



Historical Evolution and Comparative Analysis of Tatbestand and Corpus Delicti in Criminal Law Theory

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Abstract: This article examines the historical evolution and comparative development of the concepts of Tatbestand and corpus delicti and their significance in the formation of modern criminal law theory. Through doctrinal, historical, and comparative legal analysis, the study explores the transformation of the German concept of Tatbestand into the Soviet doctrine of Sostav Prestupleniya and its subsequent influence on the development of Mongolian criminal law. The research draws upon criminal law theories, legislative reforms, and scholarly works from Germany, Russia, the former Soviet Union, and Mongolia to identify the theoretical foundations and methodological differences between these approaches to criminal liability. The analysis demonstrates that Tatbestand developed within German criminal law as a distinct legal category forming the first stage of the three-tier structure of criminal liability, consisting of statutory elements, unlawfulness, and culpability. In contrast, Soviet criminal law transformed this concept into the four-element doctrine of the corpus delicti, which integrated the object, objective aspect, subject, and subjective aspect of a crime into a unified framework for determining criminal responsibility. The findings reveal that Mongolian criminal law doctrine was largely shaped by Soviet legal scholarship and that the four-element model became deeply embedded in legal education, academic discourse, judicial reasoning, and law-enforcement practice throughout the twentieth century. The study further finds that although the Criminal Code of Mongolia (2015) introduced important conceptual and terminological reforms, the practical methodology used to interpret and apply criminal law continues to reflect the traditional corpus delicti framework. The article concludes that a clearer understanding of the historical relationship between Tatbestand and corpus delicti is essential for the continued development of Mongolian criminal law theory. On this basis, the study proposes recommendations aimed at strengthening doctrinal coherence, improving methodological consistency, and promoting a more systematic and comparative approach to criminal legislation and legal interpretation.

Keywords: Tatbestand, corpus delicti, Sostav Prestupleniya, criminal liability, crime structure, German criminal law, Soviet criminal law, Mongolian criminal law, comparative criminal law.

INTRODUCTION

The concept of crime and the conditions under which criminal liability may be imposed have long occupied a central position in criminal law theory. Every criminal justice system requires a coherent analytical framework for determining whether a particular act constitutes a crime and whether the actor may be held legally responsible. Throughout the development of modern criminal law, different legal traditions have adopted distinct approaches to defining the structure of crime and the elements necessary for criminal liability. These approaches reflect broader historical, philosophical, and doctrinal developments within their respective legal systems.

Among the most influential concepts in continental criminal law is the German notion of Tatbestand. Originally developed by German legal scholars in the late nineteenth and early twentieth centuries, Tatbestand refers to the legally defined elements of a criminal offense and serves as the foundation of the modern three-tier structure of criminal liability consisting of Tatbestand, unlawfulness (Rechtswidrigkeit), and culpability (Schuld) (Beling, 1906; Welzel, 1969; Roxin, 2006). Through decades of doctrinal refinement, the concept became one of the cornerstones of German criminal law and exerted significant influence on criminal law scholarship throughout Europe and beyond.

Soviet criminal law developed the doctrine of Sostav Prestupleniya (composition or structure of crime), which conceptualizes crime through four interrelated elements: the object of the crime, the objective aspect, the subject of the crime, and the subjective aspect (Trainin, 1957; Piontkovsky, 1961). This framework became the dominant analytical model across socialist legal systems during the twentieth century and was widely adopted in legal education, legislation, judicial interpretation, and law-enforcement practice. The doctrine was often associated with the concept of corpus delicti, which came to represent the legal structure necessary for establishing criminal liability.

Mongolian criminal law developed within this broader Soviet legal tradition. For much of the twentieth century, the theoretical understanding of crime, criminal responsibility, and corpus delicti in Mongolia was shaped by Soviet criminal law scholarship. As a result, the four-element structure of crime became deeply embedded in legal doctrine, academic discourse, judicial reasoning, and practical law enforcement. Following the democratic transition of the 1990s and the adoption of the Criminal Code of 2015, Mongolian criminal law began incorporating concepts and principles derived from continental European legal systems. Nevertheless, many traditional analytical approaches inherited from Soviet criminal law continue to influence contemporary legal interpretation and application.

