

## IN THE HISTORY OF THE ANCIENT WORLD, THE DEATH PENALTY

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"Regardless of the form and content of punishment, it is always based on the condemnation of a crime."

N.D.Sergievskiy

### ABSTRACT:

**Human life is the most precious and incomparable blessing. Death is the final part of life and is closely related to it, that is, there is life and death is inevitable.**

**The death penalty is one of the oldest forms of punishment known to mankind and has been used by countless people. The death penalty was used long before the criminal law in its current interpretation. Historical sources indicate that the death penalty has long been used as a form of punishment. According to experts, the causes of the death penalty should be traced to the revenge of people or families. But the task of revenge did not last long in the family. With the advent of the state, the death penalty became the sole prerogative of the state. Preliminary data on the death penalty date back to about the same period as the first states.**



The death penalty as a type of legal punishment emerged during the transition to a society governed by legal relations.

In the first state structures, the death penalty was imposed for acts found guilty. For example, in one place, encroachment on the property of the nobility is punishable by death, and in another place, the death penalty is imposed for violating the rules of exogamy or class marriage.



A tribal elder who lost the "sacred power" to influence nature was also killed. The people of the Shilluki tribe (Upper Nile), who had great respect for their tribal elders, also complained of their inability to maintain crop yields, cattle hooves, and the health of their members due to old age after reaching a certain age. Fearing and killing them. Usually the wives were the first to be informed by the wives that

the elder was no longer in power. In some cases, the elders themselves told their sons that the day of their death had come. The will of the elder was the law for the members of the tribe. With the emergence of state-legal relations, the "talion principle" emerged. He argued that punishment should be equal to crime. This principle is imprinted in the minds of the people in the form of the phrase "Blood for blood, blood for soul" taken from the Old Testament. In practice, this means accepting the death penalty for murder. In many nations, the term "dietary fee" is used to refer to a person who has been killed, not with life, but with money or an equivalent amount of property. possible. By looking at the development and application of the death penalty in the ancient first slave states, one can get an idea of the origin and development of the death penalty in human history.

If we look at the criminal law of the ancient states, we can see that in almost all of them many remnants of the primitive community system have been preserved. The main purpose of the punishments was intimidation. The penalties used in the ancient Chinese penal system are notoriously cruel.

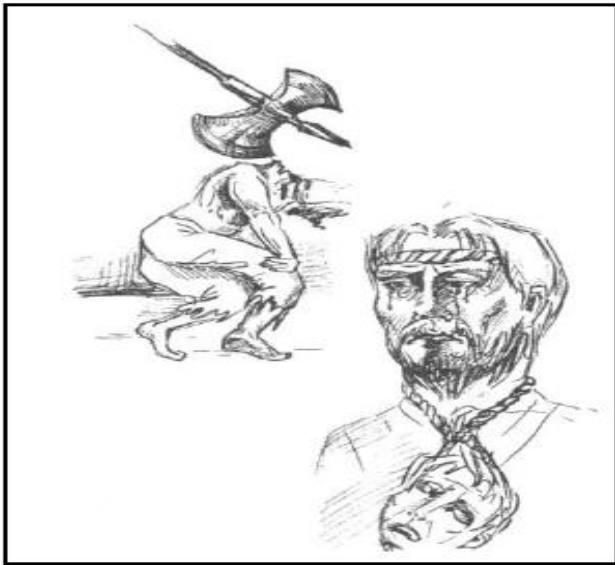
**In ancient China**, the death penalty was one of the most widespread and brutal forms of punishment. Even those who refused to pay taxes and pianists were sentenced to death. In addition, for political, anti-state crimes, not only the perpetrator himself, but also three generations of relatives of his parents and wife. were also prosecuted. There are also reports of torture and execution of very young children and the elderly in the early days of the Han Empire. Individuals involved in conspiracies and uprisings against the state system were burned in boiling water or in a fire. In addition, the death penalty was used for burial and dismemberment. The body of the executed person was mostly hung from a tree in public places - markets or on highways. In ancient

China, the death penalty was carried out in autumn or winter. According to Confucius, killing a living being in the spring and summer, when nature wakes up, can disrupt the harmony of nature and society, resulting in floods, droughts, and other natural disasters. calculated as possible.



