabis Act in 2024, however, clearly stands out as the quantitatively most significant and impactful decriminalization ‘project’ in the history of the Federal Republic of Germany (*Manthey et al. 2025*, 149). Considering this significant decline by 80 % in cannabis-related crime, the mere vanishing of approximately 160,000 cases per year which law enforcement personnel would have had to deal with in pre-partial legalization-times quite naturally suggests that the Recreational Cannabis Act, in fact, may have led to a significant reduction in law enforcement personnel’s workload – at least from a statistical standpoint. At the same time, the mere decrease in case numbers may not necessarily have led to a significant workload reduction, as the changing legal status quo undoubtedly also impacted existing workflows in the context of dealing with cannabis-related crime (*Manthey et al. 2025*; *Manthey et al. 2026*).

3.3.2 Impact on the Work of Law Enforcement Agencies

Against the backdrop of the cases of cannabis-related crime being cut by approximately 80 % of what it was before the Recreational Cannabis Act came into effect, it is – by common logic – safe to assume that this must have freed up at least some law enforcement resources in the context of dealing with cannabis-related crime.

However, as already hinted, according to the POLCAN survey results, only few of the surveyed police officers perceive the paradigm shift brought on by the Recreational Cannabis Act to have led to a reduction in their overall workload. The actual potential for a workload reduction, however, appears to be highly connected to the overall duties of a given surveyed police officer: While police detectives investigating major cannabis-related (organized) crime reported only a small or no workload reduction whatsoever, police officers primarily responsible for day-to-day patrol duty, for instance, do, in fact, experience the partial legalization as a workload reduction or attribute a significant workload reduction potential to the Recreational Cannabis Act (*Manthey et al. 2025*, 181 ff.). As such, one surveyed police officer stated in a free-text field:

“Currently, we have less work to do. However, we no longer carry out checks because the exempt quantities (“possession limits”) are so large that it would not be ‘worthwhile’ to do so. In that sense, the new law led to a significant workload reduction in terms of patrol duty.” (POLCAN, ID 616)

While the partial legalization thus apparently led to a significant workload reduction in some branches of police work, it simultaneously appeared to have had next to no impact on the overall investigative work in the context of drug-related crime, as one police officer explained in an interview:

“Our workload is the same, it just may have slightly shifted towards ‘powdered’ substances. However, we still have the same large-scale investigations on cannabis trafficking and trade as before. That has not changed, neither has the investigative focus or intensity changed in these cases. The investigative effort also remains the same. Only the administrative effort is increased due to the new law.” (Interview 4, police)

Thus, the actual potential for a workload reduction due to the Recreational Cannabis Act, as the significant drop in cannabis-related crime indicates, may heavily depend on the

actual duties of a given police officer and/or detective and the respective case constellation. Additionally, the extent of workload reduction may also be dependent not only on the amount of time that has passed since the partial legalization of cannabis took effect, e.g. the time that the law enforcement personnel has been working under the new legal situation, but also on how well law enforcement workflows have been adjusted to the new 'normal'.

3.3.3 Possession Limits

As previously stated, the Recreational Cannabis Act stipulates that every adult may now legally possess up to 25 grams of cannabis in public and up to 50 grams of cannabis at home. Considering the aforementioned juxtaposition of the allowed consumption of cannabis albeit the prohibited possession of any cannabis prior to the partial legalization of cannabis in 2024, the newly introduced possession limits appear to be a 'hot button' issue for law enforcement agencies and political parties alike.⁷

In fact, the POLCAN survey revealed that overall, more than 75 % of the participating police officers find the legal possession quantities to be "far too large" (51.5 %) or "rather too large" (24.4 %) and only 15.1 % find the possession quantities to be "appropriate". The reasoning behind this argument – according to a participating police officer – is that "it is so much more than can reasonably be argued as necessary for personal consumption" (POLCAN, ID 616), which is why, "the possession limits absolutely play into the hands of dealers" (POLCAN, ID 447).

Similar arguments were also presented within the qualitative interview study. For instance, one detective with managerial duties argued that these possession quantities are not only especially large to carry around "for the average cannabis user [...] as this equals a lot of joints" but also trigger the immediate perception or suspicion of this person "logically be[ing] a dealer" (Interview 6, police).

However, keeping in mind that the Recreational Cannabis Act also allows the cultivation of up to three cannabis plants at one's residence, the possession quantities at home may – as one prosecutor argued – at the same time "be a little too small [...] as one may easily exceed the limit of 50 grams with the harvest of the allowed three cannabis plants" (Interview 5, prosecution).

Thus, the introduced possession quantities appear to present a somewhat double-edged sword for all parties involved and have continuously been at the center of public discourse since their instigation as part of the Recreational Cannabis Act (*Tagesspiegel* 2025; *Suliak* 2026).

3.3.4 Impact on (Organized) Crime

According to the previously presented significant decrease in cannabis-related crime, the new law has had a sizeable impact on crime numbers, which is not that surprising considering that offences such as the possession of a couple of grams of cannabis, which previously had been prohibited, are now no longer illegal and therefore do no longer make their

⁷ This dissatisfaction becomes obvious in numerous statements of representatives from police unions (e.g. GDP (2025) or from political representatives from all parties (*Tagesschau* (2025); *Niedersächsisches Ministerium für Inneres, Sport und Digitalisierung* (2026)).

way into the Police Crime Statistics. When it comes to cases of cannabis-related organized crime or organized crime in general, the situation gets more difficult to evaluate.

From the perspective of the many interviewed members of both law enforcement agencies and the prosecution, cannabis-related crime per se did not change that much as almost all dealings with cannabis, e.g. distribution or import and export, remain prohibited and are still investigated and later prosecuted as before the partial legalization took effect. Still, according to an interviewed police officer, the Recreational Cannabis Act's impact on crime is primarily visible in the fact that "it has become considerably more difficult to control [and investigate]" due to the new legal status quo (Interview 2, police). Similar statements were also found in some of the open-ended questions of the POLCAN survey, where one participant, for instance, stressed that it is the "much greater lack of legal basis for justifying police stops and investigations into what may be illegal trading", meaning that "many colleagues are no longer conducting targeted investigations in this area" out of fear of overstepping their mandate in light of the partial legalization (POLCAN, ID 590).

With regard to evaluating the Recreational Cannabis Act's impact on organized crime, it may still be too early for a final assessment, just two years after the paradigm shift. However, one prominent notion that could be found throughout the numerous interviews with not only police detectives from specialized organized crime departments, but also other police officers, was, as one interviewee put it, that

"there are no indications that the Recreational Cannabis Act has had a major impact on 'our' criminal structures. Therefore, I assume that organized crime groups are simply not interested in that. They make use of some of the law's inherent loopholes in order to continue their illegal cannabis business. I can't see or say that the new law has minimized Germany's appeal as a drug trafficking hub." (Interview 3, police)

Considering that the partial legalization has only been implemented a little over two years by now, it is too early to tell "how the legalization impacts crime in the long run" (Interview 6, police). Especially because investigations targeting organized crime activity or organized crime groups are well-known to take years (*Kinzig* 2004, 551 f.); therefore, more recent organized crime groups' activities connected to the partial legalization of cannabis may not even be on the radar of law enforcement agencies yet. Thus, only time will tell whether and if so, how the Recreational Cannabis Act will have a lasting impact on organized crime.

3.3.5 Medicinal Cannabis, the Black Market and the Missed Potential of Cannabis Social Clubs

In light of the steady increase in prevalence for cannabis use over the last decades (*Manthey* et al. 2025; *Manthey* et al. 2026), a central pillar of the Recreational Cannabis Act was the promise of improved public health, children and youth protection and prevention on the one hand, and a displacement of the cannabis-related illegal drug market on the other hand.

While the Recreational Cannabis Act liberalized the handling of cannabis for private individuals within certain limits, the Medicinal Cannabis Act simplified the prescription of cannabis for medical purposes. Since medicinal cannabis – just as recreational cannabis – is legally no longer a narcotic, it can now be easily prescribed by doctors without detailed justification. As a result, some companies emerged whose business concept is to connect customers/patients with doctors (in Germany or another EU-country) willing to provide prescriptions for

medicinal cannabis as well as with pharmacies who (legally) provide medicinal cannabis for paying customers (“patients”). Oftentimes, the medicinal cannabis then gets delivered to the comfort of one’s home by the corresponding pharmacies (*Manthey et al. 2026*). In most cases, this process is automated and does not involve any actual doctor-patient-contact whatsoever. Rather, the prescription is issued based on the data from a short questionnaire in which the ‘patients’ select all the health-related problems they might suffer from in a drop-down list of symptoms (such as headaches, stress or insomnia) which – with or without any actual medical evidence – may be relieved by cannabis (*Manthey et al. 2026*).⁸ In this context, the marketing strategies of those companies – which promote their business model quite aggressively to both recreational and medicinal cannabis users – appear to be of particular importance (*Manthey et al. 2026*). As this newly introduced system quite obviously was and continues to be massively abused for quasi-legally obtaining medicinal cannabis for recreational purposes, the legislator is currently already seeking to make amendments to the Medicinal Cannabis Act (BT-Drs. 21/3061).

While the provisions of the Medicinal Cannabis Act were intended differently, its overwhelming resonance, quantities of cannabis and (mis)uses of the quasi-legal method to acquire good quality cannabis from a reliable source, i.e. a pharmacy, seems to have developed substantial weight on the cannabis market. According to data from the German Federal Institute for Drugs and Medical Devices (German: Bundesinstitut für Arzneimittel und Medizinprodukte; BfArM for short), more than 200 tons of medicinal cannabis were, in fact, imported to and available in Germany in 2025 – given the estimated total demand of 670 to 823 tons per year, this is a considerable amount (*Manthey et al. 2026*). While this undoubtedly is a lot of cannabis that seems unlikely to be exclusively consumed for legitimate medical reasons, this sheer amount also comes with a positive connotation. Considering that this quasi-legal outlet for obtaining cannabis for recreational use allows – at least somewhat tech-savvy – consumers to obtain cannabis without having to resort to buying the cannabis off of the black market from sketchy drug dealers on the street, it is safe to assume that the Medicinal Cannabis Act must have triggered a considerable displacement of the cannabis black market (*Manthey et al. 2026*). However, due to the fact that the quasi-legal cannabis route via the Medicinal Cannabis Act still requires access to the internet as well as a certain level of technical and actual literacy, the quasi-legal medicinal cannabis may only be an option for certain groups within the German population rather than others (*Cronin/Leal 2026*).⁹

In lieu of the unintended establishment of a quasi-commercial medicinal cannabis trade, the cultivation associations were initially intended to present cannabis consumers who are unable or unwilling to self-cultivate at home with a legal outlet for obtaining good-quality cannabis in a controlled environment rather than having to resort to buying cannabis off of the black market. To ensure that cultivation associations are not infiltrated by organized crime groups, the Recreational Cannabis Act contains a multitude of regulations for these “cannabis social clubs”. However, due to tedious approval processes, interspersed with numerous bureaucratic hurdles and excessive conditions needing to be met by individuals interested in founding a cultivation association, there is still only a low number of existing cannabis associations. As of October 31, 2025, there were only 366 registered cannabis

⁸ According to the current state of empirical evidence, the number of health-related problems and illnesses that may benefit from medicinal cannabis is fairly limited. To date, such evidence only exists to some degree for Tourette’s, chronic pain, loss of appetite, insomnia, inflammatory bowel diseases and multiple sclerosis (*Bilbao/Spanagel 2022*; *Solmi et al. 2023*).

⁹ There is also at least anecdotal evidence pointing to that in some of the qualitative interviews conducted within this study.

associations in Germany. Even based on a very optimistic estimate, these associations can supply at most 3.5 % of German cannabis users (*Manthey et al. 2026*).

Not surprisingly, there is neither official data on the extent of legal cannabis self-cultivation by private individuals nor on the amounts of homegrown cannabis. However, recent data from the Drug Affinity Study suggests a growing relevance of self-cultivation as a supply source for cannabis – both for juveniles (1.8 %) and young adults (7.6 %) (*Manthey et al. 2026*, 55 ff.). Considering that the overall demand for cannabis does not appear to have increased significantly as a result of the legislative paradigm shift, it seems plausible to assume that the cannabis-related black market must have been pushed back to some degree (*Manthey et al. 2026*).

Nevertheless, just as the Police Crime Statistics suggested, there is still significant cannabis-related illegal activity. In fact, this is most evident in the work of German customs. As the vast majority of all cannabis trafficked to and/or through Germany to other places in Europe is imported by air, sea or land, it comes as no surprise that German customs' seizures of cannabis are continuously growing. In 2025, for instance, customs seized more than 54 tons of cannabis at the German border which equals more than four times as much cannabis than in 2024 and marks an all-time high of cannabis seizures (Central Customs Authority 2026, 36). However, this drastic increase does not seem to be related to the changed legal situation in Germany. Rather, it appears to be related to the establishment of new smuggling routes on the black market, as other Western European countries' customs likewise noticed stark increases in the amount of seized cannabis. According to German customs, the uptick in cannabis seizures is explained mostly by imports from Canada, selected US States, and Thailand (thus, all from countries with (partial) cannabis legalization in recent years) by sea and air. Thus, the significant change in the amount of seized cannabis is most likely due to internally changing structures of the global cannabis black market, rather than due to a local growth of the illegal cannabis trade in Germany.

All aforementioned results taken together thus strongly imply that the Cannabis Act pushed back the cannabis black market substantially.¹⁰ Nevertheless, there are indubitably still many people or (organized) groups that earn a lot of money with activities in the illegal cannabis trade. The fact that there still is a cannabis black market of considerable size is not surprising, but rather to be expected; even in Canada, which rolled out commercial cannabis trade in licensed shops back in the fall of 2018, the current black-market share in the overall cannabis trade is estimated at approximately 22 % (*Hammond et al. 2025*). In Germany, it is likely to be even more difficult to curb the black market since there is no full-scale commercial legalization of cannabis – the market for medicinal cannabis described above comes closest to that. However, as the legislator (understandably) intends to regulate the medicinal cannabis market more strictly in the near future, a “rebound effect” in favor of the black market seems likely unless cultivation associations are simultaneously strengthened.

3.4 Conclusion and Look Ahead

After decades of criminalization and relatively harsh punishment, the German legislator partially legalized cannabis for non-medical use in the so-called Recreational Cannabis Act

¹⁰ This is true, at least, in terms of cannabis acquisition and consumption: Since partial legalization, the evidence suggests that a significantly smaller proportion of the cannabis consumed in Germany stems from the black market. At the same time, it cannot be ruled out that Germany is becoming a more attractive location for the cultivation and/or export of cannabis.

which took effect on April 1, 2024. The Recreational Cannabis Act liberalized the handling of cannabis for adults by allowing the possession of cannabis within certain limits as well as the cultivation of cannabis for personal use at home or within non-commercial cultivation associations. The Recreational Cannabis Act is accompanied by the Medicinal Cannabis Act which legalized cannabis for medicinal purposes and acts as a quasi-legal source for cannabis consumers wanting to obtain high-quality controlled medicinal cannabis for recreational use under the guise of supposed medical symptoms. As such, the Medicinal Cannabis Act turned out as a somewhat unintended “backdoor commercial legalization” of cannabis for recreational use.

Less than three years after the partial legalization of cannabis in Germany took effect, it is still too early to fully evaluate the impact of the changed legal status quo on both cannabis-related (organized) crime and the work of law enforcement agencies and regulatory offices. However, as the presented selected empirical findings from the ongoing evaluation suggest, the Recreational Cannabis Act has already led to a significant decrease in the statistically recorded cases of cannabis-related crime. As such, the Recreational Cannabis Act presents the quantitatively most notable decriminalization in the history of Germany. Formerly cannabis-related criminalized acts are legal now and do no longer demand police action. Therefore, the Recreational Cannabis Act – at least theoretically – bears the potential for a significant workload reduction for law enforcement agencies. However, according to the majority of surveyed and interviewed practitioners, the Cannabis Act’s potential for freeing up resources does not seem to be fully realized yet.