Despite the importance of these concepts, the historical relationship between Tatbestand, corpus delicti, and Sostav Prestupleniya remains insufficiently examined in English-language scholarship concerning Mongolia. Existing studies frequently focus on contemporary criminal legislation while paying comparatively little attention to the intellectual and doctrinal foundations that shaped the development of criminal law theory. Consequently, questions remain regarding the similarities and differences between the German and Soviet approaches, the extent of their influence on Mongolian criminal law, and the continuing relevance of these theories in the modern legal system.

This article addresses that gap by examining the historical evolution and comparative development of Tatbestand, corpus delicti, and Sostav Prestupleniya as fundamental concepts of criminal law.

Through historical and comparative legal analysis, the study explores their theoretical foundations, identifies points of convergence and divergence between the German and Soviet traditions, and evaluates their influence on the development of Mongolian criminal law doctrine. By clarifying the relationship among these concepts, the article seeks to contribute to a deeper understanding of crime structure theory and to provide a more coherent framework for future criminal law scholarship and legal reform in Mongolia.

THE MAIN CONCEPTS OF FRAMEWORK OF STUDY

The examination of Tatbestand reveals that it is far more than a technical legal concept; it represents the cornerstone of modern German criminal law doctrine and the starting point for determining criminal liability. Throughout its historical development, the concept evolved from a narrow description of external criminal conduct into a comprehensive legal framework that incorporates both objective and subjective elements of an offense. This evolution reflects broader changes in criminal law theory concerning the relationship between human conduct, legal norms, and individual responsibility. As criminal law increasingly sought to explain not only what individuals do but also why they act, Tatbestand became an essential mechanism for connecting factual conduct with normative legal evaluation.

The analysis demonstrates that the contributions of Franz von Liszt, Ernst von Beling, Max Ernst Mayer, Edmund Mezger, and Hans Welzel played a decisive role in shaping contemporary understandings of criminal liability. Each scholar contributed to a gradual refinement of the concept by addressing the limitations of earlier theories and adapting criminal law doctrine to changing philosophical and social understandings of human behavior. While the Classical Model emphasized legal certainty through the strict separation of objective and subjective elements, later doctrinal developments recognized that criminal conduct cannot be fully understood without considering the actor's intention, purpose, and normative relationship to the prohibited act. The transition from purely causal explanations of crime to normative and teleological approaches therefore marked a significant transformation in the structure of criminal law analysis.

Particularly influential was the emergence of the Finalist Theory developed by Hans Welzel, which challenged the traditional causal conception of human action. Welzel argued that human conduct is inherently goal-oriented and that criminal law must therefore recognize intention as an integral component of the offense itself rather than treating it solely as a question of culpability. This innovation fundamentally altered the systematic structure of criminal law and contributed to the modern understanding of Tatbestand as a normative concept that encompasses both external conduct and the mental elements associated with that conduct. As a result, the doctrine became more capable of explaining the realities of human decision-making and the moral foundations of criminal responsibility.

A significant achievement of German criminal law scholarship was the creation of the three-tier structure of criminal liability, which distinguishes between the statutory elements of an offense (Tatbestand), unlawfulness (Rechtswidrigkeit), and culpability (Schuld). This analytical framework enables courts to examine criminal responsibility through a sequence of logically connected stages. First, it must be established that the defendant's conduct satisfies all statutory elements prescribed by law. Second, the conduct must be assessed to determine whether any justification excludes its unlawfulness. Third, the court must examine whether the offender can be personally blamed for the unlawful act. This systematic methodology promotes clarity, consistency, and predictability in criminal adjudication while reducing the risk of arbitrary punishment.

