

Секция «Английский язык и право (на английском языке)»

The death penalty

Гусейнов Ахмед Магомедович

Студент (бакалавр)

Российская правовая академия МЮ РФ, Северо-Кавказский филиал, Юридический факультет, Кафедра теории государства и права, Махачкала, Россия

E-mail: aguseinov1909@mail.ru

One of the problems in criminal law that is of great concern not only for lawyers, but also for the whole society, that causes many discussions, disputes and debates was and still remains the problem of death penalty. Nowadays the importance of the problem is connected with that fact that a lot of states try to humanize the laws, putting down the death penalty. Question arises whether executing of death penalty is lawful and whether it is necessary.

The purpose of our work is the study of a death penalty during its historical development as we see in Russia; the analysis of the necessity and efficiency of death penalty; the viewing of the ‘for’ and ‘against’ this punishment and the expressing of my own opinion.

Death penalty is one of the most ancient punishments, known in criminal law in Russia. In ancient Russia the death penalty was mentioned for the first time in the authorized paper, given in 1397 by the great Prince Basil Dmitrivich to the inhabitants of Dvin Land. But in fact such punishments were common much earlier-as vendetta and as fulfillment of Princes order. But all this punishments did not bear juridical character [1].

What do we have in Russia today with this phenomenon? The Russian government claims that it does its best to cancel the death penalty completely. In 1996 Russia was enrolled in the Council of Europe on condition to adapt its interior legislation to European norms that is to exclude the death penalty as a state enforcement on the personality [2].

But the important problem of the death penalty is in the question: ‘Whether the state has the right to deprive a human being of life?’ C.BEKKARIA was interested in this question too. He wrote: ‘The man is given life no by a state that is why the state has no lawful right to take it away from man. [3]’

As the death penalty excludes the repetition of the crimes it serves as the defence for the society, which has right to defend itself. The society has the right to deprave of life a person who did it towards the other person; otherwise the Lynch judgment will come to life [4].

Nowadays in many countries they use the simple methods of killing and they try to do it painless and quick. But in some countries they preserve qualified methods of the death penalty.

In modern Criminal Law there are 7 kinds of caring execution sentence of death.

Hanging is used in 78 countries. They think it is most ancient method of depriving the man’s life.

Firing is practiced in 86 countries.

The separating of the head from the body is met in Criminal Laws of the 7 countries, but in fact it is used only in Saud Arabia.

The killing by throwing stones at is used in 7 Arabian states. This is the most painful method of death sentence.

The following three ones are carried out only in USA.

That is the death on electrical chair. It was introduced in 1888. In those times it was considered to be most human.

The others are the poisoning by gas and fatal injection.

The global world's tendencies are inclined to put down the death penalty.

In 1989-1995 the death penalty was abolished in 75 countries. Thus to the end of 1995 the death penalty abolished in 72 states, but in 30 states it is not used and in 90 it still preserved [5]

This topic is important. As it is being discussed at present time widely, we decided to write down my point of view, because this socio-legal phenomenon interests me greatly. Why this approach to punishment turned out so durable for centuries? Why in the modern world, as well as in the past, death penalty nevertheless continues apply?

Источники и литература

- 1) Anashkin G.Z. 'The death penalty in capitalist states' M., 1971 p.44
- 2) Anashkin G.Z. 'The death penalty in capitalist states' M., 1971 p.79 Kazachenko I.Y., Neznamova Z.A. 'Criminal law. The common part' M., 1998 p.355
- 3) Kazachenko I.Y., Neznamova Z.A. 'Criminal law. The common part' M., 1998 p.357
- 4) Kazachenko I.Y., Neznamova Z.A. 'Criminal law. The common part' M., 1998 p.355
- 5) Kvalish V.E. 'The state and the law' №4/1997 'The death penalty and the society opinion' p. 50