Even though it is too early to draw final conclusions, the available interim findings clearly suggest that the cannabis black market in Germany was likely pushed back considerably. While there is no evidence that cannabis use massively increased as a result of the changed legislative status of cannabis, there are clear signs that (principally) or quasi-legal sources are used by many consumers. The above-described quasi “backdoor legalization” via the Medicinal Cannabis Act seems to play a key role in this, but self-cultivation at home also seems to be popular among consumers (even if there’s limited information available on the exact magnitude of self-cultivated cannabis). Meanwhile, cultivation associations, at most, play a minor part in pushing back black-market shares.

Beyond the finding that illegal cannabis trade seems to have receded, the Recreational Cannabis Act’s impact on organized crime groups cannot be fully determined at this time. As organized criminal activity per se must first be actively ‘discovered’ and thus constructed by and through law enforcement agency personnel¹¹, organized crime investigations tend to take years and require a lot of dedication from the law enforcement apparatus.

The within the Recreational Cannabis Act granted possession quantities of 25 grams on the street and 50 grams at home appear to be a “hot button” issue. While there seems to be general consensus across law enforcement agencies that the 25-gram limit for possession in public is too high, the 50 grams allowed at home might, in fact, be slightly too little if one successfully self-cultivates three cannabis plants, as the harvest may easily exceed the legal limits. Even though the legislator also introduced numerous administrative offenses, e.g. for consuming cannabis within restricted zones, or for the possession of cannabis exceeding the legally granted possession quantities, they are rarely enforced and only play a

¹¹ In the context of organized crime (research) in the German context, this special characteristic of organized crime is often referred to as “*Holkriminalität*”. For a more detailed discussion, see, for instance, Kinzig (2004), Kinzig et al. (2025, p. 508 ff.) and Pütter (1998).

tangential role – at least so far. It remains to be seen if their currently still negligible role will change over time.

Keeping in mind that only about 2.5 years have passed since the enactment of the law on recreational cannabis use and that the empirical evaluation of its effects on different areas of interest (health protection, children and youth protection and cannabis-related (organized) crime) will continue until April 2028, the analyses conducted by the Institute of Criminology at the University of Tuebingen and the entire EKOCAN research collaboration – in particular the primary data that has been collected and continues to be collected – have already yielded interesting and scientifically highly relevant findings. The final results of the evaluation will not be available until April 2028, and until then, new data will continue to be collected and analyzed. Thus, it remains to be seen how the law on recreational cannabis use will affect cannabis-related (organized) crime, as well as the work of law enforcement agencies and the courts, in the long run.

Bibliography

- Adler, F., Mueller, G.O.W., Laufer, W.S. (1995): *Criminology*. Second Edition. McGraw-Hill.
- Bilbao, A., Spanagel, R. (2022): Medical cannabinoids: a pharmacology-based systematic review and meta-analysis for all relevant medical indications. *BMC Medicine*, 20(1), 259. <https://doi.org/10.1186/s12916-022-02459-1>
- Deutscher Bundestag (2025): Drucksache 21/3061 [Bundestag printed matter 21/3061]. <https://dserver.bundestag.de/btd/21/030/2103061.pdf>
- Central Customs Authority (2026): German Customs Administration 2025 Annual Report. https://www.zoll.de/SharedDocs/Downloads/DE/Publikation/Broschuere/Die-Zollverwaltung/jahresbericht_2025_en.pdf?__blob=publicationFile&v=4
- Cronin, N., Leal, W.E. (2026): A Tale of Two Groups: Criminal Activity Among Cannabis Dispensary Purchasers and Non-Dispensary Purchasers. *Crime & Delinquency*, 72(6-7), p. 2006-2026, <https://doi.org/10.1177/00111287241305044>
- Federal Ministry of Health (2026): Frequently Asked Questions on the Cannabis Act (Version: last updated on March 5, 2026), available at: <https://www.bundesgesundheitsministerium.de/en/themen/cannabis/faq-cannabis-act#collapse-control-7621>
- Gewerkschaft der Polizei (2025, April 1): GdP zieht Jahresbilanz zur Teillegalisierung von Cannabis. <https://www.gdp.de/rheinland-pfalz/de/stories/2025/04/bilanz-cannabislegalisierung>
- Hammond, D., Hong, D., Rundle, S., Iraniparast, M., Kilmer, B., Wadsworth, E. (2025): Transitions to legal cannabis markets: Legal market capture of cannabis expenditures in Canada following federal cannabis legalization. *International Journal of Drug Policy*, 142, <https://doi.org/10.1016/j.drugpo.2025.104828>
- Kinzig, J. (2004): *Die rechtliche Bewältigung von Erscheinungsformen organisierter Kriminalität*. Duncker & Humblot, Berlin.
- Kinzig, J., Hemmert-Halswick, K., Iberl, B., Römer, J., Schaubert, S., Schreier, S. (2025): Empirische Bestandsaufnahme Organisierter Kriminalität. In: Sinn, A., Kinzig, J., Faßbender, J., Schmitz, R., Steinebach, M. (Hrsg.): *Organisierte Kriminalität. Systematische Analyse der Phänomenbereiche und mögliche staatliche Reaktionen*. Springer. Berlin, S. 255-519, <https://doi.org/10.1007/978-3-662-69382-7>.
- Kunz, K.-L., Singelstein, T. (2016): *Kriminologie. Eine Grundlegung*. 7. Auflage. Haupt-Verlag. Bern.
- Landtag Thüringen. (2020). Drucksache 7/453 [Landtag Thüringen printed matter 7/453]. https://parldok.thlcloud.de/parldok/dokument/74772/7_0453_kosten_der_strafverfolgung_in_folge_der_kriminalisierung_von_cannabis_teil_iii
- Landtag Thüringen. (2020). Drucksache 7/452 [Landtag Thüringen printed matter 7/452]. https://parldok.thlcloud.de/parldok/dokument/74701/7_0452_kosten_der_strafverfolgung_in_folge_der_kriminalisierung_von_cannabis_teil_ii

- Landtag Thüringen. (2020). Drucksache 7/665 [Landtag Thüringen printed matter 7/665]. https://parldok.thlcloud.de/parldok/dokument/75386/7_0665_kosten_der_strafverfolgung_in_folge_der_kriminalisierung_von_cannabis_teil_i
- Manthey, J., Kalke, J., Kraus, L., Radas, S., Schranz, A., Verthein, U., Kotz, D., Fedler, C., Klosterhalfen, S., Steinhoff, P., Kinzig, J., Iberl, B., Rebmann, F., Schreier, S. (2026): Evaluation des Konsumcannabisgesetzes (EKOCAN): 2. Zwischenbericht. (2026, April 1), <https://doi.org/10.25592/uuhfdm.18529>
- Manthey, J., Jacobsen, B., Kalke, J., Kraus, L., Radas, S., Schranz, A., Verthein, U., Kotz, D., Klosterhalfen, S., Steinhoff, P., Kinzig, J., Iberl, B., Rebmann, F., Schreier, S. (2025): Evaluation des Konsumcannabisgesetzes (EKOCAN): 1. Zwischenbericht. (2025, September 30), <https://doi.org/10.25592/uuhfdm.17990>
- Newburn, T. (2007): Criminology. Willan Publishing.
- Niedersächsisches Ministerium für Inneres, Sport und Digitalisierung (2026, March 26): Polizeiliche Kriminalstatistik 2025: Erneut weniger Taten und geringere Kriminalitätsbelastung bei weiterhin hoher Aufklärungsquote. <https://www.mi.niedersachsen.de/startseite/aktuelles/presseinformationen/polizeiliche-kriminalstatistik-2025-erneut-weniger-taten-und-geringere-kriminalitaetsbelastung-bei-weiterhin-hoher-aufklaerungsquote-249477.html>
- Olderbak, S., Hollweck, R., Krowartz, EM., Möckl, J., Hoch, E. (2025): Psychoactive substance use in Germany: Findings from the Epidemiological Survey of Substance Abuse (ESA) in 2024. Dtsch Arztebl Int 2025; 122: 625–31. DOI: <https://doi.org/10.3238/arztebl.m2025.0157>
- Pütter, N. (1998): Der OK-Komplex: organisierte Kriminalität und ihre Folgen für die Polizei in Deutschland. Verlag Westfälisches Dampfboot, Münster.
- Rebscher, E., Vahlenkamp, W. (1988): Organisierte Kriminalität in der Bundesrepublik Deutschland. Wiesbaden, Bundeskriminalamt.
- Simon, R. (2016): Prohibition, Legalisierung, Dekriminalisierung: Diskussion einer Neugestaltung des Cannabisrechts. *SUCHT*, 62(1), 43–50. <https://doi.org/10.1024/0939-5911/a000407>
- Solmi, M., De Toffol, M., Kim, J. Y., Choi, M. J., Stubbs, B., Thompson, T., Firth, J., Miola, A., Croatto, G., Baggio, F., Michelon, S., Ballan, L., Gerdle, B., Monaco, F., Simonato, P., Scocco, P., Ricca, V., Castellini, G., Fornaro, M., Dragioti, E. (2023): Balancing risks and benefits of cannabis use: umbrella review of meta-analyses of randomised controlled trials and observational studies. *BMJ*, 382, e072348. <https://doi.org/10.1136/bmj-2022-072348>
- Suliak, H. (2026, June 16): Innenminister wollen Kiffen in der Öffentlichkeit verbieten. Legal Tribune Online, <https://www.lto.de/recht/hintergruende/h/vorlage-innenminister-konferenz-hessen-cannabis-oeffentlichkeit-verbieten>
- Tagesschau (2025, September 30): Union dringt auf schärfere Cannabis-Regeln. <https://www.tagesschau.de/inland/innenpolitik/union-cannabis-bilanz-100.html>

Tagesspiegel (2025, October 26): „Besitzmengen sind viel zu hoch“: Warken dringt auf schärfere Regeln für Cannabis-Konsum. <https://www.tagesspiegel.de/politik/besitzmengen-sind-viel-zu-hoch-warken-dringt-auf-scharfere-regeln-fur-cannabis-konsum-14665718.html>

4 Legislating workplace harmony: Laws and Regulations of the Countries with Highest and Lowest Incidences of Workplace Violence **(Chin-Chin Cheng)**

4.1 Introduction

On 26 August 2015, Alison Parker and Adam Ward travelled to Smith Mountain Lake in Moneta, Virginia, to conduct a live television interview for WDBJ, a local television station in Virginia. Parker was a promising reporter, and Ward was an experienced photojournalist. During the live broadcast, they were fatally shot by Vester Lee Flanagan II, a former WDBJ employee who also used the professional name Bryce Williams. The interviewer survived but sustained serious injuries (Vinograd, 2015). Flanagan later died from a self-inflicted gunshot wound. In a suicide note, he claimed that his actions were motivated by anger, revenge, and distress arising from discrimination, harassment, and bullying that he alleged he had experienced while working at WDBJ (ABC News, 2015).

The deaths of *Parker and Ward* illustrate the severe and far-reaching consequences of workplace violence. For workers, such violence may result in trauma, loss of working time, psychological harm, and disrupted career development. For employers and organizations, it may lead to increased turnover, reduced productivity, reputational damage, higher operational costs, and potential legal liability.

This incident also highlights the interrelated responsibilities of employers, employees, and the broader community in preventing workplace violence and addressing conditions that may escalate conflict or aggression. Flanagan alleged that harassment and discrimination in his former workplace had provoked his retaliatory actions. He claimed that he had been discriminated against by his co-workers because he was Black and gay. However, subsequent investigations did not substantiate these claims. Former colleagues recalled that although Flanagan had initially shown professional promise, he later became involved in repeated workplace conflicts. His outbursts and deteriorating relationships with co-workers were among the factors that contributed to his termination (Geller 2015).

The tragedy generated renewed public discussion in the United States concerning workplace violence prevention, including the scope of employers' duties to conduct appropriate background checks, respond to aggressive or threatening behavior, manage workplace conflict, and maintain a safe and healthy working environment. Nevertheless, because workplace violence is shaped by multiple individual, organizational, social, and legal factors, policymakers have yet to develop a universal or fail-safe solution for its prevention.

According to the first global survey on violence and harassment at work, jointly published by the International Labour Organization, Lloyd's Register Foundation, and Gallup, 22.8 percent of persons in employment - approximately 743 million people - had experienced physical, psychological, or sexual violence and harassment at work during their working lives. The 2021 World Risk Poll further indicates that several Nordic countries reported some of the highest levels of workplace violence and harassment, while some Arab states reported the lowest levels.

These findings reveal an important methodological challenge in measuring workplace violence: reported prevalence does not necessarily correspond to actual prevalence. Differences in legal definitions, cultural norms, workers' awareness, trust in institutions, and willingness to report may significantly affect the data. For example, gender-based discrimination and harassment are among the major causes or triggers of workplace violence and aggression. Yet Iceland and Finland, which are often regarded as highly gender-equal societies, are also among the countries with relatively high reported levels of workplace violence and harassment. This apparent paradox suggests that higher reported levels may reflect not only greater exposure to workplace violence, but also stronger awareness, clearer reporting channels, and greater confidence in institutional responses.

Gallup's World Risk Poll therefore provides a valuable basis for examining workplace violence from a comparative legal perspective. It enables researchers, policymakers, and enforcement authorities to consider how legal definitions, institutional mechanisms, and enforcement practices influence workers' awareness, reporting behavior, and access to remedies. A closer examination of each country's legal framework may help identify regulatory gaps and support the development of more targeted reforms. Such analysis is essential to ensure that workplace violence laws are not merely formal commitments, but are effectively implemented to create safer and more dignified working environments.

Accordingly, this study aims to:

- compare the legislation and legal systems of countries with the highest and lowest reported levels of workplace violence;
- identify similarities and differences in each country's approach to preventing, regulating, and penalizing workplace violence; and
- provide policy recommendations for improving laws, regulations, and enforcement mechanisms addressing workplace violence.

To achieve these objectives, this study first provides an overview of the forms, causes, and effects of workplace violence. It then compares the legal frameworks of six countries selected on the basis of Gallup's World Risk Poll. The first group consists of Australia, Finland, and Iceland, which reported some of the highest levels of workplace violence and harassment ("Cluster 1"). The second group consists of Tajikistan, Pakistan, and Kazakhstan, which reported some of the lowest levels ("Cluster 2"). By comparing these two clusters, the study seeks to identify how legal definitions, institutional arrangements, enforcement mechanisms, and reporting cultures shape the prevention and regulation of workplace violence. It concludes by offering policy recommendations drawn from the comparative experiences of both clusters.

4.2 Understanding Forms, Impact, and Causes of Workplace Violence

Litwin (2002) characterizes workplace violence as a "public health problem." Its causes may be rooted in broader sociopolitical and economic conditions, and its consequences often extend beyond the workplace to the wider society. Accordingly, the development of effective policies for preventing, regulating, and penalizing workplace violence requires consideration

of multiple perspectives, including occupational safety, employment relations, organizational culture, criminal law, public health, and social policy.

4.2.1 Forms of Workplace Violence

Workplace violence may be classified in two principal ways: first, according to the underlying form of violence; and second, according to the manner in which the violence is manifested.