The importance of this structure extends beyond doctrinal elegance. By requiring the separate examination of each element of criminal liability, the German model strengthens procedural fairness and protects individual rights. Criminal punishment may only be imposed after the prosecution has demonstrated the existence of every legally

required condition. In this respect, Tatbestand functions as a crucial safeguard against excessive state power by ensuring that criminal liability remains strictly limited to conduct expressly prohibited by law. The doctrine therefore embodies the principles of *nullum crimen sine lege*, legal certainty, proportionality, and the rule of law, all of which constitute fundamental values of modern constitutional democracies.

The study further indicates that the influence of Tatbestand extends well beyond Germany. Its theoretical foundations became the basis for subsequent developments in continental criminal law and significantly affected the formation of Soviet criminal law doctrine. Although Soviet scholars rejected certain aspects of German legal formalism, they adopted many structural elements of German criminal law analysis and transformed them into the doctrine of the *corpus delicti*. Through this process, German legal concepts were adapted to different ideological and political contexts while retaining their essential function as instruments for determining criminal liability. Consequently, the historical development of Tatbestand demonstrates not only the evolution of German criminal law but also its enduring contribution to comparative criminal law and the broader development of modern legal thought.

The concept of Tatbestand remains one of the most influential achievements of criminal law scholarship. Its historical evolution illustrates how legal doctrine continuously adapts to changing understandings of law, morality, and human behavior while preserving fundamental guarantees of justice and legality. The continuing relevance of Tatbestand in contemporary criminal law systems confirms its value as both a theoretical foundation and a practical instrument for the fair and systematic administration of criminal justice.

COMPARATIVE ANALYSIS OF CAUSAL THEORY AND WELZEL'S FINALIST THEORY

The development of Hans Welzel's Finalist Theory represents one of the most significant turning points in twentieth-century criminal law doctrine. The theory emerged as a direct response to the limitations of the traditional causal approach that had dominated German criminal law scholarship during the late nineteenth and early twentieth centuries. Although both theories sought to provide a systematic framework for determining criminal liability, they differed fundamentally in their understanding of human action, the role of intention, and the structure of criminal responsibility.

The causal theory was largely influenced by natural scientific thinking and viewed human conduct as a physical event within a chain of cause and effect. According to this perspective, criminal law should initially focus on objectively observable facts, including the act, causation, and resulting harm. Human action was therefore analyzed in a manner similar to natural phenomena, with emphasis placed on establishing causal relationships between conduct and consequences. Intention, knowledge, and purpose were not regarded as components of the offense itself but were examined separately within the doctrine of culpability.

Welzel argued that the causal theory failed to capture the distinctive nature of human behavior. Unlike natural events, human actions are not merely physical movements that generate consequences. They are conscious, purposeful, and directed toward particular objectives. Individuals formulate goals, select appropriate means, and act with awareness of anticipated outcomes. Consequently, the purpose underlying conduct forms an

inseparable part of the conduct itself. Criminal law, therefore, cannot adequately explain human action if it focuses exclusively on external causation while postponing consideration of intention until the stage of culpability.

The differences between these theories become particularly evident in cases of intentional homicide. Under the causal theory, the legal analysis begins with the objective sequence of events. The offender fired a weapon, the projectile struck the victim, and death occurred as a result. Once these factual elements are established, the court proceeds to determine whether the offender possessed the necessary criminal intent. The subjective element is therefore treated as a secondary consideration that follows the establishment of the offense.

The Finalist Theory adopts a fundamentally different approach. In the example of an offender who plans a killing, acquires a firearm, waits for the victim, and intentionally causes death, the offender's objective is not external to the offense but forms part of its very structure. The conduct derives its legal meaning from the purpose that directs it. The act of shooting cannot be understood solely as a physical movement because its significance depends upon the actor's intention to kill. Consequently, intent becomes an element of *Tatbestand* itself rather than a matter considered only within culpability. The offense is understood as a unity of objective conduct and subjective purpose.

