

**Секция «Юриспруденция»**

**The death penalty**

***Каландарова Загидат Шамильевна***

*Студент*

*Российская правовая академия МЮ РФ, Северо-Кавказский филиал, Юридический факультет, Махачкала, Россия*

*E-mail: kalandarova.zagidat@yandex.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.

My topic is important. As it is being discussed at present time widely, I 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?

The purpose of my 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]. Nevertheless new Criminal Code permits the death penalty as the punishment for especially cruel crimes. The death penalty is stipulated for the deliberate under qualifying circumstances; the terrorist action; genocide. Sometimes the death penalty can be replaced by the imprisonment for life or imprisonment for 25 years. The death penalty can be executed only for man aged 18-65 years. The death penalty is carried out without public, by shooting, in present of the public procurator, the commandant of the prison and a doctor. The verdict of the execution is made and is signed by the above-mentioned persons.

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.

The global world's tendentious 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 [3].

In the course of the centuries many famous and less famous people told their opinions about the death penalty. In the past the majority of people thought that the death penalty is quit fair measure to protect society from the certain kinds of crimes. The religion although

approved the death penalty. The first state in the world that abolished the death penalty became Venezuela. It did it in 1846. In the Criminal Code the death penalty stands a side. The death penalty is exclusive and has no intention to correct man. The purpose of the death penalty is deserved condign.

Supporters of the death penalty

On the whole I think that humanization of the system of punishments is necessary. But the most terrible crimes brutal, cynical are worth the death penalty. The doers of such crimes can't be corrected. And we can't punish them equally, because there is no such punishment. Such people have no right to live on the earth.

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]. The other argument is that the maintenance of the criminals demands money from the budget, and this fact negatively influences on the society's opinion. American criminalist Sazerland calls 5 such reasons:

1. the death penalty is the most effective measure of preventing the criminals, then other measures of punishment;
2. it is more economic, than imprisonment;
3. it is necessary to exclude the Lynch crimes;
4. the death penalty frees the society from the defective personalities;
5. it is more saving, than the imprisonment for life of those who performed the assassinations; otherwise they may be subjected to the amnesty.

I think some of these statements are right and some are not.

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 [5].

Having analyzed the problem of the death penalty, I came to certain conclusion.

Earlier I as the majority of people thought that the capital punishment should be preserved and applied in wide range. I considered it to be effective measure of fighting with the criminality and that the criminals should undergo deserved condign. The punishment and the death penalty are not the best means in the fight with the criminality. To know this problem we must study many facts. I think that neither supporters nor opponents can give final answer.

That is why I think that as the terrible, cynical crimes continue to exist the death penalty should be preserved within the limit. And it should be applied only to the safe sound. But the society itself should be human, but not only its government. Then there would be no crimes and no demands in the death penalty.

### **Литература**

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

4. Anashkin G.Z. The death penalty in capitalist states. М., 1971.
5. Kazachenko I.Y., Neznamova Z.A. Criminal law. The common part. М., 1998.