

## **Legal basis for using your own identity card as a replacement for the identity card of the Federal Republic of Germany**

1. The identity cards issued by the Federal Republic of Germany do not comply with the Act on Identity Cards and Electronic Identification (PAuswG)
2. The identity card does not identify any natural persons (= humans), but legal persons (= companies)

### **1.1 Serial number**

According to the act on identity cards, the serial number of an identity card is composed of a four-digit authority code (= BKZ) and a five-digit, randomly assigned number (4 digits BKZ + 5 random characters = 9 digits).

Since an authority code only consists of numbers, but each serial number always starts with a letter (L, M, N, P, R, T, V, W, X, or Y), it is impossible that it may even contain a four-digit authority code, which is a violation of section 2, paragraph 8 PAuswG.

### **1.2 Family name**

According to the act on identity cards, the id card must have the family name, but there is only "name". Although a family name is a "name" too, there is a legal difference between the two terms (see point 2). Therefore, in the card must be unequivocally the label "family name", which is not the case and constitutes a violation of section 5, paragraph 2, point 1 PAuswG.

### **1.3 Citizenship**

According to the act on identity cards, the id card should contain the citizenship of the holder. According to the general view, the Federal Republic of Germany is a state, so that in the id card under "Nationality" the noun "Bundesrepublik Deutschland" would have to stand. But there is only the adjective "deutsch".

Apart from that, the card holder owns the citizenship in the still existing state "German Empire" (popularly known as "Germany", which is not quite correct). Therefore, in the id card under „nationality“ would have to stand "Deutsches Reich" or alternatively "Deutschland". The adjective "deutsch" makes no sense here, because it does not refer to a state recognized by international law, which is a violation of section 5, paragraph 2, point 10 PAuswG.

## **2. Legal and natural person**

A legal entity is for example a company and never a human. A natural person, on the other hand, is never a company but always a human. The term "name" (see 1.2) can mean both people and companies. The term "family name", on the other hand, can only mean people and not companies. However, since - in contrast to ID cards from other countries - the gender information is also missing in the ID card, it is clear that the holder of such an ID card does not identify himself as a natural person, but as a legal person and thus e.g. also waived his human rights (see article 1 in the Basic Law (GG)).

### **Summary**

The identity card of the Federal Republic of Germany does not comply with the act on identity cards, contains at least one false entry and does not identify the holder as a natural person.

Due to the false entry, the holder is obliged under section 27, paragraph 1, point 1 PAuswG to present the ID card to the competent identity card authority, because it is invalid under section 28, paragraph 1, point 2 and therefore in accordance with section 29, paragraph 1, point 1 can be kept.

The alternative identification with a passport and a confirmation of registration according to section 1, paragraph 2 PAuswG, does not apply because the passport violates the passport law (PaßG) too, thus is also invalid and the use of invalid, or false documents is criminalized (see sections 269, 271 and 276 of the German Criminal Code).

### **Own id card**

As has been explained in detail, the use of an identity card or passport of the Federal Republic of Germany is unlawful due to several legal violations. In practice, however, it is sometimes necessary that you can identify with your person.

Anyone who wants to be clearly identified as a natural person and a national can make their own identity card. The legal basis for this is:

### **German Criminal Code (StGB) Section 34 - Necessity**

*A person who, faced with an imminent danger to life, limb, freedom, honour, property or another legal interest which cannot otherwise be averted, commits an act to avert the danger from himself or another, does not act unlawfully, if, upon weighing the conflicting interests, in particular the affected legal interests and the degree of the danger facing them, the protected interest substantially outweighs the one interfered with. This shall apply only if and to the extent that the act committed is an adequate means to avert the danger.*

It should be noted that the production and use of an own identity card is not an unlawful act, as long as certain points are observed (see download [legal status identity card](#)).

Note: As an alternative to an own identity card, § 34 could also be applied to the use of the illegal documents of the Federal Republic of Germany.

### **Sources:**

Act on Identity Cards and Electronic Identification (PAuswG), from 22 December 2011:  
[https://www.gesetze-im-internet.de/englisch\\_pauswg/](https://www.gesetze-im-internet.de/englisch_pauswg/)

Passport Act (PaßG), from 25 July 2013: [https://www.gesetze-im-internet.de/englisch\\_pa\\_g/](https://www.gesetze-im-internet.de/englisch_pa_g/)

German Criminal Code (StGB), from 10 October 2013:  
[https://www.gesetze-im-internet.de/englisch\\_stgb/](https://www.gesetze-im-internet.de/englisch_stgb/)

Basic Law (GG, from 23 December 2014): [https://www.gesetze-im-internet.de/englisch\\_gg/](https://www.gesetze-im-internet.de/englisch_gg/)

German Civil Code (BGB), from 1 October 2013:  
[http://www.gesetze-im-internet.de/englisch\\_bgb/](http://www.gesetze-im-internet.de/englisch_bgb/)