

# IS THERE ANY CONNECTION BETWEEN THE COMMANDMENTS GIVEN BY GOD AND THE CRIMINAL LAW?

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## Abstract

*Religion and law are two intertwining fields that aim at the supreme good of man and justice, both branches having common principles that often end up intersecting. In fact, from my point of view, law and religion are two areas that complement each other because law helps us guide in real life here on earth and religion leads us to discover the ideal of eternal life. We will notice that, in terms of religion, the first laws were formed; the first punishments and that all these took place from here. Looking at what is written in the Holy Scripture (the Bible) which presents man in the image and likeness of God, creator of all seen and unseen things.*

**Keywords:** religion, punishment, criminal law, Bible, God and human.

## 1. Religion references

The first man was Adam, whom he placed in the Garden of Eden to work and guard.

The Lord God commanded Adam: "You can eat from any tree in the garden, but from the tree of the knowledge of good and evil you must not eat, because on the day you eat, you will surely die."

Thus God places him in space (the Garden of Eden), and then gives him the first law, he presents his rights and obligations (to work and guard them) and at the same time he presents the consequences that can occur in case of disobedience (not to eat from the tree of the knowledge of good and evil), namely the death penalty (you will surely die), which is the first and the harshest punishment that religion introduces to us.

Adam infringed God's command and, as a result of disobedience, all his rights (eternal life) were taken away and he served his sentence. Following the above, we can observe that the first punishment attested from a religious point of view was the capital punishment.

We thus consider that the first law and the first punishment were created by God.

These laws were considered just because they came from the divine, creative force of man who possesses the supreme good. The death penalty means killing a person for serious crimes, governed by law, crimes for which he has been found guilty.

This is the harshest form of repression.

## 2. The begins of criminal law

If we look at the world and the roots of criminal law, we will see that it emerged from the time of the Sumerians, what is known today as Iraq, when they compiled the oldest but also the best known set of criminal laws. The code was created around the years 2100-2050 BC and it seems that, ever since, man

needed a distinction between what is good and evil in terms of the actions and not only to distinguish between criminal and civil law but some clear rules to be established, known and respected by everyone for the common good of the society at that time.

Thus, the criminal law regulated since then the cases that were directed against a person or against the state.

One of the first documents attesting to criminal law in Europe appears after the year 1066 when the duke of Normandy William the Conqueror has invaded England. The European legislation begins to judge offenders in a court room in the XVII<sup>th</sup> century. Later, the English government came up with a new concept denoted as common law and it was covering the problems in the civil right and from the criminal right and theoretically this concept included the two rights systems.

This innovative system was to come to fruition, even to America, following Christopher Columbus' voyage in 1492 when Europe began to establish colonies in America as a result, so as a result of these colonies British law ruled North America until the outbreak of the American Revolution. At the end of the war, America became an independent nation that adopted its own constitution, the Constitution of the United States, under the Supreme Law of the country.

And forth, the American law system borrowed from the English legislation, the common right which rules America.

In Romania, the first penal code has appeared in 1864 on the 30<sup>th</sup> of October and was applied on the 1<sup>st</sup> of May in 1865, named as: (Cuza's Code) and provided sanctions for the corrupt public workers which aside from imprisonment they were also losing their job for the rest of their lives. The penal code has also constituted one of the reforms of Alexandru Ioan Cuza.

In 1937 The Penal Code of Carol the 2<sup>nd</sup> is adopted up until 1969, this was a new penal code which brings a lot of new elements to the old existing one:

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- for the first time, education for underage minors is introduced

- wrongdoing is split up into three: crimes, offenses, and contraventions.

- another differentiation from the old system is that the punishments were more severe.

With the change of the governing regime and the transition to socialist Romania, a series of changes took place, including the appearance of a new penal code in 1969, which define the notion of “crime” for the first time in Romania (the act of social danger, committed with guilt).

Other novelty elements that have been introduced are:

- plurality of crimes

- causes that remove the criminal character of the deed

This penal code underwent numerous changes, especially after 1989, but remained in force until 2014.

