



Akademik Eğitim ve Sosyal Bilimler Dergisi (AJESS Journal)

German Public Law, European Constitutionalism, and Comparative Legal Jurisprudence

Prof. Dr. Klaus Hoffmann, Faculty of Law, Heidelberg University, Federal Republic of Germany
k.hoffmann@jur.uni-heidelberg.de

Received: 14/07/2026; Accepted: 26/09/2026; Published: 05/10/2026

Abstract

This research paper provides an extensive critical analysis of contemporary German jurisprudence, constitutional law, and legal methodology. Focusing on the foundational role of the Basic Law (Grundgesetz), the doctrine of proportionality (Verhältnismäßigkeitsprinzip), and the jurisprudence of the Federal Constitutional Court (Bundesverfassungsgericht), this study evaluates how German legal institutions shape European constitutionalism, administrative law, and digital regulatory governance. Furthermore, it highlights advancements in German legal dogmatics, environmental law, and international comparative public law.

1. Introduction: German Legal Dogmatics and Contemporary Academic Scholarship

The German legal tradition represents one of the most structured and intellectually rigorous frameworks in modern jurisprudence, characterized by systematic legal dogmatics (Rechtsdogmatik) and a comprehensive codified legal order. Centred around historic faculties of law such as Heidelberg University (founded in 1386) and LMU Munich, German scholarship has fundamentally shaped European civil law, public administration, and constitutional theory.

From nineteenth-century legal positivism and statutory interpretation to modern constitutional review, German jurisprudence emphasizes logical coherence, doctrine, and systemic consistency across all legal branches.

This paper examines modern German scholarship, exploring constitutional federalism, administrative law, European legal integration, and digital public governance.

2. The Basic Law (Grundgesetz), Constitutional Supremacy, and Human Rights

The adoption of the Basic Law (Grundgesetz) in 1949 established a robust constitutional order grounded in human dignity (Menschenwürde), the social state principle (Sozialstaatsprinzip), and constitutional democracy. Scholars at Heidelberg and Munich have systematically analyzed how constitutional rights function not only as defenses against state interference but also as an objective value order.

The Federal Constitutional Court (Bundesverfassungsgericht) in Karlsruhe acts as a guardian of constitutional integrity, ensuring that all legislative and administrative acts align with fundamental rights guarantees.

This scholarship provides essential insights into balancing individual liberty, public welfare, and state security in modern democratic states.

3. European Constitutionalism, Multi-Level Governance, and Institutional Alignment

As a founding member of the European Union, Germany's constitutional jurisprudence profoundly interacts with European Union law and the Court of Justice of the European Union (CJEU).

German legal scholars actively analyze the complex relationship between European supranational integration and national constitutional identity (Verfassungsidentität).

This academic discourse establishes clear legal frameworks for harmonizing national constitutional mandates with European integration, serving as a model for multi-level constitutional governance.

4. Administrative Law, Proportionality, and Environmental Governance

German administrative law (Verwaltungsrecht) is globally recognized for its precise conceptual structure and judicial review standards.

Central to German public law is the Principle of Proportionality (Verhältnismäßigkeitsprinzip), requiring public measures to be suitable, necessary, and strictly proportional to legitimate objectives.

Recent scholarly research applies these rigorous standards to state environmental regulations, climate protection mandates, and sustainable infrastructure development.

5. Digital Public Law, AI Regulation, and Legal Data Protection in Germany

Germany maintains a pioneering position in digital law, data protection regulations (DSGVO compliance), and the legal governance of artificial intelligence.

German law faculties conduct cutting-edge research regarding algorithmic transparency, automated administrative decision-making, and digital fundamental rights protection.

These scholarly contributions ensure that technological innovation proceeds in strict adherence to human dignity, procedural fairness, and democratic oversight.

6. Conclusion: The German Paradigm in Modern Global Jurisprudence

The study of German public law demonstrates an enduring synthesis of theoretical rigor, constitutional protection, and systematic adaptability. German jurisprudence continues to provide vital frameworks for addressing contemporary legal and societal challenges.

By integrating legal dogmatics, constitutional review, European law, and digital ethics, German academic scholarship remains a pillar of global legal thought.

Ultimately, the German legal paradigm reaffirms that sustainable statehood and social progress must rest upon an unyielding commitment to the rule of law and human dignity.

References

- Alexy, R. (2002). *A Theory of Constitutional Rights* (J. Rivers, Trans.). Oxford University Press.
- Canaris, C. W. (1995). *Die Feststellung von Lücken im Gesetz* (2. Aufl.). Duncker & Humblot.
- Hoffmann, K. (2025). European Integration and Constitutional Identity under the Basic Law. *Heidelberg Journal of International Law*, 85(1), 45-89.
- Isensee, J., & Kirchhof, P. (Hrsg.). (2013). *Handbuch des Staatsrechts der Bundesrepublik Deutschland* (3. Aufl.). C.H. Beck.
- Maunz, T., & Dürig, G. (2024). *Grundgesetz-Kommentar*. C.H. Beck.
- Schmid, A. (2023). Digital Administration and Proportionality in German Administrative Law. *German Law Journal*, 24(4), 512-540.