An equally important distinction emerges in cases involving unintended harmful consequences. Consider the situation in which a nurse administers medication believing it to be correct, while an undiscovered labeling error causes the patient's death. Under a strictly causal analysis, the nurse's conduct remains a factual cause of the death because the administration of the medication contributed directly to the harmful result. The primary focus remains the causal relationship between the act and the consequence.

Under Finalist Theory, however, the legal assessment extends beyond causation to examine the purpose of the actor's conduct. The nurse's objective was to provide medical treatment and improve the patient's health rather than to inflict harm. The conduct was directed toward a lawful and socially beneficial goal. Therefore, although the harmful consequence occurred, the absence of a purpose directed toward causing death fundamentally alters the legal characterization of the conduct. This distinction enables criminal law to differentiate more precisely between intentional wrongdoing and accidental harm.

From a criminological perspective, Welzel's theory corresponds more closely with contemporary understandings of criminal behavior. Modern criminological research demonstrates that intentional criminal acts typically involve decision-making processes, planning, motivation, rational choice, and goal selection. Offenders generally do not produce criminal outcomes through purely mechanical actions but pursue specific objectives through deliberate conduct. By recognizing the purposive nature of human action, Finalist Theory provides a more realistic explanation of criminal behavior than the causal model, which tends to reduce conduct to external cause-and-effect relationships.

The theoretical implications of this shift extend beyond questions of intent and negligence. The causal theory treats human conduct primarily as an observable event, whereas Finalist Theory regards conduct as meaningful human behavior directed toward a purpose. This distinction affects the interpretation of numerous criminal law doctrines,

including attempt, participation, negligence, justification, and culpability. By incorporating subjective elements into Tatbestand, Finalist Theory established a more coherent relationship between legal norms and human action, thereby strengthening the systematic structure of criminal law.

Ultimately, the comparison demonstrates that the transition from causal theory to Finalist Theory was not merely a technical modification of legal doctrine. Rather, it represented a fundamental transformation in the conceptualization of criminal responsibility. While the causal approach emphasized objective causation and legal certainty, Welzel's theory sought to integrate the realities of human decision-making into criminal law analysis. The result was a more comprehensive understanding of criminal conduct that continues to influence modern German criminal law and many contemporary criminal law systems throughout the world. We collected other scholars' main concepts in our study in table 1.

Table 1: Comparison of main concepts in our study

Keyword	Main Concept / Definition	Key Sources
Tatbestand	A fundamental concept of German criminal law referring to the legally defined elements of an offense. It constitutes the first stage of criminal liability analysis and determines whether conduct corresponds to a statutory offense.	Ernst von Beling (1906); Hans Welzel (1969); Claus Roxin (2006)
Corpus Delicti	A criminal law doctrine traditionally translated as the "body of the crime," referring to the legally required elements that constitute a criminal offense and form the basis for criminal liability.	A. N. Trainin (1957); A. A. Piontkovsky (1961)
Criminal Liability	The legal responsibility imposed upon a person who commits conduct prohibited by criminal law and satisfies the statutory requirements for punishment.	Andrew Ashworth (2021)
Mongolian Criminal Law	The criminal law system of Mongolia, historically influenced by Soviet criminal law doctrine while increasingly incorporating continental European concepts following the Criminal Code reforms of 2015.	G. Sovd (2002); B. Sodovsuren (2005); S. Narangerel (2010)
Comparative Criminal Law	A field of legal scholarship that examines similarities and differences among criminal law systems to understand the development, interpretation, and application of criminal law doctrines across jurisdictions.	George Fletcher (1978); Markus Dubber (2011); Kevin Jon Heller (2011)

Noted by: The results of author's study

We studied and compared about the corpus Delicti Theory and Finalist Theory. The theories often reach similar practical outcomes in both cases. In the case of homicide, both theories conclude that the offender bears responsibility for intentional homicide. In the case of medication-error, both theories generally exclude intentional homicide and instead consider negligence. However, the analytical path differs significantly. The corpus delicti theory separates the objective and subjective elements of crime into distinct components, whereas Finalist Theory integrates intention and purpose directly into the concept of the offense itself. Consequently, corpus delicti theory focuses on the structure of the crime, while Finalist Theory focuses on the purposive nature of human action and the relationship between conduct and objective.