The Criminal Code governs the laws in which the incriminated deeds are described, the commission of the deeds (the only basis of criminal liability) described by the code attracts criminal liability and the punishment of the person who committed the crime.

According to the current criminal code, criminal law sanctions are

- punishments;

- safety measures;

- educational measures.

Punishments according to the Romanian penal code are of several types depending on the severity of the restriction of rights. Punishments are classified as follows: the main punishments, the accessory punishments and the complementary punishments (banning the exercise of certain rights, military degradation, publication of the sentence decision, dissolution of the legal person, closure of some working points of the legal person, banning the participation in the public procurement procedures, the placement under judicial oversight, the posting or publication of the conviction decision).

In Romania, the death penalty had been abolished since the time of Alexandru Ioan Cuza in 1865<sup>1</sup>, being the first European country to abolish this punishment, but, in 1945 during the Second World War the death penalty was reintroduced by specific decrees given by the regime.

The death penalty was abolished by law decree no. 6 of January 7<sup>th</sup>, 1990<sup>2</sup>, abolition reconfirmed by the Romanian Constitution in 1991.

According to BBC NEWS<sup>3</sup>, there are 56 countries that keep the law on the death penalty worldwide, 28 countries still have this law in force but no one has been executed for at least 10 years, 8 countries allow the death penalty only for serious crimes in exceptional

circumstances, such as those committed in time of war and in 106 countries the law does not allow the death penalty.

About 60% of the world’s population lives in countries where capital punishment still exists, countries such as Iran, Saudi Arabia, Indonesia, Egypt, Algeria, Libya. Belarus is the only country in Europe that has not abolished the death penalty.

Since 1991, about 300 death sentences have been implemented according to MediaFax.

### 3. God’s law

Another very important piece of evidence regarding the connection between the institution of law and religion is the DECALOGUE.

After man fell into sin, God considered the need of certain rules that would govern human behavior, rules that have accompanied people from then until now, which determined some of them not to make any mistakes, to lead a righteous life and even to have moral support.

From a religious point of view, the observance of God’s commandments represented the guarantee of eternal life. They have had an overwhelming importance in the evolution of the society as I am convinced that in ancient times and for a very long time most people knew and were guided by the evangelical precepts as very few people knew the laws.

At the time, the only person who could guide them was the given priest because the majority of the population was illiterate, not being able to document themselves from a legislative point of view.

The 10 commandments were written by God on two stone tablets and they were given to Moses. Although numerous historical documents attest to the fact that at that time the Jews had not invented the alphabet, many religious and historical sources support the theory that the 10 such commandments were dictated by God himself and written by Moses. Moses was chosen by God to bring the Jews out of Egypt and take them to the Promised Land, since leaving Egypt, Moses faced a multitude of problems on the part of the Jews who did not follow the rules imposed by God suffering in this way and making superhuman efforts to bring them on the right path every time. Every time he wanted to convey the decisions that God made, he called him to a certain place and he listened to what God said.

The 10 commandments written by Moses are<sup>4</sup>:

1. Thou shalt have no other Gods before me (You shall have no other Gods before me);

<sup>1</sup> [https://adevarul.ro/locale/iasi/codul-penal-drastic-cuza-romaniei-moderne-facut-curatenie-sistemul-public-judecatorii-corupti-primeau-inchisoare-viata-1\\_55e0179cf5eaafab2cff2e42/index.html](https://adevarul.ro/locale/iasi/codul-penal-drastic-cuza-romaniei-moderne-facut-curatenie-sistemul-public-judecatorii-corupti-primeau-inchisoare-viata-1_55e0179cf5eaafab2cff2e42/index.html), last consulted on 12 May 2021.

<sup>2</sup> M. Of. no. 4 from 8 January 1990.

<sup>3</sup> <https://www.bbc.com/news/world-45835584>, last consulted on 12 May 2021.

<sup>4</sup> See, for example, [https://ro.wikipedia.org/wiki/Cele\\_zece\\_porunci](https://ro.wikipedia.org/wiki/Cele_zece_porunci), last consulted on 12 May 2021.