With respect to the underlying form of violence, Litwin draws on Johan Galtung's typology of direct, structural, and cultural violence. Direct violence refers to injury or harm inflicted by one individual upon another, including physical injury, coercion, sanctions, or detention. Structural violence arises from institutional or organizational structures that cause harm through non-physical means. In the workplace, such violence may appear in the form of exploitation, marginalization, excessive control, exclusion, or emotional distress. It is particularly significant in employment relationships because of the inherent power imbalance between employers and employees. Cultural violence, by contrast, refers to aspects of culture, ideology, or social norms that justify, normalize, or legitimize direct or structural violence.

Workplace violence may also be classified according to its concrete manifestations. In this respect, it is commonly divided into physical violence, psychological violence, and sexual harassment. These categories also correspond to the forms of violence and harassment measured in Gallup's World Risk Poll:

- Physical violence includes acts such as hitting, restraining, or spitting.
- Psychological violence includes insults, threats, bullying, intimidation, humiliation, or other conduct that causes emotional or mental harm.

Sexual harassment includes unwanted or non-consensual sexual touching, comments, images, emails, requests, or other conduct of a sexual nature.

This dual classification is useful because it captures both the visible and the less visible dimensions of workplace violence. While physical assaults may be easier to identify, structural and psychological forms of violence may be more difficult to detect, despite their serious and long-term impact on workers' dignity, health, and employment security.

4.2.2 Defining Workplace Violence

Although extensive research has examined the causes and consequences of workplace violence, policymakers have not yet adopted a uniform and universally accepted definition. The concept has evolved from a narrow understanding focused primarily on physical assault within the workplace to a broader understanding that includes various forms of violence and harassment arising out of, linked with, or occurring in the course of work.

For example, the Occupational Safety and Health Administration in the United States defines workplace violence as including threats, verbal abuse, physical assaults, and homicide affecting employees, clients, customers, and visitors. This definition focuses largely on incidents occurring in the workplace or at a worksite, but it is broad enough to include both physical and psychological forms of violence.

By contrast, the European Commission (1994) proposed a broader definition in 1994, describing workplace violence as incidents in which persons are abused, threatened, or assaulted in circumstances related to their work, involving an explicit or implicit challenge to their safety, well-being, or health. This definition recognizes that violence may be work-related even when it does not occur within the physical premises of the workplace.

The ILO Violence and Harassment Convention, 2019 (No. 190), provides one of the most comprehensive international definitions. Article 1 defines “violence and harassment” as a range of unacceptable behaviours and practices, or threats thereof, whether occurring once or repeatedly, that aim at, result in, or are likely to result in physical, psychological, sexual, or economic harm. The definition also expressly includes gender-based violence and harassment.

Article 3 further clarifies the scope of violence and harassment in the “world of work.” It applies to conduct occurring in the course of, linked with, or arising out of work, including:

- in the workplace, including public and private spaces where they are places of work;
- in places where the worker is paid, takes a rest break or meal, or uses sanitary, washing, or changing facilities;
- during work-related trips, travel, training, events, or social activities;
- through work-related communications, including those enabled by information and communication technologies;
- in employer-provided accommodation; and
- when commuting to and from work.

The ILO definition is significant because it bridges the narrower workplace-based approach and the broader work-related approach. It recognizes that violence and harassment may occur not only within the employer’s premises, but also during work-related travel, social activities, digital communications, employer-provided accommodation, and commuting. It also expressly acknowledges multiple forms of harm, including physical, psychological, sexual, and economic harm.

Nevertheless, many countries have not yet ratified Convention No. 190, and many domestic legal systems still lack a clear and comprehensive definition of workplace violence. This definitional gap has important legal and practical consequences. Without a clear definition, workplace violence may be treated merely as a general crime, a private interpersonal dispute, a discrimination issue, or an occupational safety concern, depending on the legal framework of each jurisdiction. Such inconsistency may hinder prevention, reporting, enforcement, and data collection.

4.2.3 Policy Perspectives in Addressing Workplace Violence

The absence of a uniform definition of workplace violence has also hindered the development of effective preventive policies. Countries that do not recognize workplace violence as a distinct workplace issue often respond to it only after harm has occurred, usually through

criminal law or general civil remedies. Such an approach tends to neglect prevention, early intervention, organizational responsibility, and targeted support for victims.

Rhodes (2010) observes that many workplace violence policies position the organization merely as a “problem solver,” rather than as a possible contributor to the problem. This approach detaches the organization from responsibility for workplace conditions that may contribute to conflict, distress, or aggression. In fast-paced and highly competitive work environments, authoritarian management styles, excessive performance pressure, and aggressive supervisory practices may normalize bullying or intimidation as part of ordinary workplace discipline. *Rhodes* therefore argues that organizational responses to bullying and violence must recognize that the employer or organization itself may contribute to the conditions that allow violence to emerge or escalate.

Roderick (2010) similarly emphasizes that the workplace itself is not the sole cause of workplace violence. Rather, violence and aggression in the workplace may arise from the interaction of three broad categories of factors: social and cultural conditions, individual characteristics, and the work environment.

Social and cultural factors include unemployment, economic insecurity, social inequality, and the general level of violence in the community where the workplace is located. *Roderick* cites *Joseph Kinney’s* view that higher employment levels may reduce workplace violence because stable work rewards peaceful and cooperative behavior. Other studies have also suggested that workplaces located in communities with higher rates of violence may experience higher levels of workplace violence.

Individual characteristics may also affect the likelihood of violent or aggressive behavior. Personal stressors, substance abuse, family or marital difficulties, prior trauma, workplace conflict, and certain personality traits may increase anger, frustration, or impulsive responses. However, focusing exclusively on individual characteristics is insufficient, because it risks treating workplace violence as merely a problem of individual pathology rather than as a broader organizational and social issue.

The work environment is another central factor. *Roderick* refers to research by *Chen/ Spector* indicating that workplace stressors are directly related to aggressive behaviors, including sabotage, interpersonal aggression, and hostility. These stressors may include unclear job roles, excessive workloads, poor communication, lack of procedural fairness, job insecurity, inadequate supervision, and unresolved interpersonal conflict. To reduce such risks, human resources personnel and managers should adopt measures to minimize workplace stressors, clarify job responsibilities, provide fair procedures, and support workers in balancing work responsibilities with personal obligations.

Roderick also discusses the predictability of certain forms of workplace violence. Drawing on *Kinney’s* model, she explains that workplace violence may develop through a sequence in which an individual experiences trauma, escalating tension, anxiety, and a perception that available problems are unsolvable. When the individual comes to believe that no legitimate solution remains, violence may be perceived as the only available outlet.

Given the multifaceted causes and consequences of workplace violence, effective policy responses must be both preventive and reactive. Preventive measures may include training, risk assessment, conflict management, clear reporting channels, employee assistance

programs, adequate staffing, and efforts to improve organizational culture. Reactive measures may include investigation, disciplinary action, victim support, administrative sanctions, and, in serious cases, criminal prosecution. A comprehensive legal framework should therefore address not only individual acts of violence, but also the organizational conditions that allow such violence to occur, persist, or remain unreported.

4.3 Laws Preventing and Penalizing Workplace Violence

As previously mentioned, this study compares the laws, rules, and regulations of the three countries with the highest and lowest reported incidence rates of workplace violence. Drawing on the studies of *Roderick* (2010), *Rhode* (2010), and *Kinney/Johnson* (1993), the study takes into account the following factors: (1) the country's political climate and legal system; (2) the reported incidence rate of workplace violence in relation to its employment and unemployment rates; (3) the laws penalizing and prohibiting workplace violence; and (4) the extent to which the country's laws reflect its broader perspective or approach to preventing and addressing workplace violence.

4.3.1 Cluster 1: Countries with Highest Reported Rates of Workplace Violence

4.3.1.1 Australia

Australia is a parliamentary democracy and a common law country. According to the Australian National University, Australia has two major sources of law: (1) case law, consisting of decisions made by judges in courts; and (2) legislation, consisting of legal rules enacted by Parliament and by bodies to which Parliament has delegated legislative authority.

As of September 2023, the Australian Bureau of Statistics recorded 14,117,100 employed persons and 538,500 unemployed persons in Australia. Its unemployment rate was 3.7%, the lowest among the countries compared in this study. Despite this low unemployment rate, Australia recorded the highest reported incidence rate of workplace violence, at 49.1%, based on Gallup's 2021 World Risk Poll. Among respondents who reported having experienced workplace violence and harassment, 44.8% were men and 53.3% were women. The same report further indicated that 71.9% of respondents had experienced physical violence, 79.3% had experienced psychological violence, and 65.4% had experienced sexual violence. In addition, a Deloitte report estimated that workplace sexual harassment costs Australian workplaces AUD 2.6 billion annually in lost productivity (*Ballard/Bozin* 2023).

As of this writing, the Australian Human Rights Commission identifies the following laws and regulations as part of Australia's legal framework for preventing and penalizing workplace violence:

First, the Fair Work Act 2009 is regarded as one of Australia's most important pieces of workplace legislation, as it sets out the rights and protections to which workers and employees are entitled while performing work in Australia. The Act was further strengthened in 2013. According to the Australian Human Rights Commission, the amended Fair Work Act imposes obligations on employers to prevent discrimination, harassment, and bullying in the workplace. It defines workplace bullying as repeated unreasonable behaviour by an individual towards a worker that creates a risk to health and safety.

The Fair Work Act also establishes institutional mechanisms through which workers may report violations of their rights. Section 696 establishes the Office of the Fair Work Ombudsman, while Section 682 provides that the Fair Work Ombudsman's primary function is to "promote harmonious, productive and cooperative workplace relations" and to ensure compliance with the Fair Work Act and other fair work instruments. The Ombudsman is empowered to provide education, assistance, and advice to employees, employers, outworkers, outworker entities, and organizations concerning best practices in workplace relations and workplace compliance. The Ombudsman may also represent employees or outworkers who become parties to proceedings before the Fair Work Court.

Second, the Sex Discrimination Act 1984 expressly prohibits sexual harassment in the workplace. The Act defines sexual harassment as any unwelcome sexual conduct that a reasonable person would anticipate might offend, humiliate, or intimidate the person harassed. Potential offenders include employers, co-workers, and other workplace participants, including partners, agents, and contract workers.

Third, Australia's occupational health and safety laws recognize bullying as a workplace risk and therefore require employers to take preventive measures. Compliance with work health and safety laws is monitored and enforced by work health and safety regulators. These regulators are specially trained and are empowered to conduct workplace inspections, direct employers to comply with labour laws, and initiate prosecutions for breaches of occupational health and safety obligations (*Foster et al.* 2020).

Under Section 19(1) of Australia's work health and safety legislation, employers are required to ensure, so far as is reasonably practicable, the health and safety of all workers they engage. In addition, the Work Health and Safety (Industrial Manslaughter) Amendment Bill provides that an individual may face a maximum penalty of 20 years' imprisonment for reckless or grossly negligent conduct that constitutes a breach of a work health and safety duty and results in the death of another person (Sebbens, 2023).

The Occupational Health, Safety and Welfare Act 1986 defines bullying as behaviour that is: (a) directed towards an employee or a group of employees and is repeated and systematic; (b) such that a reasonable person, having regard to all the circumstances, would expect the behaviour to victimize, humiliate, undermine, or threaten the employee or employees concerned; and (c) creates a risk to health or safety. Such conduct is punishable by a penalty of up to AUD 20,000 for an individual and AUD 60,000 for a corporation.

Fourth, Australia has enacted several anti-discrimination statutes that prohibit workplace mistreatment on the basis of disability, sex, and race. The Disability Discrimination Act 1992 prohibits workplace harassment on the basis of, or in connection with, a person's disability or the disability of an associate. For the purposes of the Act, an "associate" may include the worker's spouse, another person living with the worker on a genuine domestic basis, a relative, a carer, or a person who has a business, sporting, or recreational relationship with the worker. Penalties may include imprisonment ranging from six to 12 months.

The Racial Discrimination Act 1975 prohibits racial discrimination against workers, including during recruitment and selection processes. Under the Act, "racial hatred" refers to acts done in public that offend, insult, humiliate, or intimidate a person or group of people because of their race, colour, or national or ethnic origin.

Finally, Australian courts have also recognized bullying as a workplace risk. The Supreme Court has held that an employer's failure to address workplace bullying may give rise to liability under common law (*Squelch/Guthrie* 2011).

In summary, Australia appears to have the most developed and comprehensive framework explicitly addressing workplace violence and harassment, partly reflecting its ratification of ILO Convention No. 190. Australia has developed a substantial body of legislation and jurisprudence addressing workplace violence. Although it does not have a single consolidated statute devoted exclusively to workplace violence, its labour, occupational health and safety, and anti-discrimination laws collectively provide a comprehensive and prevention-oriented legal framework. Notably, these laws also establish institutional mechanisms through which employers and employees may seek redress, obtain guidance, and promote awareness of labour standards, occupational safety, and the prevention of workplace violence.

4.3.1.2 Finland

Finland is widely regarded as one of the world's happiest countries (*Hunter* 2023). In 2023, Freedom House also gave Finland a score of 100 out of 100, noting that corruption is not a significant issue in the country and that freedoms of speech, religion, and association are well respected.

Finland is a civil law country. As a Member State of the European Union, it is subject to EU law, which takes precedence over conflicting national legislation. Domestically, its principal sources of law include Acts of Parliament, as well as decrees and orders issued by the Government or relevant ministries.

As of November 2023, Finland had 2,602,000 employed persons and only 190,000 unemployed persons. Its unemployment rate was 6.8%, which the Finnish government attributed to the country's economic recession that year (YLE News, 2023).

Notably, despite its strong democratic institutions and relatively low unemployment rate, Finland ranked second among the countries with the highest reported incidence of workplace violence. Based on Gallup's World Risk Poll, 47.9% of respondents in Finland reported having experienced workplace violence. The same survey indicated that 57.9% of victims were women. Kantar Public, a London-based marketing data and analytics company, further reported that one-third of the reported incidents involved workers in the social and healthcare sectors (YLE News, 2023).

As of this writing, Finland has adopted the following laws and regulations to prevent and penalize workplace violence:

First, Finnish law recognizes workplace violence as an occupational risk. Section 27 of the Occupational Safety and Health Act (738/2002) acknowledges violence as a threat at work and as detrimental to employees' working conditions. It requires employers to adopt appropriate safety arrangements and equipment necessary to prevent and restrict such incidents. It also requires that means be available to immediately summon assistance when such incidents occur. Section 28 of the same Act further obliges employers to take appropriate measures to address harassment or other inappropriate treatment of employees at work.

Section 12 of the Occupational Health Care Act (1383/2001) reiterates the employer's responsibility to investigate and assess employees' health and safety through repeated workplace visits and other appropriate methods. In addition to workload-related factors, employers must also assess working arrangements, accident risks, and the risk of violence.

Second, Finland's Criminal Code contains a specific chapter penalizing work-related offences, including work safety offences. Under Chapter 47, Section 1 of the Finnish Criminal Code, an employer or its representative may be punished for a work safety offence if they intentionally or negligently violate occupational safety requirements. Workplace harassment or inappropriate treatment may fall within this framework where it creates a work safety risk. C190 Under Section 3, an employer or its representative who, without a justifiable reason, discriminates against an applicant may be punished by a fine or imprisonment of up to six months.

Third, Finland has specific legislation and regulations protecting young workers. The Young Workers' Act (998/1993) and the Government Decree on Work that is Particularly Harmful or Dangerous for Young People (475/2006) require employers to ensure that young workers are not exposed to work that is hazardous to their physical or mental development.

Fourth, the Employment Contracts Act, as summarized by the Ministry of Employment and the Economy (2014), imposes a duty on employers to improve both relations among employees and the employer's own relations with its workers. It provides that employers must take all necessary steps to create a sound and confidential working environment and to ensure smoothly functioning cooperation within the entire working community. The Act also reiterates the basic principle of equality among workers. Unless there is a justifiable reason, an employer may not discriminate on the basis of age, disability, national or ethnic origin, race, colour, nationality, sexual orientation, language, religion, opinion or conviction, family ties, trade union activity, political activity, or any other comparable characteristic. Notably, the Employment Contracts Act also recognizes the importance of employees' mental health and imposes on employers a responsibility to safeguard it.