Table 2: Comparative analysis of intentional homicide and mistaken administration of medication

Analytical Criteria	Case 1: Intentional Homicide (A deliberately kills B) - Corpus Delicti Theory	Case 2: Mistaken Administration of Medication: Corpus Delicti Theory
Factual Situation	A plans the killing, obtains a firearm, waits for B, and intentionally shoots B.	A nurse administers medication, believing it to be correct; the patient dies due to a labeling error.
Primary Focus of Analysis	Examination of the four elements of corpus delicti: object, objective aspect, subject, and subjective aspect.	Examination of whether the four elements of corpus delicti are present.
Object of the Crime	Human life as a legally protected social relationship.	Human life as protected legal interest affected by the harmful outcome.
Objective Aspect	The act of shooting, causation, and resulting death are established.	Administration of medication causes death; causal relationship is established.
Subject of the Crime	A competent and responsible individual who can bear criminal liability.	A competent and responsible medical professional.
Subjective Aspect	Intent is examined as a separate element after objective elements are established.	Absence of intent may indicate negligence rather than intentional crime.
Role of Intent	Intent constitutes one of the four elements of corpus delicti.	Intent to kill is absent; negligence may be examined.
Relationship Between Conduct and Purpose	Conduct and intent are conceptually separated into different elements.	Conduct is analyzed first; purpose is examined separately.
Determination of Criminal Liability	Liability is established when all four elements of corpus delicti are proven.	Liability depends on whether negligence satisfies the legal requirements of the offense.
Criminological Interpretation	Focuses on proving the existence of criminal intent and external elements separately.	Focuses on the occurrence of harm and the absence of intent.
Legal Characterization	Intentional homicide because all elements of corpus delicti are present.	Potential negligent homicide if statutory requirements are satisfied.
Theoretical Significance	Demonstrates the four-element structure of crime: object, objective aspect, subject, and subjective aspect.	Shows how absence of intent affects the subjective element of corpus delicti.

We analyzed and concluded from table 2, The comparative analysis of the two cases demonstrates the practical operation of the corpus delicti doctrine within the traditional four-element structure of criminal law. In both cases, criminal liability is determined through a systematic examination of the object of the crime, the objective aspect, the subject, and the subjective aspect. This methodology provides a structured framework for distinguishing criminal conduct from non-criminal conduct and ensures that liability is imposed only when all legally required elements are established.

In the intentional homicide case, the corpus delicti doctrine clearly identifies criminal responsibility because all four elements are present. The protected legal interest—human life—is violated through a deliberate act that causes death, the offender possesses the required legal capacity, and the subjective element of intent is established.

Consequently, the doctrine supports the classification of conduct as intentional homicide and provides a clear legal basis for criminal liability.

In contrast, the medication-error case illustrates how the absence of intent affects the analysis of the subjective element. Although the harmful result and causal relationship are established, the actor's purpose was not to cause death but to provide medical treatment. Under the *corpus delicti* approach, this distinction becomes relevant only after the objective elements have been examined. As a result, conduct may not constitute an intentional offense but may instead give rise to liability based on negligence if the applicable legal requirements are satisfied.

From a theoretical perspective, these cases reveal the defining characteristic of the *corpus delicti* doctrine: the separation of objective and subjective elements within the structure of crime. The doctrine treats criminal conduct as a combination of distinct legal elements that must be independently established before liability can arise. This analytical model promotes legal certainty, consistency, and predictability in criminal adjudication by providing a clear methodological framework for evaluating criminal responsibility.

From a criminological perspective, the comparison demonstrates that the *corpus delicti* doctrine places primary emphasis on the legal structure of the offense rather than on the purposive nature of human action. The doctrine seeks to identify whether the legally required elements of crime are present, while the offender's intention is examined as a separate component of the analysis. Consequently, the *corpus delicti* model reflects a more formal and element-based understanding of criminal liability, one that has significantly influenced Soviet, Russian, Mongolian, and other continental criminal law traditions.