2. Thou shalt not make unto thee any graven image (You shall not make unto you any graven image);

3. Thou shalt not take the name of the Lord thy God in vain (You shall not take the name of the Lord thy God in vain);

4. Remember the Sabbath day and keep it holy;

5. Honour thy father and thy mother (Honour your father and your mother);

6. Thou shalt not kill (You shall not kill);

7. Thou shalt not commit adultery (You shall not commit adultery);

8. Thou shalt not steal (You shall not steal);

9. Thou shalt not bear false witness against thy neighbour (You shall not bear false witness against your neighbour):

10. Thou shalt not covet anything that is thy neighbour's (You shall not covet anything that is your neighbour's).

#### 4. The connection between DECALOGUE and Criminal Law

We can see that some of the commandments in the Decalogue are found in the Criminal Code<sup>5</sup> and they describe exactly its main titles.

We find the commandment "You shall not kill" in the first title "Crimes against the person", chapter I "Crimes against life" all the crimes of this chapter refer to the person's life, the most precious right that a man has, the right to life, also stipulated in the Romanian Constitution<sup>6</sup>.

Looking at the religious side, life is considered to be given by God and only God is allowed to take it.

The crime of murder (art. 188 of (1) the murder of a person is punishable by imprisonment from 10 to 20 years and the prohibition of the exercise of certain rights.) It is one of the most severely punished crimes by the criminal code for all these crimes of murder, qualified murder ((1) The murder committed in any of the circumstances together: a) with premeditation; b) material of interest; c) to evade or to evade another from being held criminally liable or from the execution of a sentence; d) to facilitate or conceal the commission of another crime; e) by a person who has previously committed a crime of murder or an attempt at the crime of murder; f) on two or more people; g) on a pregnant woman;

h) By cruelty, it shall be punished by life imprisonment or imprisonment from 15 to 25 years and the prohibition of the exercise of certain rights.

(2) the attempt is punishable), the manslaughter (Art. 192: (1) The manslaughter of a person shall be punished by imprisonment from one to 5 years.

(2) The manslaughter as a result of the non-observance of the legal provisions or of the precautions

for the exercise of a profession or trade or for the performance of a certain activity shall be punished with imprisonment from 2 to 7 years. When the violation of the legal provisions or of the precautions constitutes in itself an offense, the rules regarding the competition of offenses apply.

(3) If, by the committed deed the death of two or more persons was caused, the special limits of the punishment provided in par. (1) and par. (2) shall be increased by half.), Determination or facilitation of suicide, hitting or other acts of violence (Art.193: Hitting or other acts of violence (1) Hitting or any acts of violence causing physical suffering shall be punished by imprisonment from 3 months to two years or a fine.(2) The act of causing traumatic injuries or affecting the health of a person, the severity of which is assessed by days of medical care of not more than 90 days, shall be punished by imprisonment from 6 months to 5 years or a fine (3) The criminal action shall be initiated upon the prior complaint of the injured person.

The crime of murder is one of the most punishable offenses in the criminal code because all these crimes of murder: first degree murder, manslaughter, hitting or other acts of violence, personal injury, ill-treatment of minors, domestic violence all these crimes protect the physical integrity of a person.

In a brief conclusion of the first applied analysis regarding the similarity between the Criminal Code and the Decalogue, it is obvious that human life is a fundamental right protected since ancient times and coincidentally or not, the command given by God has come to be developed, analyzed and applied in all forms of life-threatening crimes and punished depending on the age of the injured person: children, pregnant women. In the case of these categories of people the punishments are much more severe reaching up to 30 years in a maximum security prison.

Analyzing further the commandments from the Decalogue, we find in "Title II" of "Crimes against property" the commandment number 7 "You shall not steal". This phrase includes all forms of crimes derived from it, such as: robbery, (Art. 228 of (1) Taking a movable property from the possession or detention of another, without his consent, in order to misappropriate it, is punishable by imprisonment from 6 months to 3 years or a fine.

(2) The deed also constitutes theft if the property belongs in whole or in part to the perpetrator, but at the time of committing the deed, the property was in the legitimate possession or detention of another person.

(3) Documents, electricity, as well as any other kind of energy that has economic value are considered movable property.