Fifth, the Act on Equality between Women and Men, enacted in 1986, makes an employer liable for discrimination if it fails to act after receiving a complaint or information indicating that an employee has been subjected to sexual or other gender-based harassment. The compensation payable is no less than EUR 3,000.

Similar to Australia, Finland recognizes workplace violence as an occupational risk. Among the six countries compared in this study, Finland is notable for expressly including work-related offences in its Criminal Code. This legal framework distinguishes general crimes, such as assault or manslaughter, from conduct specifically connected to the workplace. Finland also incorporates workplace violence prevention into its labour, occupational safety and health, and anti-discrimination laws, thereby adopting a multi-layered approach that combines prevention, employer responsibility, and criminal accountability.

4.3.1.3 Iceland

Iceland is the third happiest country in the world (*Hunter 2023*). It has also consistently ranked first in the World Economic Forum's Global Gender Gap Index for 14 years. Women constitute 48% of the members of its Parliament, the highest proportion of women in a national political body in Europe (*Hunter 2023*). Distinctively, Iceland is also one of the few

countries in the world with a Ministry of Gender Equality, which is responsible for implementing equality-related laws. In view of its long-standing commitment to democratic governance and equality, Freedom House gave Iceland a score of 94 out of 100 in 2023.

Iceland follows the civil law system. Its principal sources of law are the Constitution, statutory legislation, and regulations. Nevertheless, judicial precedent and customary law are also given weight in legal interpretation and application (Icelandic Human Rights Centre, n.d.).

Iceland's labour force is relatively small. Based on 2022 data, Iceland had a labour force of 227,600 persons, of whom 209,400 were employed and 8,100 were unemployed. Its employment rate was 77.1%, while its unemployment rate was only 3.7%.

Similar to Australia and Finland, Iceland ranks among the three countries with the highest reported incidence rates of workplace violence, despite its extensive efforts to protect workers' rights, promote equality, and strengthen democratic institutions. Gallup's World Risk Poll recorded that at least 42% of respondents in Iceland had experienced workplace violence.

The following laws, rules, and regulations in Iceland are relevant to the prevention, regulation, and penalization of workplace violence:

First, the Icelandic Constitution contains several provisions safeguarding the rights and welfare of workers. Article 68 expressly provides that no person shall be required to perform compulsory labour. Article 75 recognizes the right of all persons to pursue the employment of their choice, subject only to restrictions imposed by law in the public interest. This protection applies regardless of sex, gender, political opinion, or other comparable characteristics.

Second, the Act on Working Environment, Health and Safety in Workplaces was first enacted in 1980 and was most recently amended in 2017. In 2015, Article 38 was amended to empower the Minister of Welfare to issue regulations not only concerning workers' physical safety and risks directly arising from the performance of their duties, but also concerning measures against bullying, sexual harassment, gender-based harassment, and violence in workplaces.

Third, Regulation No. 1009 on Measures Against Victimization, Sexual Harassment, Gender-Based Harassment and Violence in the Workplace was approved by the Ministry of Welfare in 2015. Article 6 of the Regulation makes employers responsible for preventing and addressing victimisation, sexual harassment, gender-based harassment, and violence in the workplace. This responsibility includes proactively informing and educating employees about the fact that such conduct is prohibited and the reasons for its prohibition. Compliance with the Regulation is monitored by the Administration of Occupational Safety and Health. Violations are punishable by fines, unless a different penalty is provided under other legislation.

Fourth, Iceland recognizes discrimination as one of the underlying causes of workplace violence. Accordingly, many of its legislative and regulatory efforts to address workplace violence are integrated into anti-discrimination laws and equality policies.

The Act on Equal Status and Equal Rights Irrespective of Gender was first enacted in 2008 and most recently amended in 2020. One of its objectives is to combat gender-based violence, gender-based harassment, sexual harassment, and multiple discrimination. Article 14 specifically requires employers, directors of institutions, civil society organizations, and sports and youth organizations to take special measures to protect their employees, students, and clients from gender-based violence, gender-based harassment, and sexual harassment. This obligation applies not only in workplaces, but also in social activities, schools, and other institutional settings. The same provision also protects victims of violence and harassment from retaliation by requiring any superior accused of the alleged conduct to refrain from taking part in any further examination or handling of the matter.

The Act on the Administration of Matters Concerning Equality established the Directorate of Equality, the Equality Complaints Committee, and the Ministry of Gender Equality. Under Article 4, one of the responsibilities of the Directorate of Equality is to work on preventive measures against gender-based violence, gender-based harassment, and sexual harassment in collaboration with other authorities and organizations specializing in such measures. Article 5 further empowers the Directorate of Equality to recommend that matters be brought before the Equality Complaints Committee where there is reasonable suspicion that an institution, company, or civil society organization has violated equality-related laws or regulations.

The Act on Equal Treatment in the Labour Market (Act No. 86/2018) requires equal treatment in employment regardless of race, ethnic origin, religion, life stance, disability, reduced working capacity, age, sexual orientation, gender identity, sex characteristics, or gender expression. It guarantees equal access to employment, educational and vocational counselling, vocational education and training, wage-related decisions and other terms of employment, as well as participation in workers' and employers' organizations. Violations of the Act are punishable by fines.

In summary, Iceland has commendably recognized workplace violence as an occupational risk. Its legal framework addresses workplace violence through occupational safety and health regulation, equality legislation, and anti-discrimination measures. However, it is also noticeable that many of its laws concerning violence and harassment in the workplace are framed primarily in relation to gender discrimination, gender-based violence, and sexual harassment. As a result, Iceland's approach is particularly strong in addressing gender-based forms of workplace violence, although its broader regulation of non-gender-based workplace bullying and violence appears to rely more heavily on occupational safety and health mechanisms.

4.3.2 Cluster 2: Countries with Lowest Reported Rates of Workplace Violence

4.3.2.1 Kazakhstan

Under its Constitution, Kazakhstan declares itself to be a democratic, secular, legal, and social state. However, Freedom House (2023) gave Kazakhstan a score of only 23 out of 100 and described it as being ruled by a consolidated authoritarian regime. In 2022, Kazakhstan experienced significant political unrest and economic crisis. Following the unrest, former intelligence chief Karim Massimov was arrested on suspicion of treason, while the

influence of former President Nursultan Nazarbayev and his political circle was substantially weakened.

Kazakhstan is a civil law country, and its Constitution is its principal source of law. Other sources of law include constitutional amendments, constitutional laws of the Republic of Kazakhstan, codes, consolidated acts and laws, regulatory resolutions of Parliament and its chambers, regulatory legal decrees of the President, regulatory legal resolutions of the Government, regulatory legal orders of ministers and heads of central government agencies, regulatory decisions of *maslikhats* or local representative bodies, regulatory resolutions of *akimats* or local executive bodies, regulatory decisions of *akims*, and regulatory legal resolutions of audit committees (*Sayat Zholshy & Partners*, n.d.).

Kazakhstan has a relatively large labour force, the third largest among the countries examined in this study. In 2022, its labour force was 9,429,809. In the same year, it recorded 8,971,539 employed workers and 458,270 unemployed workers. Its unemployment rate was 4.9%.

Based on Gallup's World Risk Poll, Kazakhstan had the third lowest reported incidence rate of workplace violence, at only 3.6%.

There are relatively few legal provisions in Kazakhstan that specifically prevent, address, or penalize workplace violence or its underlying causes.

First, Article 14 of the Constitution of the Republic of Kazakhstan affirms the principles of equality and non-discrimination. It prohibits discrimination on the basis of origin, social or property status, occupation, sex, race, nationality, language, attitude toward religion, convictions, place of residence, or any other circumstance. The Law on State Guarantees of Equal Rights and Equal Opportunities of Men and Women (2009) similarly reiterates the principle of non-discrimination on the basis of sex.

Second, the Labour Code of the Republic of Kazakhstan guarantees freedom of work, including the right to perform work without coercion under Article 5, and the principle of non-discrimination in labour relations under Article 6. However, unlike the legal frameworks of Finland and Iceland, Kazakhstan's Labour Code does not appear to impose a broad duty on employers to create a psychologically safe working environment or to foster positive relations among employees. Rather, the employer is treated more passively and is primarily required to warn employees about harmful or dangerous working conditions and the possibility of occupational disease.

Moreover, the concept of threats to working conditions or occupational safety does not appear to expressly include workplace violence. The definitions of "dangerous working conditions" and "harmful working conditions" are primarily limited to hazards arising from the nature or performance of the work itself, such as exposure to viruses, chemicals, or faulty machinery.

Third, the Criminal Code of the Republic of Kazakhstan (2014) criminalizes sexual harassment, assault, and other forms of violence. However, these offences are treated as general crimes and are punishable regardless of whether they occur inside or outside the workplace.

In summary, Kazakhstan does not have a specific law addressing workplace violence, nor does it expressly recognize workplace violence as an occupational risk. Occupational risk is defined primarily in relation to dangerous or harmful working conditions arising from the actual performance of work, rather than from the conduct of co-workers, supervisors, clients, or other individuals within the workplace. Accordingly, incidents of violence and harassment occurring in the workplace are generally addressed through the Criminal Code as ordinary criminal offences, rather than through a specialized labour or occupational safety and health framework.

4.3.2.2 Pakistan

Pakistan is a federal parliamentary republic led by a President and a Prime Minister. Since gaining independence in 1947, the country has faced recurring political, social, and economic instability. The 2022 Index of Economic Freedom noted that “civilian authorities remain subservient to the military,” a concern further reinforced by the passage of two bills in Parliament granting the Pakistani Army broad authority to carry out activities related to national development and the advancement of national or strategic interests (The Heritage Foundation 2023; *Sheikh* 2023). Freedom House (2023) gave Pakistan a score of 37 out of 100 and classified it as “Partly Free.” Although Pakistan has a multi-party political system, opposition figures and their supporters have reportedly faced continuous attacks and persecution.

Pakistan follows a common law system. As an Islamic Republic, the injunctions contained in the Holy Qur’an and the Sunnah also serve as primary sources of law. *Lau* (1994) identified the following sources of Pakistani law: the statute law of British India; personal law, including Hindu and Muslim personal law; decisions of pre-partition Indian courts and the Privy Council; post-partition decisions of Indian courts on relevant matters; post-partition Pakistani statutes; post-partition decisions of Pakistani courts; and Islamic law.

Pakistan has one of the ten largest labour forces in the world. Based on the Pakistan Economic Survey 2021–2022, its labour force consisted of more than 70 million persons, of whom more than 67 million were employed and more than 4 million were unemployed. Its unemployment rate in 2021 was 6.3%. Interestingly, despite the size of its labour force, Gallup’s World Risk Poll recorded a workplace violence incidence rate of only 3.3% in Pakistan, making it the country with the second lowest reported incidence rate of workplace violence among those examined in this study.

There are limited available resources on workplace violence in Pakistan. However, *Hadi* (2022) emphasized that most victims of violence, in general, are women, and that the most common form of workplace-related violence is sexual harassment. The author further observed that there are no reliable statistics on sexual harassment because of the lack of public discourse on the issue. Due to cultural influences, Pakistani women often choose to remain silent about their experiences as victims of harassment or violence (*Hadi* 2022).

The following Pakistani laws and rules are relevant to workplace violence and its underlying causes:

First, while Pakistan has laws and jurisprudence concerning workplace harassment, these are largely limited to violence or harassment committed against women. Act No. IV of 2010, entitled the Protection against Harassment of Women at the Workplace Act, provides a

limited definition of workplace harassment. For the purposes of the Act, “harassment” is defined under Section 2(h) as any unwelcome sexual advance, request for sexual favours, or other verbal, written, or physical conduct of a sexual nature, as well as sexually demeaning attitudes, that interfere with work performance, create an intimidating, hostile, or offensive work environment, or punish a complainant for refusing to comply with such conduct. The definition also covers conduct that is made a condition of employment.

Section 3 of the same Act requires every organization to establish an Inquiry Committee responsible for receiving, hearing, and deciding complaints concerning sexual harassment of women in the workplace. Violations of the Act are punishable by minor or major penalties, depending on the gravity of the offence. Minor penalties include censure, withholding of promotion or increment for a specified period, stoppage of work for a specified period, and recovery of compensation payable to the complainant from the pay or other sources of the accused. Major penalties include demotion, compulsory retirement, removal from service, dismissal from service, and the imposition of a fine.

Section 11 of the Act also requires all employers to incorporate a Code of Conduct for the Protection Against Harassment of Women at the Workplace into their respective management policies.

Second, sexual harassment in the workplace is also punishable under the Pakistan Penal Code. Section 509 of the Pakistan Penal Code punishes sexual harassment with imprisonment of up to three years, a fine of up to PKR 500,000, or both. Sexual harassment under this provision includes conduct or behaviour intended to unreasonably interfere with an individual’s work performance or to create an intimidating, hostile, or offensive environment.

Third, in 2021, the Supreme Court of Pakistan rendered a judgment in *Nadia Naz v. President of the Islamic Republic of Pakistan*, interpreting the term “harassment” under the Protection against Harassment of Women at the Workplace Act. The Court held that the Act covers not only conduct that is sexual in nature, but also other demeaning attitudes, behaviours, or conduct that may amount to harassment in the generic sense of the term (*Tahir* 2023).

Among the countries in Cluster 2, Pakistan is the only country with a specific statute addressing harassment in the workplace. However, the scope of this law is largely limited to sexual harassment, particularly harassment affecting women. Apart from this framework, Pakistan does not appear to have a comprehensive law specifically addressing workplace violence, workplace bullying, or non-sexual forms of harassment. As a result, workplace violence in Pakistan is addressed primarily through sexual harassment legislation and general criminal law, rather than through a broader occupational safety and health or labour law framework.

4.3.2.3 Tajikistan

Tajikistan is a presidential Islamic republic. It has been ruled by President Emomali Rahmon since 1992 under an authoritarian regime. According to Human Rights Watch, opposition activities and civil liberties have been continuously suppressed. Peaceful assemblies have reportedly been characterized as “illegal” and as being instigated by terrorist groups. In light of these sociopolitical conditions, Freedom House gave Tajikistan a score of only 7 out of 100, classifying it as “Not Free.”

Tajikistan is a civil law country. Its sources of law include the Constitution; laws adopted through referenda; international legal acts; constitutional laws; joint resolutions of the *Majlisi milli* or upper house and the *Majlisi namoyandagon* or lower house of the *Majlisi Oli*, the Supreme Council or Parliament of the Republic of Tajikistan; orders of the President; resolutions of the Government; directives of ministries and state committees; resolutions of the assemblies of people's deputies of the Gorno-Badakhshan Autonomous Province and other provinces; resolutions of the chairs of the Gorno-Badakhshan Autonomous Province and other provinces; resolutions of the assemblies of people's deputies of districts; resolutions of district chairs or governors; and resolutions of village or settlement self-governing bodies (Abdulhamidov, 2023). The judiciary does not have the power to review legislative acts.

Tajikistan's labour force is only slightly larger than that of Finland. Based on publicly available data from Trading Economics, approximately 2,463,000 persons were recorded as employed in 2022, while only 51,200 were unemployed. Its unemployment rate was 7.8%. Based on Gallup's World Risk Poll, Tajikistan had the lowest reported incidence rate of workplace violence among the countries examined in this study, at only 3.0%.

