

# Netherlands Criminal Justice

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## Law of the Netherlands

The Dutch system of law is based on the French Civil Code with influences from Roman Law and traditional Dutch Customary Law. The new civil law books (which went into force in 1992) were heavily influenced by the German *Bürgerliches Gesetzbuch*.

The primary law making body is formed by the Dutch parliament in cooperation with the government. When operating jointly to create laws they are commonly referred to as the legislature (*wetgever*). The power to make new laws can be delegated to lower governments or specific organs of the State, but only for a prescribed purpose. A trend in recent years has been for parliament and the government to create "framework laws" and delegate the creation of detailed rules to ministers or lower governments. (e.g. a province or municipality)

The Ministry of Security and Justice is the main institution when it comes to Dutch law.

## Netherlands Criminal Justice System

The Dutch Criminal Justice System is the system of practices and institutions of the Netherlands directed at upholding social control, deterring and mitigating crime, and sanctioning those who violate laws with criminal penalties and rehabilitation efforts. The Netherlands *Criminal Code* is based on the *Napoleonic Code*, imposed during the time of the French Empire. Although the Dutch largely kept the Napoleonic Code after their independence, they tempered it with a significantly more rehabilitative penal focus.

Criminal law deals with the prosecution and punishment of criminal offenses. The main code is the **Wetboek van Strafrecht**.

## The Judiciary

The Dutch Judiciary is comprised of:

- 19 district courts,
- five courts of appeal,
- two administrative courts (Centrale Raad van Beroep and the College van beroep voor het bedrijfsleven), and a
- Supreme Court that has 41 judges.

All judicial appointments are made by the Government. Judges are nominally appointed for life, but in practice retire at age 70.

The Council of State is a constitutionally established advisory body to the government, which consists of members of the Royal Family and Crown-appointed members generally having political, commercial, diplomatic, or military experience.

The *Hoge Raad der Nederlanden* is the highest court of the Netherlands, Curacao, Sint Maarten and Aruba. The Court sits in The Hague, Netherlands and presides over civil, criminal and tax-related cases.