(Art. 229 Qualified theft (1) Theft committed in the following circumstances:

a) in a means of public transport;

<sup>5</sup> <http://legislatie.just.ro/Public/DetaliiDocument/109855>, last consulted on 12 May 2021.

<sup>6</sup> <https://www.constitutia.ro>, last consulted on 12 May 2021.

- b) during the night;
- c) by a disguised, masked or cross-dresser person
- d) by burglary, climbing or by the unlawful use of a real key or a false key;
- e) by decommissioning the alarm or surveillance system,

shall be punished by imprisonment from one to five years.

(2) If the theft was committed in the following circumstances:

- a) on an asset that is part of the cultural heritage;
- b) by trespassing or violation of professional headquarters;

c) by a person carrying a weapon, the punishment is imprisonment from 2 to 7 years.

(3) Theft regarding the following categories of goods:

a) crude oil, gasoline, condensate, liquid ethane, gasoline, diesel, other petroleum products or natural gas from pipelines, warehouses, tanks or tank cars;

b) components of irrigation systems;

c) components of electrical networks;

d) a device or a signaling, alarming or alerting system in case of fire or other public emergency situations

e) a means of transport or any other means of intervention in case of fire, railway, road, naval or air accidents or in case of disaster;

f) safety and directing installations for railway, road, naval, air traffic and their components, as well as components of the related means of transport;

g) goods by which the safety of traffic and persons on public roads is endangered;

h) telecommunication, radio communication cables, lines, equipment and installations, as well as communication components, is punishable by imprisonment from 3 to 10 years.

Then, we can observe an element that includes both crimes against the person and those against the property, namely Chapter II: "Robbery and piracy".

Robbery is a complex crime that involves committing theft by violence or by keeping stolen property, the perpetrator having as a main purpose to commit theft. The violence and threats are only the means by which he achieves his purpose, which is why this crime is noted in the chapter that protects the person's property and not in the chapter that protects the person's life, because the difference between the two is the purpose for which, in the mind of the offender, it triggered both the intellectual and volitional act that led to the commission of the crime.

The legislator incorporated the two fundamental rights in the constitutive element of a single crime.

You shall not bear false witness against your neighbor. This commandment is generally valid for several branches of law not only the criminal but also the civil and administrative in all cases in which

witnesses are heard (the act of the perpetrator who, in a criminal case, civil or in any other procedure in which witnesses are heard).

The false testimony is found in article 273, the difference between the commandment and the regulation in the code could be that it does not refer to any person but only to the human neighbor.

There is a risk that in the usual language this phrase will be misinterpreted, namely that there should be a certain degree of kinship between the perpetrator and the one against whom the false witness testifies, but God does not refer to a particular person but to any resemblance, because, before God we are all His sons. The Criminal Code also incriminates the determination of a person to testify falsely, as it extended the simple command to the one who tries to influence a person negatively and to determine him to lie, thus misleading the authorities.

The commandments in the Decalogue cover other areas of law such as family law, such as the commandment 7 "You shall not commit adultery" according to the dictionary definition, means the person who violates the proper limits of his morality. In this situation we find two institutions, that of law, which refers to Family Law, and in religion, the Institution of Marriage, the Sacrament of Marriage.

The sacrament of marriage, as we find in the Holy Scripture, represents first of all the spiritual union between man and woman (not only bodily) because before God the human soul and his good deeds matter, and this sacrament is fulfilled in the birth of babies. Both institutions want to protect the family to remind once again that the family primarily presupposes love according to religion and respect according to law, these two characteristics, that a family must have, help the peace and quiet of a home and the longevity of a family.

## 5. Conclusions

In conclusion of what is stated throughout this article, I believe that God has an essential role in human life, especially now in the modern world, when people are stress-tested, trials and many more temptations. We live in the century of speed and we find that everything happens with an almost imperceptible rapidity around us, so nowadays even more we must turn our attention to the perceptions given by God, because I am personally convinced that if man has with him The Decalogue and respects God's word, he can face trials, he can live in communion with those around him and he can have a quiet life.

Before everything we read and helps us to develop intellectually, we must also lean towards the spiritual life and take care of our souls.

"LOVE MUST COME BEFORE REASON"

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