Information and data on workplace violence in Tajikistan are limited in both official government sources and the media. However, during a meeting of the United Nations Committee on the Elimination of Discrimination against Women, representatives of non-governmental organizations from Tajikistan raised concerns regarding the country's "weak national machinery and ineffective mechanisms for the implementation of gender policies," as well as the lack of genuine political will to advance gender equality. For instance, Tajikistan has not yet enacted a law specifically prohibiting and penalizing sexual harassment.

The following laws in Tajikistan are relevant to workplace violence and its underlying causes:

First, Article 35 of the Constitution of Tajikistan reiterates the principles of non-discrimination and labour protection. It provides that every person has the right to work, to choose his or her profession or occupation, and to enjoy labour protection.

Second, the Labour Code of the Republic of Tajikistan (Text No. 417), enacted in 1997 and amended in 2016, provides that the State shall guarantee every worker the right to working conditions that meet established standards of safety and hygiene under Article 4, as well as compensation for health problems or damage to a worker's property resulting from work under Article 9.

Section 7 of the Labour Code reiterates the principle of non-discrimination in employment relations. It provides that all citizens are equal in employment relations and prohibits any distinction, preference, or refusal to hire a worker on the basis of nationality, race, skin colour, sex, age, religion, political conviction, place of birth, or national or social origin where such conduct violates the principle of equality of opportunity at work. However, distinctions based on the nature of the work or on the State's concern for persons in need of social protection are not deemed discriminatory.

Similar to Kazakhstan's Labour Code, the Tajik Labour Code appears to position the employer as a relatively passive actor in the workplace. Article 121 requires the employer to ensure labour and production discipline and to comply with labour legislation. It also prohibits employers from requiring employees to perform illegal acts, acts outside their job

description, or acts that endanger the life of the employee or other individuals. However, the Code's definitions of hazardous work and its provisions on occupational health and safety appear to focus mainly on dangers arising directly from the work performed.

In summary, Tajikistan's legal framework does not appear to recognize workplace violence as an occupational risk. Its concept of occupational risk is limited primarily to direct hazards arising from the performance of work itself. Tajikistan also does not appear to have specific legislation or enforcement mechanisms addressing workplace violence, workplace bullying, or sexual harassment. Consequently, its legal response to violence and harassment in the workplace remains limited and underdeveloped compared with the countries in Cluster 1.

4.4 Comparison

A comparison of the laws of the countries in Clusters 1 and 2 provides insight into the factors that may influence workers' awareness, empowerment, and willingness to report incidents of workplace violence.

4.4.1 Political Situation and Respect for Civil Liberties

Freedom House gave the countries in Cluster 1 higher scores than those in Cluster 2. The sociopolitical situation in Cluster 1 countries is also relatively more stable and peaceful than that of Cluster 2 countries. In addition, respect for civil liberties, institutional mechanisms that enable citizens to report crimes and offences, and accountability systems are generally more developed in the countries belonging to Cluster 1. By contrast, the governments of the countries in Cluster 2 tend to lean toward authoritarianism and, in some cases, political repression.

Notably, despite political turmoil and violence within their respective jurisdictions, the countries in Cluster 2 reported lower incidence rates of workplace violence. This finding appears to contradict Roderick's theory and other studies suggesting that communities with higher crime rates are more likely to experience higher rates of workplace violence. One possible explanation is that the lower reported incidence rates in Cluster 2 may reflect underreporting rather than an actual lower prevalence of workplace violence. In countries where civil liberties are restricted, legal protections are weak, or public trust in institutions is low, workers may be less willing or less able to report violence and harassment in the workplace.

4.4.2 Characteristics of the Labour Force

Despite having lower reported incidence rates of workplace violence, the countries in Cluster 2 generally have larger labour forces than those in Cluster 1.

However, unemployment rates are also higher in the countries belonging to Cluster 2. The average unemployment rate in Cluster 1 is approximately 5%, while the average unemployment rate in Cluster 2 is approximately 6%. This finding again appears to contradict Roderick's theory, which suggests that incidence rates of workplace violence are more likely to be higher in areas with higher unemployment rates.

AThis discrepancy may likewise be explained by differences in reporting behaviour, institutional trust, and legal awareness. In countries with stronger democratic institutions and more accessible reporting mechanisms, workers may be more likely to identify, report, and seek

redress for workplace violence. Conversely, in countries where workers face economic insecurity, weak enforcement mechanisms, or fear of retaliation, incidents may remain unreported even when they occur.

4.5 Trends in Workplace Violence Legislation

In Cluster 1, despite the higher reported incidence rates of workplace violence, the countries examined generally have stronger and more stringent laws, regulations, and institutional mechanisms aimed at preventing and penalizing such conduct. These countries tend to recognize workplace violence as an occupational safety and health concern, an equality issue, and, in some cases, a matter of criminal accountability. Their legal frameworks also impose more active duties on employers to prevent harassment, bullying, discrimination, and violence in the workplace.

By contrast, the countries in Cluster 2 tend to treat workplace violence primarily as an ordinary criminal offence or as a limited form of discrimination or harassment. They generally lack the comprehensive labour, occupational safety and health, and institutional frameworks found in Cluster 1. Although the laws in Cluster 2 often affirm the principle of non-discrimination, they do not always provide effective enforcement mechanisms that empower victims to report incidents of workplace violence or seek meaningful remedies.

Kazakhstan, for instance, does not appear to recognize workplace violence as an occupational risk. Instead, acts such as assault or sexual harassment are treated primarily as general criminal offences under the Penal Code. This illustrates a gap in its legal framework, as workplace violence is not addressed as a distinct employment-related or occupational safety issue.

Similarly, Pakistan has a specific statute addressing harassment in the workplace, but its scope is largely limited to sexual harassment, particularly harassment affecting women. Other forms of workplace violence, such as bullying, psychological violence, verbal abuse, intimidation, and violence by co-workers, supervisors, clients, or third parties, are not addressed through a comprehensive workplace violence framework.

Across both clusters, workplace violence legislation is frequently connected to anti-discrimination laws. However, this approach may create limitations. Where legal protection is framed mainly through discrimination law, workers may be required to show that the violence or harassment was connected to a protected characteristic, such as sex, race, disability, or gender identity. This may leave victims of non-discriminatory workplace bullying or generalized workplace violence without clear legal protection.

Overall, the comparison suggests that countries with higher reported incidence rates of workplace violence are not necessarily more violent workplaces in substance. Rather, they may have stronger legal awareness, more accessible reporting mechanisms, greater trust in institutions, and broader legal definitions that enable workers to report their experiences. Conversely, the low reported incidence rates in Cluster 2 may reflect weaker legal frameworks, limited public discourse, fear of retaliation, social stigma, or institutional barriers to reporting.

In both clusters, however, a common policy trend can be observed: legislators increasingly recognize that workplace violence cannot be effectively prevented by criminal sanctions

alone. Prevention also requires employers, organizations, and governments to address the underlying causes of workplace violence, including discrimination, bullying, unequal power relations, weak labour protections, and unsafe working environments.

4.5.1 Scope of Occupational Safety and Definition of Workplace Violence

The countries in Cluster 1 recognize bullying, harassment, and violence in the workplace as occupational risks. Accordingly, their occupational safety and health laws impose duties on employers to prevent such conduct and, in certain circumstances, provide penalties for employers, employees, or other workplace actors who cause harm to workers.

By contrast, the countries in Cluster 2 do not appear to recognize workplace violence as an occupational risk or hazard. Their occupational safety and health laws tend to focus primarily on physical accidents and work-related hazards arising directly from the performance of a task, such as injuries caused by faulty machinery or exposure to hazardous chemicals. As a result, bullying, harassment, psychological violence, and interpersonal violence in the workplace are generally not addressed within their occupational safety and health frameworks.

4.5.2 State and Other Enforcement Mechanisms in Workplace Violence

The countries in Cluster 1 have established institutional and enforcement mechanisms to prevent, address, and penalize workplace violence. These mechanisms operate alongside, and in some cases separately from, traditional administrative and judicial remedies.

In Australia, the Office of the Fair Work Ombudsman has the authority to investigate complaints, receive reports, and, in certain cases, represent complainants, including victims of workplace violence, before the courts. The Office of the Fair Work Ombudsman also has a proactive role in educating and advising both employees and employers on workplace rights and the importance of fostering a safe and respectful working environment. In addition, Australia relies on its Work Health and Safety regulators, which are empowered to direct employers to comply with labour and occupational safety laws and to initiate prosecutions for violations of occupational health and safety obligations. This reflects Australia's broader legal approach, under which workplace violence is treated as an occupational safety and health concern.

In Finland, an employer's negligence in failing to comply with work safety obligations, as well as an employee's intentional commission of acts amounting to workplace violence, may give rise to criminal liability punishable by imprisonment and/or a fine.

In Iceland, the Directorate of Equality may recommend that proceedings be brought against an organization that is found to have engaged in, or been complicit in, gender-based discrimination, violence, or harassment. Violence arising from gender-based discrimination is punishable by fines, unless a heavier penalty is provided under another law.

Conversely, the countries in Cluster 2 rely heavily on traditional administrative and judicial enforcement mechanisms to prevent and penalize workplace violence. In these countries, workplace violence is generally treated as an ordinary criminal offence. Therefore, victims must usually rely on the Penal Code or general criminal law provisions to seek redress. However, criminal prosecution requires a higher burden of proof and may place substantial

responsibility on the victim to initiate and pursue the case. This framework may also relieve employers, organizations, and the State of a more active duty to assist complainants or to prevent workplace violence before it occurs.

Notably, among the countries examined in this study, only Australia has ratified the International Labour Organization's Violence and Harassment Convention, 2019. This may partly explain why Australia has developed a more explicit and comprehensive legal understanding of workplace violence, including clearer definitions and stronger institutional mechanisms.

4.5.3 Role of the Employer or Management in Preventing Workplace Violence

The countries in Cluster 1 impose proactive obligations on employers to prevent workplace violence. A common feature of the laws in these countries is the employer's duty to provide a safe working environment and to foster good relations with and among employees. Where an employer or organization fails to create or maintain a safe workplace, such failure may result in legal liability, including fines and/or imprisonment, depending on the nature and seriousness of the violation.

By contrast, the countries in Cluster 2 tend to treat employers as more passive actors in the prevention of workplace violence. For example, in Kazakhstan and Tajikistan, employers are primarily required to inform employees of workplace policies, comply with labour laws, and warn workers of harmful or dangerous working conditions. These obligations focus largely on physical or task-related risks rather than interpersonal violence, harassment, or bullying.

This reflects Rhode's observation that workplace violence policies often frame employers or organizations as "problem solvers," rather than as actors that may also contribute to the problem. In the context of Cluster 2, this approach limits employer accountability and may weaken the preventive function of workplace violence regulation. A more effective framework would recognize that employers and management play a central role not only in responding to incidents, but also in shaping workplace culture, preventing abuse of power, and ensuring that workers can report violence without fear of retaliation.

4.6 Conclusions and Recommendations

Workplace violence is a complex issue. It takes many forms, and its causes and triggers vary across workplaces, sectors, and societies. Classifying workplace violence solely as a criminal offence risks excluding the important role of human resources and management in preventing and resolving conflict within the workplace. Conversely, treating it merely as a civil wrong may oversimplify the issue as a private matter between the victim and the offender, thereby ignoring its broader organizational, occupational safety, and public health dimensions.

Countries have adopted different approaches to addressing violence and harassment in the workplace. Some, such as Tajikistan and Kazakhstan, adopt a largely reactive approach by addressing workplace violence mainly through general criminal law or general labour protections. Others, such as Iceland, Finland, and Australia, combine both proactive and reactive measures through occupational safety and health laws, equality legislation, anti-

discrimination measures, institutional complaint mechanisms, and criminal or administrative sanctions. Pakistan, meanwhile, approaches workplace violence primarily through the lens of sexual harassment and gender-based violence.

The findings of this study suggest that stronger workplace violence policies may empower victims to report incidents to employers, administrative agencies, and other enforcement bodies. This is consistent with Lloyd's Register Foundation's finding that, although Nordic countries reported higher incidence rates of workplace violence, workers in the region were also among those most likely to tell someone about their experiences. This observation supports the view that the lower reported incidence rates in Cluster 2 may reflect underreporting rather than a genuinely lower prevalence of workplace violence.

However, the high number of reported workplace violence incidents in Cluster 1 also suggests that gaps may remain in enforcement. The existence of laws and regulations alone does not guarantee effective prevention. Consistency, institutional capacity, employer compliance, and political determination are all critical to the meaningful enforcement of workplace violence policies.

On the other hand, the low number of reported incidents in Cluster 2 may reflect the absence of clear legal definitions and effective enforcement mechanisms. As discussed above, Tajikistan, Kazakhstan, and Pakistan do not have comprehensive laws specifically penalizing workplace violence. Victims in these countries generally must rely on criminal law or limited anti-harassment provisions to seek redress. Therefore, the lack of data, weak reporting systems, and absence of specialized enforcement mechanisms may have contributed to an inaccurate or incomplete picture of workplace violence in Cluster 2 countries.

Based on the foregoing observations, this study offers the following recommendations for developing an effective policy framework against workplace violence.

4.6.1 Preventive and reactive measures must be holistic

Workplace violence should not be addressed solely through punishment after harm has occurred. *O'Rourke/Antioch* (2016) emphasized that workplace violence "is not just a health and safety issue. It involves human resource management, organizational culture and employment relations." Accordingly, workplace violence policies must include both proactive and reactive measures.

Preventive strategies may include involving employees in decision-making, clarifying workplace roles and responsibilities, improving communication channels, providing training in soft skills and dispute resolution, and identifying organizational factors that may contribute to conflict. Reactive measures, on the other hand, may include internal investigations, administrative sanctions, disciplinary measures, civil remedies, and, in serious cases, criminal prosecution.

4.6.2 Employers and employees must both be accountable

A holistic approach can only be effective if both employers and employees recognize their respective responsibilities in creating a safe and healthy working environment. Employers, in particular, must acknowledge that they are not merely neutral observers or post-incident problem solvers. They play a central role in shaping workplace culture, preventing abuse of

power, and addressing organizational conditions that may enable bullying, harassment, or violence.

This is consistent with Rhode's observation that bullying and violence in the workplace may result from an "escalation of conflict." Unreasonable pressure, hostile work environments, and poor organizational practices can motivate or enable bullying within the workplace. Rhode cites studies showing that bullying may be influenced by organizational conditions such as poor job design, job-related stress, role conflict, misuse of organizational procedures, and poorly managed organizational change.

Therefore, employer accountability should not be limited to responding after an incident has occurred. Employers should be required to prevent foreseeable risks, provide accessible reporting channels, protect complainants and witnesses from retaliation, investigate complaints fairly, and take corrective action when workplace violence occurs.

4.6.3 States should develop dedicated workplace violence legislation

Among the countries examined, Australia is the only country with a more explicit legal definition of workplace violence. Moreover, only the countries in Cluster 1 clearly recognize workplace violence as an occupational risk. In many jurisdictions, penalties for workplace violence or harassment are embedded within anti-discrimination, sexual harassment, or gender equality laws.

While it is commendable that many countries recognize the relationship between workplace violence, bullying, harassment, discrimination, and gender inequality, this study submits that a dedicated legal framework on workplace violence remains necessary. Such a framework would allow the law to address workplace violence more directly, comprehensively, and effectively.

First, a clear legal definition of workplace violence would improve the accuracy of data collection and reporting. Without a clear definition, incidents of workplace violence may be recorded merely as discrimination, sexual harassment, assault, or other general crimes. This may prevent legislators, regulators, and enforcement agencies from obtaining an accurate picture of the actual conditions in workplaces and may lead to inadequate policy responses.

