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Martina Oelkers

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Mit dem Inkrafttreten des Betreuungsrechts am 1.1.1993 wurden nicht nur die Entmündigung und die daran anschließende Vormundschaft sowie die Gebrechlichkeitspflegeschaft abgeschafft, sondern auch deren internationalrechtlicher Anknüpfung der Boden entzogen. Einschneidende Veränderungen des Sachrechts einerseits und ein den früheren Anknüpfungsnormen ähnlicher Wortlaut andererseits werfen die Frage auf, ob und inwieweit an den bisher herrschenden Ansichten festzuhalten ist oder ein anderer Weg gegangen werden sollte. Einen zweiten Schwerpunkt der Arbeit bildet das Problem, ob die Entscheidung des Gesetzgebers, daß Deutschland nicht mehr entmündigt wird, dazu führt, daß im Ausland ausgesprochene Entmündigungen im Inland nicht anzuerkennen sind bzw. wenn ja, in welchem Umfang.

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