When we talk about the laws of **ancient India**, we should first talk about the laws of Manu. These laws were developed by one of the schools of Brahmanism and are named after the legendary king Manu for religious purposes. The law consists of 12 chapters and 2685 articles, the rules of which are expressed in the form of two lines of poetry. Manu's laws provide for the death penalty for any assassination attempt against the state or social order. In addition, for the premeditated murder, for any betrayal of the couple, for the third time, for the theft, for the abduction of noble people, especially women, were also sentenced to the death penalty.

Manu's laws distinguish between simple and complex forms of execution. Common forms of death included beheading, while more complex forms included stoning, drowning, burning in a fire, and throwing at an elephant's feet.



The laws of **ancient Mesopotamia**, although not yet fully known, date back to BC. The laws of King Ur-Nammu, the founder of the Ur dynasty in the third millennium, the laws of Lipid-Ishtar, the ruler of the kingdom of Isina, mil. Avv. At the beginning of the second millennium Bilalam's laws in the kingdom of Eshkunna, mil. Avv. In the middle of the second millennium, the “Laws of the Middle Ages” and, finally, the most important legal document of Mesopotamia, the legal system of antiquity and the great monument of the legal system — the largest state in the Middle Kingdom — include the ancient Babylonian king Hammurabi. The set of Hammurabi's laws consists of 282 articles and 3 parts. It provides for the death penalty in more than 30 cases.

The following are some examples of Hammurabi's law:

- The death penalty was applied to those who falsely accused someone of murder, Article 1;
- The death penalty has been applied to persons who have risked the death penalty for someone by giving false testimony, Article 3;
- If the builder of the deposit building dies as a result of the demolition or occupation of the building, the master who built the house is sentenced to death, Article 229;

- If the demolition or occupation of the building resulted in the death of the landlord's son, then the master's son was also killed, Article 230;
- If the master's slave dies as a result of the demolition or occupation of the building, the master gives another slave instead of the slave, Article 231;
- A criminal who stole during a fire is set on fire, Article 25;

In addition, according to Hammurabi's laws, slaves were considered the private property of slaves and any aggression against them was considered a serious crime. In particular, if a person hides a runaway slave, locks him in his house, refuses to return the slave to the owner of the slave, or buys anything from the slave, he is sentenced to death. The death penalty was imposed even if the warriors did not immediately arrive at the king's order or send someone else to replace them.

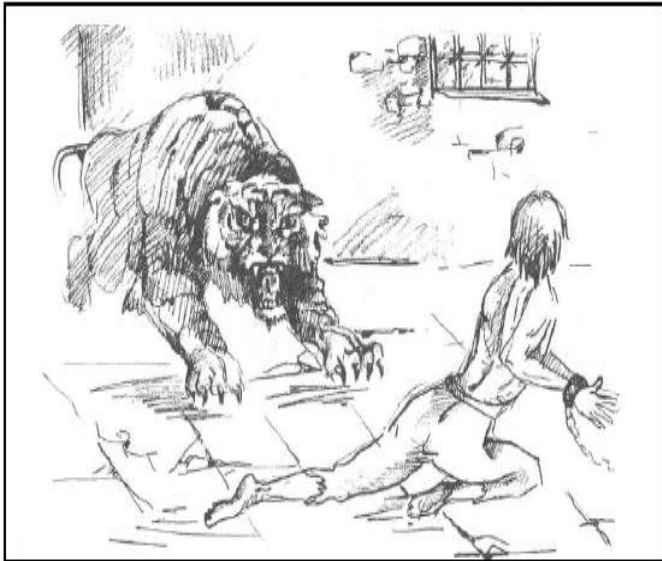


**Ancient Egypt** was characterized by the use of the death penalty for many crimes. For example, those who betrayed the state or revolted or conspired were sentenced to death, and their bodies were thrown into the water instead of being buried. Those convicted of violating religious rules, swearing, murder, and giving false information were also sentenced to death.

In ancient Egypt, punishments were notoriously cruel. The flesh of the child who

killed his father was removed, laid on a thorn and burned.

Death was carried out mainly by burning or stoning, beheading, hanging, burying alive, and crucifying idols. When high-ranking officials were sentenced to death, they were allowed to commit suicide. The death penalty could later be commuted to slavery under Bokhari law.



**In ancient Greece and Hellenistic countries,** the death penalty was widely used as a form of criminal punishment. In all of these countries, the main purpose of punishment was to intimidate and intimidate. If a person acts against the current regime, his actions are considered treason and he is sentenced to death. The wife's adultery with her husband was considered a very immoral and grave crime, and the husband was given the right to kill his adulterous wife.