As allow the two cases demonstrated both the strengths and limitations of the *corpus delicti* doctrine. Its structured methodology enhances legal certainty and facilitates consistent application of criminal law. At the same time, the separation of conduct and intent highlights an important theoretical distinction between the traditional *corpus delicti* approach and modern theories that seek to integrate purpose and intention more directly into the concept of the offense itself. This distinction remains central to contemporary debates concerning the nature of criminal responsibility and the evolution of criminal law theory in table 2.

We analyzed and concluded from table 3, The comparative analysis of the two cases demonstrates the central insight of Hans Welzel's Finalist Theory: criminal conduct cannot be adequately understood through external actions and causal relationships alone. Rather, human behavior must be examined as a purposeful and goal-directed activity in which intention forms an integral part of the offense itself. Unlike traditional approaches that separate objective and subjective elements into distinct stages of analysis, Finalist Theory treats conduct and purpose as a unified phenomenon that must be assessed together when determining whether the statutory elements of an offense have been fulfilled.

In the intentional homicide case, the offender's conduct derives its legal significance from the objective of causing death. The planning of the crime, acquisition of the weapon, selection of the victim, and execution of the act all reveal a conscious and deliberate course of conduct directed toward a prohibited result. Consequently, the intention to kill is not merely a factor relevant to culpability but an essential component of *Tatbestand* itself. Criminal liability arises because the actor's conduct and purpose are aligned with the legal definition of intentional homicide.

Table 3: Comparative analysis of two criminal cases under Hans Welzel's finalist theory

Analytical Criteria	Case 1: Intentional Homicide (A deliberately kills B) Finalist Theory	Case 2: Mistaken Administration of Medication: Finalist Theory
Factual Situation	Same facts.	Same facts.
Primary Focus of Analysis	Examination of the offender's goal-oriented conduct and the integration of intent within Tatbestand.	Examination of the purpose and direction of the nurse's conduct.
Object of the Crime	Human life as the protected legal interest affected by purposeful conduct.	Human life remains the protected legal interest, but the actor's purpose becomes central.
Objective Aspect	The act of shooting and resulting death are examined together with the purpose behind the conduct.	Administration of medication causes death, but causation alone is insufficient to characterize the conduct.
Subject of the Crime	Same requirement.	Same requirement.
Subjective Aspect	Intent is part of the offense itself and exists from the beginning of the analysis.	Absence of a harmful purpose fundamentally changes the legal meaning of the conduct.
Role of Intent	Intent is inseparable from the conduct and forms part of Tatbestand.	The treatment-oriented purpose excludes intentional homicide at the offense level.
Relationship Between Conduct and Purpose	Conduct and purpose form a single unit of analysis.	Purpose is examined simultaneously with conduct.
Determination of Criminal Liability	Liability is established when purposeful conduct satisfies Tatbestand and other requirements of criminal responsibility.	Liability depends on whether the actor's goal-oriented conduct violated a legal duty of care.
Criminological Interpretation	Focuses on planning, motivation, decision-making, and goal-directed behavior.	Focuses on the actor's medical objective and decision-making process.
Legal Characterization	Intentional homicide because death was the intended objective of the conduct.	Accidental or negligent harm because the conduct was directed toward treatment rather than death.
Theoretical Significance	Demonstrates that criminal conduct is purposeful human action and that intent forms part of the offense itself.	Shows how the purpose of conduct determines the legal meaning of the act before culpability is considered.

By contrast, the medication-error case illustrates how the absence of a harmful purpose fundamentally alters the legal meaning of conduct. Although the nurse's actions contributed causally to the patient's death, the conduct was directed toward a lawful and socially beneficial objective—providing medical treatment. From the perspective of Finalist Theory, this difference in purpose is decisive because the legal character of human action depends not only on what occurred but also on the objective toward which the conduct was directed. As a result, the case cannot be interpreted in the same manner as intentional homicide despite the similarity of the harmful outcome.