Second, a law specifically designed to prevent and penalize workplace violence would be better equipped to address the issue's distinct features. Criminal laws and anti-discrimination statutes often focus primarily on the offender. By contrast, workplace violence legislation can also impose obligations on employers to prevent foreseeable risks, address harmful organizational conditions, and respond promptly to complaints. It can also provide remedies for victims who may not belong to a legally protected or marginalized group, thereby offering broader protection than anti-discrimination laws alone.

Third, a dedicated workplace violence law can raise awareness of the issue. Legal recognition can help employers, employees, and regulators identify early warning signs, understand the organizational causes of violence, and take preventive measures before harm escalates. It can also encourage a culture of openness and reporting by assuring victims and witnesses that their complaints will be taken seriously and that they will be protected from retaliation.

4.6.4 Enforcement mechanisms must be effectively implemented

Policies are only as effective as their implementation. This study shows that the mere existence of laws and enforcement mechanisms does not automatically reduce workplace violence. As noted above, despite having numerous laws and institutional mechanisms, countries in Cluster 1 continue to report high incidence rates of workplace violence.

Effective implementation requires sufficient institutional capacity, accessible complaint mechanisms, trained investigators, clear employer obligations, protection against retaliation, reliable data collection, and consistent sanctions for violations. It also requires sustained political will and cooperation among government agencies, employers, workers, unions, and civil society organizations.

In sum, workplace violence demands the attention and concerted efforts of governments, employers, employees, enforcement agencies, and the wider community. The findings of this study suggest that the failure to define workplace violence clearly, differences in policy perspectives and legal approaches, and the continued neglect of workplace violence as a public health and occupational safety issue have contributed to underreporting, inconsistent data, and the persistence of workplace violence worldwide.

It is therefore imperative for stakeholders, particularly policymakers, enforcement agencies, and employers, to collaborate in developing comprehensive legal and institutional frameworks that prevent workplace violence, protect victims, hold offenders and negligent employers accountable, and promote safe, respectful, and dignified workplaces.

References

- ABC News. (2015, August 27). After shooting, alleged gunman details grievances in “suicide notes.” [Link](#).
- Abdulhamidov, B.* (2023). Update: Researching Laws of the Republic of Tajikistan Using Web Based Resources. Hauser Global Law School Program. [Link](#).
- Act on Equal Status and Equal Rights Irrespective of Gender, Act No. 150/2020, art. 14 (Ice.). [Link](#).
- Act on the Administration of Matters Concerning Equality. Act No. 151/2020. Art. 4-5 (2020). [Link](#).
- Act on Equal Treatment in the Labour Market, Act No. 86/2018 (2018). [Link](#).
- Australian Bureau of Statistics (2023, December 14). *Labour Force, Australia*. [Link](#).
- Australian Human Rights Commission (n.d.). *Workplace discrimination, harassment, and bullying*. [Link](#).
- Australian National University (n.d.). *Law: The Australian Legal System*. [Link](#). <https://lib-guides.anu.edu.au/c.php?g=634887&p=4547083>.
- Ballard, A. & Bozin, D.* (2023). The true (financial) costs of workplace violence in Australia. *Alternative Law Journal*, 48(3), 191-196. [Link](#).
- Constitution of the Republic of Kazakhstan. Art. 14 (1995). [Link](#).
- Duan, X., Ni, X., Shi, L., Zhang, L., Ye, Y., Mu, H., Li, Z., Liu, X., Fan, L., & Wang, Y.* (2019). The impact of workplace violence on job satisfaction, job burnout, and turnover intention: The mediating role of social support. *Health and Quality of Life Outcomes*, 17, Article 93. [Link](#).
- Foster, N., Sherriff, B., Windholz, E., & Ruschena, L.* (2020). *Work Health and Safety Law in Australia*. Australian Institute of Health and Safety (2nd ed.). [Link](#).
- Freedom House (n.d.). Freedom in the World 2023: Finland. [Link](#).
- Freedom House (n.d.). Freedom in the World 2023: Iceland. [Link](#).
- Freedom House (n.d.). Freedom in the World 2023: Pakistan. [Link](#).
- Freedom House (n.d.). Nations in Transit 2023: Kazakhstan. [Link](#).
- Geller, A.* (2015). Man accused in TV shooting recalled for volatility, complaints – ‘just waiting to go BOOM.’ *City News*. [Link](#).
- Government of Iceland (n.d.). About Gender Equality. [Link](#).
- Hadi, A.* (2022). Workplace Sexual Harassment and its Underreporting in Pakistan. *European Journal of Interdisciplinary Studies*, 8 (2), 126-136. [Link](#).

- Hunter, M.* (2023, March 20). The world's happiest countries for 2023. CNN Travel. [Link](#).
- Hunt, M. & Hughey, A.W.* (2010). Workplace Violence: Impact and Prevention. KCA Journal, 29 (1), 39-43.
- Icelandic Human Rights Centre. (n.d.). *Icelandic Law*. [Link](#).
- International Labour Organization & Lloyd's Register Foundation (2022). Experiences of violence and harassment at work: A global first survey. Geneva: ILO. [Link](#).
- International Labour Organization Violence and Harassment Convention, June 21, 2019. [Link](#).
- Labour Code of the Republic of Kazakhstan. Act No. 414-V. Art. 5 (2015). [Link](#).
- Labor Code of the Republic of Tajikistan. Act No. 1329 (2016). [Link](#).
- Lau, M.* (1994). Introduction to the Pakistani Legal System, with Special Reference to the Law of Contract. Yearbook of Islamic and Middle Eastern Law, 1, 3-28. [Link](#).
- Litwin, B.* (2002). A Conceptual Framework for a Multifactor, Multi-Level Analysis of the Origins of Workplace Violence. Journal of International & Comparative Law, 8(3), 825-854. <https://nsuworks.nova.edu/ilsajournal/vol8/iss3/5>.
- LKOS Law Office (n.d.). Legal System of the Republic of Finland. [Link](#).
- Kinney, J.A. & Johnson, D.L.* (1993). *Breaking Point: The Workplace Violence Epidemic and What to Do About it*. National Safe Workplace Institute.
- Ministry of Employment and the Economy (2014). Employment Contracts Act: The position of employers and employees under the Employment Contracts Act. [Link](#).
- Occupational Safety and Health Administration. (n.d.). Workplace Violence. [Link](#).
- O'Rourke, A. & Antioch, S.K.* (2016). Workplace Bullying Laws in Australia: Placebo or Panacea. Common Law World Review, 45 (1), 3-26. [Link](#).
- Penal Code of the Republic of Kazakhstan. Act No. 226-V. (2014). [Link](#).
- Regulation on measures against victimisation, sexual harassment, gender-based harassment and violence in workplace, Regulation No. 1009. § III, Art. 6 (2015). [Link](#).
- Sayat Zholshy & Partners* (n.d.). Doing Business in Kazakhstan: Kazakhstan Legal System. [Link](#).
- Sebbens, T.* (2023). Commonwealth to introduce industrial manslaughter offence. Ashurst. [Link](#).
- Sheikh, S.R.* (2023). Pakistan's military can now legally do whatever it wants. Nikkei Asia. [Link](#).
- Squelch, J. & Guthrie, R.* (2011). The Australian Legal Framework for Workplace Bullying. Comparative Labor Law and Policy Journal, 32 (1), 15-54. [Link](#).

Tahir, R. (2023). Supreme Court of Pakistan Holds that ‘Harassment’ at the Workplace Includes (Non-Sexual) Discrimination on Basis of Gender. Oxford Human Rights Hub. [Link](#).

The Lloyd’s Register Foundation World Risk Poll. (n.d.). Five Nordic nations among top ten reporting violence and harassment at work. [Link](#).

The Lloyd’s Register Foundation World Risk Poll. (n.d.). Safe at Work? Global Experiences of violence and harassment: Five Nordic nations among top 10 reporting violence and harassment at work. [Link](#).

Trading Economics (n.d.). Tajikistan Employed Persons. [Link](#).

The Heritage Foundation. (2023). Pakistan. [Link](#).

Vinograd, C. (2015, August 26). WDBJ7 Reporter Alison Parker, Photographer Adam Ward Killed on Live TV. NBC News. [Link](#).

Washington University Manual of International Legal Citation. (n.d.). Tajikistan (Jumhurii Tojikiston). [Link](#).

YLE News (2023). Finland’s unemployment rate continues to tick upwards. YLE Economy. [Link](#).

YLE News (2023). Survey: Majority in Finland report experiencing various workplace harassment. YLE Economy. [Link](#).

5 Elder Financial Exploitation in Taiwan: Vulnerabilities in a Super-Aged Society, Regulatory Framework, and Judicial Responses (*Leng-Chia Hung*)

5.1 Introduction

Recent domestic media reports highlight a growing social crisis involving the elderly in Taiwan. For instance, a widely publicized incident involved the family of a 102-year-old man orchestrating a "rescue mission" during a hospital visit to separate him from his 68-year-old caregiver, whom he had married after 16 years of care, due to deep-seated familial conflicts over access and asset control.¹ Such incidents are emblematic of the broader, complex socioeconomic realities facing Taiwan's aging demographic.

Population aging is a defining feature of developed nations. Taiwan formally entered the threshold of a "super-aged society" at the end of 2025, meaning that at least one in five citizens is now over the age of 65.² When coupled with a historically low birthrate, this demographic transition fundamentally reshapes the nation's social fabric. As individuals cross the conventional threshold of 65 years, inevitable biological and psychological decline renders them increasingly dependent, requiring enhanced social protection and adaptive systemic support. Consequently, this super-aged demographic structure introduces profound challenges across all sectors of social development, particularly regarding economic security.

The UN began recognizing elder abuse as a distinct global issue in the 1980s. While global human rights frameworks have expanded, governments historically lagged in providing specialized protections for the elderly. A 2017 study drawing on evidence from 52 studies conducted across 28 countries, including 12 low- and middle-income countries, found that approximately 15.7% of individuals aged 60 and above had experienced some form of elder abuse during the preceding year.³ However, this figure is likely to underestimate the true prevalence of elder abuse, as only one out of every twenty-four cases is reported. Underreporting may be attributed, in part, to older persons' reluctance or fear of reporting abuse to family members, friends, or public authorities. To address this gap, the UN explicitly integrated elder rights into various human rights declarations and passed Resolution 66/127, designating June 15 as World Elder Abuse Awareness Day to bring international attention to this neglected issue.⁴

According to the definition of elder abuse provided by the WHO, elder abuse is "a single or repeated act, or lack of appropriate action, occurring within any relationship where there is an expectation of trust, which causes harm or distress to an older person."⁵ Notably, global

¹ Kao Hao-yun, "Accused of Secretly Marrying an 800-Million-Dollar Centenarian and Seizing Control: Caregiver 34 Years Younger Allegedly Becomes Stepmother and Sues Family Members; Latest Developments Revealed Following Conclusion of Prosecutorial Investigation," Yahoo News, June 9, 2026,

² National Development Council (NDC), Press Release, "Population Projections for the Republic of China (Taiwan): 2024–2070," October 17, 2024.

³ World Health Organization (WHO), Abuse of Older People, 15 June 2024, [Link](#).

⁴ United Nations (UN), World Elder Abuse Awareness Day 15 June, Background, [Link](#).

⁵ World Health Organization (WHO), Abuse of Older People, 15 June 2024, [Link](#).

research synthesized by the UN across 28 countries in 2017 revealed that approximately 5% to 10% of older adults have directly experienced financial exploitation.⁶

To safeguard elder human rights, the UN urges global communities to address the intersections of cognitive decline, systemic dependency, and economic vulnerability. In the economic sphere, the elderly face severe threats from asset misappropriation, deception, and systemic deprivation, collectively known as EFE. The United States Congress defines EFE as "the illegal or improper use of an older adult's funds, property, or assets".⁷ As population ageing becomes an increasingly pressing social issue worldwide, the financial exploitation of older persons has come to be recognized not only as a manifestation of elder abuse and a violation of human rights, but also as an emerging form of criminal activity that warrants heightened attention from legal systems and regulatory authorities. According to the US Financial Crimes Enforcement Network (FinCEN), these crimes not only deplete the vital resources required for elder survival but also cause severe compounding damage to their physical and mental health.⁸ Although specialized legislative proposals in the 118th US Congress aimed at expanding state budgets and establishing dedicated regulatory agencies to combat EFE failed to pass,⁹ FinCEN data demonstrates that the problem is escalating rapidly worldwide, underscoring the need for continuous scholarly and policy oversight.¹⁰

5.2 Socio-Cultural Dimensions and Vulnerability Factors in Taiwan

Biological and psychological research confirms that human aging inevitably leads to a decline in cognitive, sensory, and mnemonic capacities, which significantly accelerates the risks of dementia. These physiological vulnerabilities are often exacerbated by profound psychological loneliness, creating severe threats to economic security and transforming the elderly into prime targets for financial exploitation. In Taiwan, EFE manifests predominantly through three distinct paradigms: intra-familial exploitation, fraudulent victimization, and predatory consumer traps.

5.2.1 Intra-Familial Exploitation: The "NEET" Phenomenon and Financial Disputes

Deeply influenced by traditional Confucian cultural paradigms, the vast majority of elderly individuals in Taiwan view cohabitation with their adult children as the ideal living arrangement. However, longitudinal data from the Ministry of the Interior's Senior Citizen Condition

⁶ United Nations (UN), World Elder Abuse Awareness Day 15 June, Background, [Link](#).

⁷ Congress.Gov, Elder Financial Exploitation, [Link](#).

⁸ FinCEN, News, FinCEN Issues Analysis on Elder Financial Exploitation, April 18, 2024, [Link](#).

⁹ "Legislation introduced in the 118th Congress aimed to introduce new regulation, provide grants for states to respond to EFE, and establish new offices focused on EFE or modify existing authorities. None of these selected bills became law." Congress.Gov, Elder Financial Exploitation, [Link](#).

¹⁰ "FinCEN examined BSA reports filed between June 15, 2022 and June 15, 2023 that either used the key term referenced in FinCEN's June 2022 EFE Advisory or checked "Elder Financial Exploitation" as a suspicious activity type. This amounted to 155,415 filings over this period indicating roughly \$27 billion in EFE-related suspicious activity." FinCEN, News, FinCEN Issues Analysis on Elder Financial Exploitation, April 18, 2024, [Link](#).

Surveys indicates that cohabitation rates have steadily declined due to shifting socio-economic structures.¹¹

Crucially, empirical research on elder abuse demonstrates that a significant portion of perpetrators are cohabiting family members. This dynamic has intensified due to the economic pressures facing Taiwan's younger generations over the past two decades. The resulting rise of a "parent-clinging" or *ken-lao* (啃老) demographic means that adult children with insufficient income frequently cohabit with retired parents. The elderly parents, who often possess stable pensions, annuity subsidies, or life savings, become highly susceptible to systemic economic exploitation by their underemployed descendants. Furthermore, because these elderly individuals hold substantial accumulated wealth, their declining physical and cognitive capacities make them vulnerable to exploitative tactics by relatives seeking personal gain. Perpetrators utilize asset misappropriation, document forgery, and unauthorized financial transfers to strip elders of their wealth. Driven by cultural stigmas against exposing familial discord (家醜不外揚), many elderly victims choose to endure this abuse in silence.

However, long-term financial dependence on parents can sometimes lead to tragic crimes. In January 2026, a widely publicized double-homicide case occurred in Luzhou, Taiwan. A 67-year-old man and his 75-year-old wife were killed by their 36-year-old only son, who attacked them with a knife in their residence. Both victims suffered multiple stab wounds and died as a result of the assault.¹² According to media reports, the couple had operated a local scallion pancake business for more than three decades and had devoted considerable effort to supporting and raising their son. The incident was reportedly triggered by disputes over money after the parents refused their son's financial demands. Such cases are not isolated incidents. Adult dependents often possess high yet fragile self-esteem and a victim mentality. The trigger for these parricide tragedies is frequently the cutoff of financial support. Once their demands are unmet, their extreme emotions can be instantly ignited, leading to a tragedy.¹³ Furthermore, following the death of the patriarch or matriarch, these undercurrents frequently culminate in protracted and bitter inheritance litigation among surviving siblings.