In ancient Greece, private property was strictly protected, including the ability to catch and kill people who stole at night. In ancient Greece, too, some remnants of the primitive community system were partially preserved. The killer, for example, was able to escape punishment by leaving the country voluntarily. However, when the killer returned to his homeland, he was found not to be protected by

law and could be executed at will by the relatives of the killer.



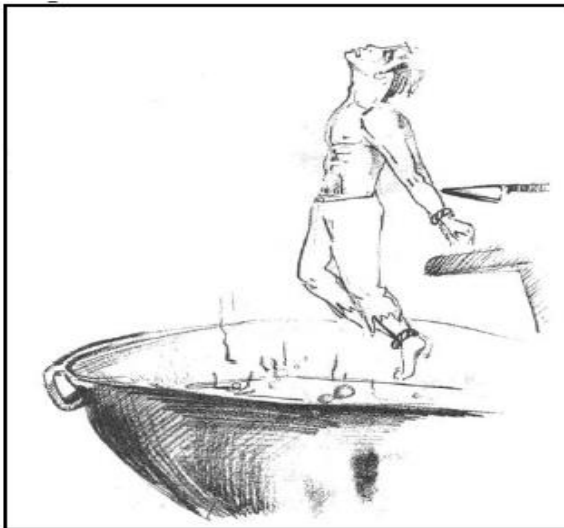
Although the death penalty was provided for in a narrow range of crimes under the laws of Table XII, which had a special significance in **ancient Roman** law, in practice it was applied to many crimes. It is noteworthy that the use of the death penalty in the Roman penal system gradually declined. As a result, deportation for Roman citizens was commuted. Mil. avv. In the late republican period of the III-I centuries this punishment was not applied at all, but was restored during the imperial period.

In Rome, the death penalty was carried out in a variety of ways, depending on the nature of the crime, such as drowning, beheading, throwing from the Torpedo rock, idolatry, cremation, hanging, and more. In ancient Rome, slaves were executed more often than freedmen. The years 284-476 AD came to a period of absolute monopoly in four cases: when the death penalty was imposed for crimes such as arson, practicing witchcraft, insulting a nobleman, and murder. the death penalty in thirty-one cases is provided for persons who have no privilege.

The Avesto played an important role in the study of the law of the **Greater Khorezm and Bactrian states**, and in the conduct of the

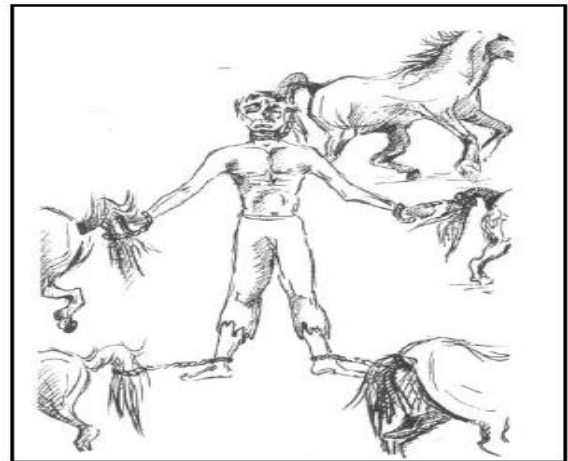


penal policy of these states, more precisely, the death penalty was applied to the Avesto. In addition, customary law, written legal sources during the Achaemenid period, Alexander the Great and the Greco-Bactrian, Seleucid state, and Parthian Greco-Roman law were partially enforced in the state structures that existed during this period.

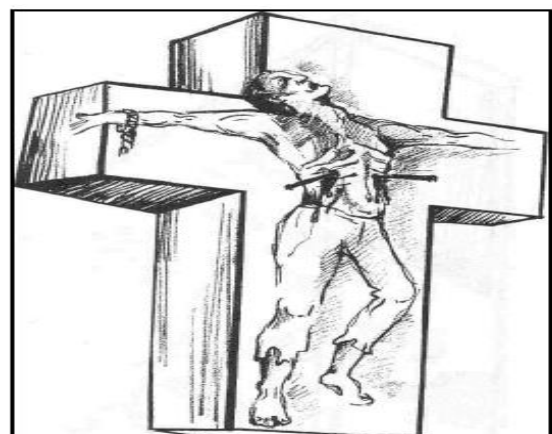


According to the Avesta, crimes punishable by the death penalty can be classified and given as follows:

1. Crimes against religion, the marriage of a believer to another believer, the teaching of a foreign religion and a strange belief;
2. Crimes against a person, when he takes a weapon with the intention of beating someone, injures his health and commits the same crime five times;
3. Crimes against animals, Whoever gives a hard bone or hot food to a dog, and as a result burns the dog's mouth, and as a result the dog dies;
4. Property crimes, theft of property, aggression;
5. Crimes against morality;
6. Crimes against the forces of nature, air pollution, burial of dead animals or human corpses, drowning, burning. Execution of the death penalty in all ancient states



New and new forms of the death penalty have been discovered in all the ancient states. There was no end to the brutality, and most executioners did not want those sentenced to death to die immediately. It seemed like an easy death sentence. Not only the "culprit" but also his close relatives were executed because they had to intimidate others. Even children were not spared. But that was not enough. Various forms and methods of killing people have been devised. But they have lost sight of one thing: cruelty always evokes cruelty. That's the way it is, that's the way it is. Intimidation only affects the weak. The strong, on the other hand, have a desire to respond to violence in a more brutal way. Severe punishments, such as torture, are equivalent to the death penalty. 'lgan. Although they are not directly punishable by death, in most cases they result in the death of the convict. The role of religion in the execution of the death penalty in the ancient world was significant.



In ancient times, the ways of sacrificing to the gods of primitive religious beliefs inherited from the primitive community system have long been preserved. The custom of sacrificing criminals was practiced in almost all nations. It was not only criminals who were sacrificed, for this purpose, firstly, slaves and prisoners of war were considered to be lower-level individuals of development and were equated with criminals; second, innocent people, mostly children, were sacrificed because the blood of an innocent man was believed to bring down the wrath of God and to free the guilty from sin. We can see many examples in history. But for now, let's not dwell on that. Although some forms of the death penalty existed in almost all nations in the ancient world, there is a link between the forms of the death penalty and the natural characteristics of the country in which a particular people live. For example, in mountainous countries - in ancient Greece, it was common to throw a criminal off a mountain; in ancient India, where elephants were considered domestic animals, criminals invaded and killed elephants, in northern countries, drowning in swamps or under ice, and in ancient Egypt, criminals used to feed lions or crocodiles. The methods of execution have been varied since ancient times. It should be noted that some of these methods were used in the past in all countries, and some methods were used only once in the history of the development of the death penalty.

Here is a list of methods used in the ancient world to carry out the death penalty:

1. Simple (neck) method of hanging;
2. The method of crucifixion;
3. The method of hanging from an rib on an iron cross;
4. The method of beheading;
5. The method of burning the tongue with a hot iron and then cutting off the head;
6. The method of beheading, unlike the usual method, was that if the offender's father was alive, the beheaded son's head was hung around his neck and had to be worn for life;
7. Cut off the limbs, then the head;
8. To dismember the body of a convict with five horses;
9. Method of pouring molten lead or iron into the mouth; C
10. hoking method;
11. How to remove the bowel;
12. The method of peeling the skin;
13. Crushing method to a thousand pieces;
14. The method of beating with a whip or beating with a thick stick;
15. The method of burying the dead alive;
16. "Simple drowning" method;
17. The method of drowning in a swamp;
18. The method of drowning in a sewn bag;
19. The method of killing under ice;
20. Cold freezing method;
21. The method of execution by pulling the wheel;
22. Method of throwing boiling oil, wine, water;
23. The method of killing a person by pouring boiling and cold water on his head alternately until he dies;
24. The method of burning in the campfire;
25. Pile driving and piling;
26. In mountainous countries, it is a way to kill criminals from the mountains;
27. The method of trampling elephants or other animals with their hooves;
28. Method of feeding wild animals;
29. How to kill dogs;
30. The method of stoning;
31. The method of starvation;
32. Sand is a way to chase a criminal into the desert;
33. Method of feeding insects (lice, mites, ants);
34. Method of poisoning;

35. A method of execution by nailing a wooden donkey;

36. The method of pouring between the walls.

These methods are the most commonly used, and there are many more examples.

As we have seen, the history of the origin and formation of the death penalty dates back to the earliest times of mankind. With the advent of the ancient states, this type of punishment developed. In a sense, it has gone through a historic stage. Many guilty and innocent people were executed as a result of the execution. The ruling classes, the clergy, have often widely used it as a way to intimidate, oppress, or eliminate their political rivals. Over time, the death penalty has also become more liberal from a humanitarian point of view. But that is another story.

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