

Instruction on the meaning of a statutory declaration and the possible consequences of false declarations under criminal law

The Faculty of Biology at the University of Freiburg requires statutory declarations in order to ensure that the doctoral candidate

- has not already completed a doctorate in the field of Biology
- is not simultaneously pursuing a doctorate in the field of Biology at another university
- has completed their doctoral thesis/scientific work independently
- has fully and correctly cited the contributions of others in their doctoral thesis
- has provided correct and complete information in their curriculum vitae

German law attaches particular importance to such declarations. It is a criminal offense to make a false declaration, with the following penalties:

If a false declaration is made intentionally (i.e. knowingly), a prison sentence of up to three years or a fine may be imposed.

A negligent false declaration (i.e. where you should reasonably have recognized that the declaration does not correspond to the facts) can result in a prison sentence of up to one year or a fine.

The relevant penal provisions are set out in **Sections 156 and 161** of the **German Criminal Code (StGB)**:

§ 156 StGB: False declaration in lieu of an oath

Whoever falsely makes a declaration in lieu of an oath before an authority which is competent to administer such declarations or falsely testifies whilst referring to such a declaration incurs a penalty of imprisonment for a term not exceeding three years or a fine.

§ 161 StGB: Negligent false oath, negligent false declaration in lieu of an oath:

(1) Whoever commits one of the offences referred to in sections 154 to 156 by negligence incurs a penalty of imprisonment for a term not exceeding one year or a fine.

(2) No penalty is incurred if the offender corrects the false statement in time. The provisions of section 158 (2) and (3) apply accordingly.