5.2.2 External Fraud: Exploiting Social Isolation

The traditional ideal of multi-generational families enjoying shared domestic life is increasingly rare in contemporary Taiwan. Approximately 40% of the elderly population does not reside with children or grandchildren. Ministry of the Interior data reveals that in 2012, 20.6% of elderly individuals lived exclusively with a spouse, while 11.1% lived completely alone.¹⁴ Driven by declining birthrates and rapid urbanization, the number of solitary elderly households has risen sharply, making "solo or dual-elderly" households the dominant demographic layout.

¹¹ Directorate-General of Budget, Accounting and Statistics (DGBAS), Executive Yuan, Overview of Living Arrangements of Older Persons, July 4, 2006.

¹² Huang, Tzu-Teng, "Luzhou Scallion Pancake Vendor Couple Found Dead at Home with More Than Ten Stab Wounds; Only Son Fled the Residence on a Motorcycle the Previous Night," United Daily News (UDN News), January 19, 2026.

¹³ Huang Ming-hui, Why Do Suspects of Taiwan's Endless 'Adult Dependent Bloodbaths' Always View Themselves as Victims? Experts Reveal Contradictory Personality: Low Frustration Tolerance and Fragile Self-Esteem, Business Today, Jan. 21, 2026, [Link](#).

¹⁴ Directorate-General of Budget, Accounting and Statistics (DGBAS), Executive Yuan, Overview of Living Arrangements of Older Persons, July 4, 2006.

The absence of immediate family support severely impacts elder well-being, as interpersonal connections—specifically feelings of interdependence, intimacy, and belonging within family and community networks—serve as foundational buffers for mental and physical health. As shifting macro-environments weaken traditional family structures and community solidarity, social isolation among the elderly increases.

Empirical findings from comparative studies (such as those in Japan) demonstrate that professional fraudsters systematically exploit this vulnerability. Sophisticated criminal syndicates leverage psychological grooming, emotional manipulation, and targeted conversational tactics to deceive isolated elders, transforming their loneliness into a conduit for financial extraction.

Statistics from the National Police Agency show that in 2024, the number of fraud victims across Taiwan reached 132,445, with seniors aged 65 and over accounting for up to 9,335, or approximately 7.05%. "Investment fraud" was particularly rampant, affecting 4,737 people and making up nearly half of the cases. This was followed by "Guess Who I Am" and "Impersonating Government Officials" scams. For these two types of fraud, elderly victims accounted for more than 30% of all victims, highlighting a clear deficiency in the elderly's ability to identify deceptive scripts.¹⁵

The Criminal Investigation Bureau analyzed that as elderly individuals experience a decline in reaction speed and judgment, coupled with limited sources of information, they lack understanding of scam tactics and the latest deceptive scripts. Many seniors, with their children busy at work and lacking someone to consult, are easily manipulated by perpetrators using threats or enticements to break down their psychological defenses and fall into the trap. Earlier this month, a 94-year-old woman surnamed Li went to a bank in Taipei's Zhongshan District alone, intending to withdraw NT\$3 million in cash to pay for "decoration fees." The bank teller sensed something was wrong and notified the police. Upon checking the woman's phone, the police found it filled with chat groups promoting "surging stocks" and impersonating assistants of financial experts, confirming she was being scammed. The police and bank teller patiently persuaded the woman, ultimately helping her save her life savings. However, the age of 94 is not the oldest among fraud victimization cases. In 2022, a 101-year-old centenarian in New Taipei City handed over NT\$110,000 in a columbarium scam.¹⁶ She was already 103 years old when she testified in court, a situation that left even the judges sighing with sorrow. The centenarian's hazy memory made the trial even more difficult. The police estimate that the average age of elderly victims is in their 70s. With the aging of the population, the number of 80- or 90-year-olds and centenarians falling victim to scams will only continue to rise.

5.2.3 Predatory Commercial Practices: Consumer and Deceptive Product Traps

The natural decline in physical health, coupled with an increased desire for longevity, renders the elderly uniquely vulnerable to predatory commercial exploitation. Beyond organized financial crimes, many elders willingly channel vast sums into religious activities,

¹⁵ Hu, Hsin-Nan, "Fraud Risks Rise in a Super-Aged Society as Criminal Syndicates Set Their Sights on NT\$5 Trillion in Elderly Retirement Assets," *China Times*, May 31, 2025.

¹⁶ Li, Chun-Hsien, "Fake Columbarium Investment Scam: Organized Crime Group Targeted Elderly Victims and Fraudulently Obtained Over NT\$40 Million in Four Years," *EBC News*, March 12, 2026.

donations, or overpriced spiritual commodities to secure peace of mind for themselves and their families.

Concurrently, unscrupulous merchants exploit elder health concerns by utilizing high-tech, wellness-oriented marketing angles. These entities offer free medical consultations or complimentary gifts to lure large crowds of seniors to commercial seminars. Once inside, marketers deploy deceptive, exaggerated advertisements to sell grossly overpriced health foods, medical equipment, or unauthorized pharmaceuticals.

In central and southern Taiwan, this practice is embedded in localized, mobile marketing networks colloquially known as "*Wang-lu-tsai*" venues (王祿仔場).¹⁷ Moving across rural townships, these operations disguise sales pitches as public health seminars or wellness lectures. Hosts utilize high-pressure sales rhetoric alongside fabricated "expert testimonials" to present basic health supplements as miraculous panaceas capable of curing everything from cognitive decline to cardiovascular disease.

Seniors frequently purchase these high-priced items despite intense objections from family members, sparking severe domestic conflicts. More critically, reliance on these fraudulent products often causes victims to delay legitimate medical interventions, resulting in irreversible damage to their health or survival. This pattern of deceptive healthcare marketing remains highly pervasive across cross-strait regions, demanding closer scrutiny from regulatory authorities.

Apart from health food shopping traps, Taiwan has a specific type of shopping fraud aimed at the senior demographic. Likely due to the longer life expectancy in Taiwan, a large number of elderly individuals fall victim to columbarium scams annually.¹⁸ The shopping traps of columbarium niches often operate under the name of investment, causing many senior citizens to fall victim to senior financial exploitation.¹⁹ Older adults often face all kinds of consumer traps, but they are at an even higher risk when it comes to financial transactions, where they suffer a much greater impact from financial exploitation. Consequently, Taiwan's government has introduced financial accessibility initiatives to combat senior financial exploitation, safeguarding older adults against the dangers of financial abuse during consumer financial transactions.

5.2.4 Financial Regulatory Mechanisms and Institutional Interventions

The confluence of cognitive decline and accumulated lifetime wealth makes older adults prime targets for institutional and market-based financial exploitation. The vulnerable status of an elderly financial consumer is not confined to information asymmetry or an inability to decipher complex institutional disclosures; it directly increases their exposure to catastrophic fraud in daily life.

¹⁷ Refers to itinerant peddlers who traveled from place to place, making a living by performing, selling medicine, or engaging in other forms of street trade. The term later came to be associated with individuals who sold fake medicines or deceived others through fraudulent schemes and false pretenses. Ministry of Education, Taiwan, Dictionary of Frequently Used Taiwanese Southern Min Words, [Link](#).

¹⁸ "Chen Jin-lung, Elderly Victims Defrauded Twice: NT\$40 Million Swindled in Fake Columbarium Scam; 4 Suspects Detained," China Daily News, March 12, 2026, [Link](#).

¹⁹ Zhang Hong-ye, Prosecutors and Police Crack Columbarium Fraud Again... Porsche Luxury Cars Seized, Mastermind's Detention and Isolation Requested, United Daily News, February 3, 2026, [Link](#).

According to National Police Agency (Taiwan) statistics, elder fraud has reached unprecedented levels: in 2024 alone, fraud victims aged 65 or older reached 9,335 individuals, accounting for 7.05% of the nation's 132,445 total fraud victims. Notably, "investment fraud" represented nearly half of these cases, victimizing 4,737 elderly individuals.²⁰ Because elderly consumers typically hold substantial assets, including real estate holdings, the financial losses incurred through these fraudulent schemes are exceptionally high.

To mitigate these risks, Taiwan's financial regulatory framework leverages financial institutions as frontline gatekeepers. Because banking institutions manage capital flows, they are mandated under current financial supervisory guidelines to execute "Caring Inquiry" (關懷提問) protocols.²¹ These protocols empower frontline bank staff to intervene during suspicious transactions, thereby reducing the likelihood of asset depletion. Naturally, overwhelming anti-scam awareness campaigns have also targeted the elderly, hoping to raise their vigilance so they do not fall into fraud traps."

²⁰ Hu Xin-nan, Super-Aged Society Highly Vulnerable to Fraud! Scammers Target NT\$5 Trillion in Pension Assets, China Times, May 31, 2025, [Link](#).

²¹ "In order to prevent elderly customers from making inappropriate financial decisions due to diminished cognitive capacity, thereby exposing them to financial fraud or other forms of financial exploitation, financial institutions are requested to adopt protective measures in response to special circumstances involving elderly customers. Reference may be made to the 'Sample Questions for Customer Care in Counter Services' when establishing such measures. These measures should include a customer-care inquiry mechanism for elderly customers conducting over-the-counter transactions, such as deposits and withdrawals, remittances, large-value fund transfers, and other situations where financial exploitation may be suspected." See Financial Supervisory Commission, Letter No. Jin-Guan-Yin-He-Zi 1100272732.

Table 1: Ten Major Typologies of Elder Financial Exploitation in Taiwan

Typology	Operational Manifestation and Description
1. Solicitation Fraud	Wealth managers utilize deceptive methods to extract illicit fees or remuneration; executing fraudulent sales that directly violate client suitability principles.
2. Improper Solicitation	Financial institutions deploy deceptive advertisements or fail to accurately disclose core product terms and conditions during sales pitches.
3. Deceptive Sales Rhetoric	Guaranteeing absolute returns or exaggerating investment yields; failing to fully explain product risks or contractual limitations.
4. False Advertising	Presenting misleading advertisements that claim absolute "capital preservation" or "zero-interest" options, violating truth-in-advertising standards.
5. Unethical Investment Inducement	Wealth managers place personal commission incentives above client welfare, improperly inducing elders to invest in volatile financial instruments.
6. Breach of Prudent Manager's Duty	Wealth managers act in bad faith, such as unilaterally altering a retired elder's risk profile to "aggressive" to facilitate high-risk sales, resulting in severe losses.
7. Violation of Suitability Obligations	Institutional misselling of high-risk, complex financial products to elderly consumers whose profiles demand capital preservation.
8. Inadequate Product Disclosure	Misleading or failing to explain structural product components, causing the elderly client to rely blindly on the manager's biased recommendations.
9. Predatory Insurance Practices	Generating systemic disputes over insurance claims adjustments, premium misappropriation, or utilizing predatory third-party brokers to extract exorbitant fees.
10. Intra-Familial Exploitation	Coercive or unauthorized financial exploitation executed by close relatives or acquaintances utilizing commercial financial products and services.

Source: Synthesized from the Financial Ombudsman Institution²² and the Legislative Yuan Research Bureau.

Frontline gatekeeping is also vital because relatives frequently exploit an elder's vulnerability under the guise of asset management. Empirical data indicates that informal caregiving arrangements often lead to unauthorized asset diversion or premature inheritance transfers. A 2019 survey conducted by the Taiwan Alzheimer's Disease Association revealed that out of 74 documented elder financial abuse cases, over one-third were perpetrated directly by family members, primarily through wealth management and institutional financial services. If financial institutions systematically flag and block irregular transactions initiated by proxies, the incidence of familial EFE can be significantly reduced.

Ultimately, the vulnerable status of elderly financial consumers stems from structural vulnerabilities where personal cognitive decline intersects with complex family dynamics and sophisticated financial environments. High information asymmetry prevents older adults from accurately calculating risk-return ratios, while age-related vulnerabilities often lead them to over-trust professional financial personnel. When financial institutions treat elderly consumers under standard mass-market sales templates, they ignore their specific cognitive and sensory needs, exposing them to misselling and exploitation.

Furthermore, structural aging requires an overhaul of financial product architecture. Traditional insurance and financial products were designed around the baseline assumption of a stable, working-age consumer with consistent income streams. This legacy model fails to address elder-specific risks, such as long-term care needs, funeral expenses, post-retirement asset preservation, and orderly estate distribution. Structural innovation in product design is therefore essential to ensure long-term economic security.

5.3 Empirical Evaluation of Regulatory and Judicial Practice

5.3.1 Administrative Enforcement Actions by the FSC (2021–2026)

As the primary supervisor of financial services, the FSC holds broad statutory powers to penalize internal control failures. A systematic review of the FSC's major administrative sanction decrees over a five-year period (January 1, 2021, to January 21, 2026) reveals the regulatory metrics utilized to evaluate EFE disputes.

²² The Taiwanese Government enacted the Financial Consumer Protection Act (FCPA) in 2011 to protect the interests of financial consumers and to fairly, reasonably, and effectively handle financial consumer disputes, thereby reinforcing the confidence of financial consumers in markets and promoting sound development of financial markets. The FOI is established under the provisions of Chapter III and Article 13 of the FCPA as a scheme incorporated foundation to fairly, reasonably, and effectively resolve disputes between financial consumer and financial services enterprise. Information: [Link](#).

Table 2: FSC Administrative Sanctions Concerning Elderly Consumers (2021–2026)

No.	Agency & Date	Sanctioned Entity	Statutory Provisions Violated	Core Factual Matrix and Regulatory Findings
1	Insurance Bureau 2021-03-23	Taiwan Life Insurance Co.	Item 6, Paragraphs 2 & 3 of the <i>Notes on Sales of Investment-Linked Insurance Products</i>	Sales agents read insurance disclosure scripts verbatim from a standardized template without explaining core exclusion clauses or policy limitations. The FSC ruled that formalistic adherence to a script fails to ensure substantive comprehension by elderly consumers.
2	Insurance Bureau 2021-03-24	Allianz Life Insurance Co.	Article 5(1)(2) of the <i>Implementation Rules of Internal Control and Audit Systems for Insurance Industries</i>	An elderly policyholder's NT\$15 million investment in investment-linked policies was heavily depleted by fees and foreign exchange losses. The firm offered ad-hoc settlements but failed to document investigations or verify if the banking channel conducted a proper product suitability analysis.
3	Insurance Bureau 2021-08-27	Yuanta Life Insurance Co.	<i>Regulations Governing Insurance Agents, Regulations Governing Ensure Product Suitability</i> , and Article 9(2) of the <i>Financial Consumer Protection Act</i>	Insurance brokers pre-recorded disclosure playbacks on mobile devices and later transmitted them to automated verification systems to simulate live compliance. This occurred while handling elderly clients who were actively liquidating mutual funds to purchase complex investment-linked products.
4	Banking Bureau 2023-08-04	CTBC Bank	Articles 3(1), 8(1) & 8(3) of the <i>Implementation Rules of Internal Control and Audit Systems for Financial Holding</i>	A wealth manager at the China-Tainan branch misappropriated client funds over 6.5 years (2016–2022). By retaining clients' physical ATM cards and online credentials, the employee executed unauthorized

			<i>Companies and Banking Industries</i>	withdrawals, causing losses totaling NT\$43.81 million across three clients, including an elderly individual.
5	<i>Securities & Futures Bureau</i> 2023/2024	<i>Cathay Securities Investment Trust Co.</i>	<i>Regulations Governing Securities Investment Trust Enterprises and Regulations Governing Internal Control Systems</i>	<i>The firm suffered broad internal control failures, including a failure to obtain verified documentation regarding clients' financial knowledge and transaction experience, alongside a practice of altering elderly clients' fund subscription forms without explicit customer confirmation.</i>

Source: Organized from the Financial Supervisory Commission Enforcement Database.