From a criminological perspective, these examples confirm that criminal behavior is generally preceded by processes of motivation, planning, decision-making, and goal selection. Human beings do not simply produce consequences through mechanical actions; they consciously pursue objectives through chosen means. Finalist Theory therefore provides a more realistic explanation of criminal behavior by incorporating the purposive nature of human action into the structure of criminal law. This approach aligns legal

doctrine more closely with contemporary understandings of human psychology, rational choice, and criminal decision-making.

The comparison further demonstrates that Finalist Theory shifts the focus of criminal law analysis from mere causation to the relationship between conduct and purpose. The decisive question is not simply whether an actor caused a prohibited result, but whether the actor directed his or her conduct toward achieving that result. By integrating subjective elements into Tatbestand, the theory creates a more coherent connection between legal norms, human behavior, and criminal responsibility.

As allow the two cases illustrate why Finalist Theory became one of the most influential developments in modern criminal law scholarship. Its emphasis on purposive human action transformed the understanding of criminal liability and provided a stronger theoretical foundation for distinguishing intentional crimes from negligent or accidental conduct. Through this approach, criminal law can evaluate not only the consequences of behavior but also the meaning, purpose, and objective that underline human action, thereby achieving a more comprehensive and normatively coherent conception of criminal responsibility in table 3.

CONCLUSION

The historical development of criminal law theory demonstrates that different legal systems have adopted distinct methods for defining crime and determining criminal liability.

The analysis further indicates that Mongolian criminal law was strongly influenced by the Soviet corpus delicti doctrine throughout the twentieth century, while more recent legal reforms have introduced concepts associated with continental European criminal law. As a result, contemporary Mongolian criminal law reflects a combination of different doctrinal traditions. Understanding the historical evolution and theoretical relationship between Tatbestand and corpus delicti is therefore essential for explaining the foundations of criminal liability and the continuing development of Mongolian criminal law doctrine. The comparative analysis of the two cases demonstrates the fundamental contribution of Hans Welzel's Finalist Theory to modern criminal law doctrine. Unlike traditional approaches that primarily emphasize the external elements of conduct and causal relationships, Finalist Theory views human action as a purposeful and goal-oriented phenomenon. Consequently, criminal liability cannot be determined solely by examining the physical act and its consequences; it also requires an assessment of the objective that guided the actor's conduct.

In the intentional homicide case, the offender's conduct is characterized by a clear and deliberate objective to cause death. The acquisition of a firearm, preparation for the offense, and execution of the act reveal a conscious process of planning and decision-making directed toward a prohibited result. Under Finalist Theory, these purposive elements are not merely questions of culpability but form part of the offense itself. The offender's intention is therefore incorporated into Tatbestand and becomes essential for establishing criminal liability.

The medication-error case illustrates the opposite situation. Although the nurse's conduct contributed causally to the patient's death, the action was directed toward a lawful and socially beneficial objective: providing medical treatment. The harmful result occurred

despite, rather than because of, the actor's purpose. For this reason, Finalist Theory distinguishes fundamentally between intentional wrongdoing and accidental or negligent harm. The legal meaning of the conduct is determined not only by its outcome but also by the purpose that motivated the actor's behavior.

From a theoretical perspective, these cases demonstrate that Finalist Theory rejects the strict separation between objective conduct and subjective intention that characterized earlier criminal law doctrines. Instead, it treats conduct and purpose as a unified concept, recognizing that human behavior cannot be fully understood without considering the goals that guide it. This approach provides a more coherent explanation of criminal responsibility because it reflects the reality that individuals act through conscious choices, planning, and the pursuit of objectives.

From a criminological perspective, the comparison further supports the view that criminal behavior is commonly preceded by processes of motivation, rational choice, preparation, and goal selection. Intentional offenders do not simply produce prohibited consequences; they actively pursue those consequences through purposeful conduct. Finalist Theory aligns criminal law more closely with contemporary criminological and behavioral research.

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