These enforcement records demonstrate that contemporary financial regulation focuses heavily on procedural compliance, such as verifying disclosure steps, signature trails, and internal control checklists. The FSC primarily evaluates whether an institution has executed its formal internal control procedures rather than analyzing the elder's actual cognitive understanding or explicitly citing "elder financial exploitation" as a distinct offense.

5.3.2 Analysis of Civil and Criminal Jurisprudence (2021–2025)

To understand how EFE is treated under the law, this study analyzed judicial rulings from 2021 to 2025 across the Taiwan District Courts and High Courts. The search strategy combined elder-specific keywords ("elderly," "retirement," "maintenance") with digital finance and crypto assets ("virtual currency," "Bitcoin," "USDT") to identify modern trends in financial exploitation.

Table 3: Contemporary Judicial Cases on Elder Financial Exploitation (2021–2025)

Court and Case Number	Statutory Provisions Violated	Factual Matrix and Judicial Resolution
New Taipei District Court No. 950 (Criminal, 2022) No. 92 (Civil, 2023)	• Banking Act § 125-2(1) • Criminal Code Forgery & Fraud	A bank wealth manager deployed deceptive tactics to mislead multiple clients (including elderly individuals) into purchasing or renewing retirement insurance products. The court convicted the defendant of aggravated breach of trust by a banking employee, and subsequently affirmed the bank's civil right to seek indemnification from the rogue employee.
Taiwan High Court, Kaohsiung No. 2 (Criminal-Civil, 2025)	• Banking Act § 125-2(1) • Criminal Code Forgery	A wealth manager abused an elderly client's trust to forge financial documents, steal online banking credentials, and misappropriate funds. The perpetrator obtained the elder's signature on blank "Automated Service Applications" to link the victim's TWD and foreign currency accounts directly to the manager's personal accounts for illicit transfers.
Taichung District Court No. 3064 (Criminal, 2023) Taiwan High Court, Taichung No. 653 (Criminal, 2025)	• Organized Crime Prevention Act § 3 • Criminal Code § 339-4 • Money Laundering Control Act § 19	An organized fraud syndicate targeted an elderly person through a fictitious cryptocurrency investment scheme involving Tether (USDT). The victim was induced to hand over large sums of cash. The District Court sentenced the courier to 1 year and 10 months in prison; the High Court rejected a prosecution appeal for a harsher sentence, ruling the original penalty balanced the defendant's minor role against the substantial losses suffered by the senior citizen.

Taichung District Court No. 12 (Civil, 2024)	• Financial Consumer Protection Act § 9 & § 10	An elderly plaintiff sought civil damages from a financial institution, claiming they were defrauded into purchasing a variable life insurance policy under the mistaken belief that it guaranteed capital preservation. The court dismissed the claim, ruling that the institution had fulfilled its risk disclosure obligations and that the product matched a "conservative-moderate" investor profile.
New Taipei District Court No. 999 (Criminal, 2024) (Related: Shilin Dist. Court No. 887, 2023; Taiwan High Court No. 1454, 2024)	• Organized Crime Prevention Act § 3(1) • Criminal Code § 339-4(1)(2) • Money Laundering Control Act § 19(1)	A highly structured fraud syndicate utilized coerced or purchased "mule accounts" to target multiple elderly victims (ranging from 55 to 91 years old) across 26 distinct counts of fraud and money laundering. The courts handed down consecutive criminal convictions for all principal members and couriers.

Source: Organized from the Judicial Yuan Judgment Search System²³.

²³ Judicial Yuan Judgment Search System, [Link](#).

Table 4: Historical and Supplementary Judicial Precedents (2014–2020)

Court and Case Number	Statutory Provisions Violated	Factual Matrix and Judicial Resolution
Tainan District Court No. 842 (Criminal, 2018)	• Criminal Code § 210 & § 216 (Forgery) • Criminal Code § 339(1) (Fraud)	An acquaintance of an elderly individual, facing severe credit card debt, stole the elder's passbook and seal to execute multiple unauthorized withdrawals totaling NT\$700,000. The court convicted the defendant of forgery of private documents and fraud.
Nantou District Court No. 136 (Criminal, 2016)	• Criminal Code § 210 & § 216 (Forgery) • Criminal Code § 339(1) (Fraud)	An Indonesian live-in caregiver abused her position of trust to steal her elderly employer's savings passbook and seal. Over a six-month period in 2012, she forged withdrawal slips to extract funds from the local farmers' association. The court convicted her of forgery and fraud.
Taiwan High Court, Taichung No. 5 (Civil, 2014)	• Insurance Act § 104 • Insurance Act § 105-1	An insurance agent induced an illiterate individual over the age of 70 to purchase an investment-linked life insurance policy, allowing a relative to forge the required signatures. The High Court ruled that an insurance policy providing death benefits is void <i>ab initio</i> without the explicit, written consent of the insured party. The court ordered the financial institution to return the entire NT\$1,076,000 premium to the elderly consumer.

Source: Organized from supplementary historical judicial records.

This jurisprudence demonstrates that criminal courts effectively penalize clear violations like forgery, identity theft, and organized fraud. However, a critical gap remains within the FOI administrative dispute resolution process. In landmark rulings such as *FOI Dispute Resolution No. 209 (2024)* and *No. 3708 (2023²⁴)*, the FOI upheld the validity of the underlying contracts but ruled in favor of the elderly applicants by awarding financial compensation under the "Principle of Fairness and Reasonableness" codified in Article 20, Paragraph 1 of the Financial Consumer Protection Act.

Crucially, the FOI's decisions rested on the shift in the burden of proof: because the banks could not produce sufficient documentation to prove they had thoroughly evaluated the clients' product suitability, they were found to have breached their fiduciary duty of care as

²⁴ FOI's Dispute Resolution, [Link](#).

prudent managers. This demonstrates that oversight bodies frequently rely on formal, procedural evaluations of record-keeping rather than analyzing the elder's cognitive capacity or how structural vulnerabilities influenced the transaction.

5.3.3 Legislative Gaps and Institutional Interventions

Taiwan's legal framework faces structural limitations when addressing the rise of EFE. The primary statutory framework governing intra-familial abuse, the Domestic Violence Prevention Act, defines "economic violence" as "the commission of economic harassment, control, coercion, or other unlawful infringements between family members". However, economic violence differs substantially from physical or psychological abuse and is rarely identified or prosecuted by social work and law enforcement networks.

Furthermore, data from the Ministry of Health and Welfare shows that reported elder protection cases have doubled over the past five years. While these cases primarily involve physical or psychological violence, economic exploitation is rarely documented as an independent category of abuse. More importantly, the Domestic Violence Prevention Act applies strictly to designated familial relationships, leaving elderly victims completely unprotected when financial exploitation is executed by third-party predators, informal caregivers, or commercial entities.

To address the rise in financial fraud, the FSC and law enforcement agencies have prioritized frontline intervention networks. Under Article 45-2, Paragraph 3 of the Banking Act, the FSC enacted the Regulations Governing the Management of Deposit Accounts Suspected of Involving Unlawful or Obvious Abnormal Transactions. This framework established the Operational Procedures for the Interbank Joint Defense Mechanism for Suspicious Accounts.

Under these procedures, when an account is flagged by law enforcement or a citizen alerts a bank to potential fraud, the financial institution must immediately deploy its joint defense network. If the system detects that stolen funds have already been transferred to a secondary institution, it triggers an immediate alert to the receiving bank. This mechanism enables institutions to track capital flows, restrict downstream accounts, and freeze illicit funds before they are withdrawn, serving as an effective tool against external financial syndicates.

5.4 Conclusion and Policy Recommendations

As Taiwan navigates its status as a super-aged society, safeguarding the economic security of its oldest citizens requires an integrated regulatory framework. Empirical analysis indicates that while frontline interbank defense mechanisms and procedural "Caring Inquiries" provide useful barriers against external fraud, they are ill-equipped to address more subtle forms of exploitation, such as intra-familial economic abuse or predatory marketing. Furthermore, administrative and judicial bodies often focus on procedural compliance—such as confirming documentation trails and signature verifications—rather than conducting substantive evaluations of cognitive vulnerability and situational dependency.

To bridge these regulatory and legal gaps, Taiwan should consider the following policy reforms:

Statutory Harmonization: Expand the scope of economic abuse within elder protection laws to cover non-familial relationships, establishing "Elder Financial Exploitation" as a distinct legal category with specialized protective measures.

Substantive Vulnerability Assessments: Transition financial consumer protection models from formalistic checklist compliance (such as verbatim script reading) toward substantive evaluations of consumer comprehension and cognitive capacity, particularly for complex financial and insurance products.

Cross-Disciplinary Coordination: Integrate financial gatekeeping mechanisms with social welfare networks, ensuring that financial professionals can securely report suspected cases of familial or caregiver exploitation to adult protective services without breaching privacy regulations.

6 The German Gambling Survey 2025 (*Rüdiger Wulf*)

Rüdiger Wulf began his presentation, that globally the field of criminology has neglected the significance of gambling and the gambling market regarding organized crime and the risk of addiction. He highlighted the existence of a massive illegal market for sports betting in East Asia, in which many individuals from Germany also participate.

He therefore summarized the German Gambling Survey 2025,¹ addressing the following topics:

- Objectives and background;
- Methodology;
- Gambling participation;
- Risky gambling and gambling-related disorders;
- Cognitive distortions;
- Day trading;
- Measures for the protection of minors and players;
- Comparison of the 2021, 2023, and 2025 gambling surveys;
- Recommendations for practice.

He concluded by suggesting that a similar study be conducted in Taiwan to enable a comparison of the situation in both countries.

References

Sven Buth; Gerhard Meyer; Moritz Rosenkranz; Jens Kalke (2026). Glücksspielteilnahme und glücksspielbezogene Probleme in der Bevölkerung, Ergebnisse des Glücksspiel-Survey 2025. Hamburg: Institut für interdisziplinäre Sucht- und Drogenforschung (ISD). [Link](#).

Institut für interdisziplinäre Sucht- und Drogenforschung; Deutsche Hauptstelle für Suchtfragen; Arbeitseinheit Glücksspielforschung, Universität Bremen (Hrsg., 2023): Glücksspielatlas Deutschland 2023. Zahlen, Daten, Fakten. Hamburg, Hamm, Bremen. [Link](#).

¹ *Buth/Meyer/Rosenkranz/Kalke 2025, p. 4-8.*

4. Deutsch-Taiwanischer Workshop zur Kriminologie¹

Am 30. Juni 2026 fand der 4. Deutsch-Taiwanische Workshop zur Kriminologie statt. Tagungsort war diesmal nicht das ausrichtende Institut für Kriminologie auf dem Sand, sondern das China Centrum Tübingen (CCT) in der Hinteren Grabenstraße 26. Auf Wunsch der Gäste aus Taiwan lautete das Rahmenthema „Sucht und Drogen“. Der internationale Workshop erfolgte in englischer Sprache.

Die Veranstaltung wurde durch vier Grußworte eingeleitet: Jun.-Prof.in Dr. *Emily Graf*, Leiterin des CCT; Prof. Dr. Dr. h.c. *Bernd Heinrich*, Prodekan der Juristischen Fakultät für Internationales und Schwerpunktstudium; Prof. Dr. Jörg Kinzig, Direktor des Instituts für Kriminologie der Universität Tübingen; Prof. Dr. (Tübingen) Yue-Chung Ma, Leiter der Delegation aus der National Chung Chen University of Chiayi/Taiwan. In den Grußworten wurden die langjährigen gegenseitigen Kontakte zwischen Tübinger Kriminolog:innen und Wissenschaftler:innen aus Taiwan lobend hervorgehoben.

Prof. Dr. *Yueh-Chung Ma* leitete das Rahmenthema ein mit seinem Vortrag über die laufende Situation und die Präventionsstrategien bei jungen Drogentätern. Prof. *Yung-Lien Lai* schloss sich an mit einem Referat über Behandlungsmaßnahmen im Strafvollzug und deren Auswirkungen auf die Selbstwirksamkeit inhaftierter Drogenkonsumenten in Taiwan. Von deutscher Seite sprachen Dr. *Benedikt Iberl* und *Sarah Schreier* M.A. (Kriminologie) über die Evaluation der (teilweisen) Legalisierung von Cannabis in Deutschland (Evaluationsauftrag des Bundesministeriums für Gesundheit an einen Forschungsverbund mit dem hiesigen Institut für Kriminologie). Prof. honor. Dr. *Rüdiger Wulf* stellte den Deutschen Gambling Survey 2025 vor und regte eine vergleichbare Studie in Taiwan an.

Außerhalb des Rahmenthemas referierte Prof.in Dr. *Chin-Chin Cheng* über gesetzliche Regelungen für ein harmonisches Arbeitsumfeld anhand einer vergleichenden Studie der Rechtsvorschriften in Ländern mit der höchsten bzw. niedrigsten Häufigkeit von Gewalt und Belästigung am Arbeitsplatz. Ihre Kollegin Prof.in Dr. *Ling-Chia Hung* präsentierte eine Studie zur finanziellen Ausbeutung älterer Menschen in Taiwan (Strukturelle Vulnerabilitäten, rechtliche Rahmenbedingungen und gerichtliche Reaktionen in einer hochgradig alternden Gesellschaft).

In der Diskussion wurde deutlich, dass länderübergreifende und ländervergleichende Ansätze weiterführend und empfehlenswert sind. Das Tagesprogramm schloss mit einem Erfahrungs- und Gedankenaustausch im European Research Center on Contemporary Taiwan, Keplerstraße 2, zu dem *Stefan Braig* M.A., Managing Director des ERCCT, eingeladen hatte.

¹ Published on July 6, 2026 on the homepage of the Institute for Criminology (Author: *Rüdiger Wulf*).

Die Teilnehmenden des Workshops am 30 Juni 2026 im CCT



Hinterere Reihe (von links): Herr *Braig* M.A., Prof.in *Hung*, Prof. *Heinrich*, Prof. *Wulf*,

Jun.-Prof.in *Grafe*, Dr. *Iberl*, Jun.-Prof.in *Graf*, Frau *Schreier* M.A.

Vordere Reihe: Prof. *Lai*, Prof. in *Cheng*, Prof. *Ma*, Prof. *Kinzig*, Prof.in *Haverkamp*.

Delegation from National Chung Cheng University visited the ERCCT



On Tuesday, June 30, 2026, a delegation from National Chung Cheng University (CCU) in Chiayi, Taiwan, visited the ERCCT, to learn about the center's programs and mode of operation, after taking part in the morning in a workshop on Addiction and Drugs, hosted by the Tübingen University's Institute of Criminology at the China Centrum Tübingen. Accompanied by Prof. *Jörg Kinzig*, director of the Institute of Criminology and his colleague, Prof. *Rüdiger Wulf*, the delegation consisted of Prof. *Ma Yueh-Chung* from the Department and Graduate Institute of Criminology at CCU, who is an alumnus of Tübingen University and led the delegation, his colleague Prof. *Lai Yung-Lien*, as well as Prof. *Cheng Chin-Chin* and Prof. *Hung Leng Chia* from the Department of Law at CCU.

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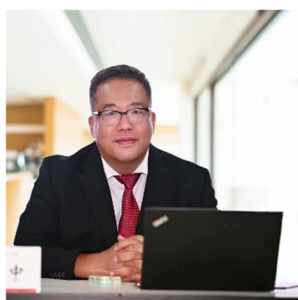
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