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CRIME AND PUNISHMENT ISSUES IN THE AVESTA

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Abstract. This article analyzes the issues of crime and punishment based on the source of the Avesta. It examines crimes committed against human life and health, their types, and the essence of the punishments applied. The article also explains that liability was established even for criminal intent, and that punishments became more severe depending on the gravity and repetition of the crime. During the research, the legal norms in the Avesta are comparatively analyzed with modern criminal law, revealing its historical and legal significance.

Keywords: Avesta, crime, punishment, criminal intent, crimes against individuals, bodily injury, legal norms, Zoroastrianism, pishavtanu, justice, moral values, ancient law, punishment system, human life, protection of health.

Introduction: The Avesta (from Parthian apastak – "text"; often referred to as "Zend-Avesta," meaning "interpreted text") is a unique ancient monument of world culture, particularly of the history of the peoples of Central Asia and Iran, and a collection of the sacred books of the Zoroastrianism religion. As the holy book of the followers of Zoroastrianism, the idea of worshipping a single God originated precisely from this doctrine. With its structure, style of expression, and symbolic system, this book is closely related to literary sources. Based on the place names mentioned in the Avesta, such as Varakhsha and Vakhsh, it has been determined that the work was created along the banks of the Amu Darya River. Therefore, Khorezm is considered its homeland. The Avesta was originally written on nine ox hides using a special alphabet developed on the basis of Aramaic and Pahlavi scripts. During the Sasanian period (4th–8th centuries CE), the texts were compiled into 21 books. Only one-fourth of these books has survived to the present day. Commentaries on the restored text were written under the title "Zand."

The Avesta consists of four parts:
Yasna ("Religious Ceremonies"),
Yasht (similar in meaning to Yasna),
Visparad ("The Book of All Deities"),
Vendidad ("The Code Against Evil Spirits").

The hymns included in Yasna are called "Gathas" (in some sources, "Gohs"). They are believed to have been written by Zoroaster himself. The Gathas contain episodes from the lives of legendary heroes such as Jamshid (Yima), Gershasp, and Afrosiyob (Alp Er Tunga). Since the Avesta represents one of the earliest pages in the history of human civilization, it has attracted the attention of world scholars. Studies on it were conducted by scholars such as Friedrich Nietzsche, Friedrich Spiegel, Antoine Meillet, Vasily Bartold, Evgeny Bertels, Jan Rypka, O. Makovelskiy, I. Braginskiy, and other foreign researchers. The study of the Avesta in Uzbekistan began long ago. Works by Abu Rayhan al-Biruni, Muhammad ibn Jarir al-Tabari, and Abu Bakr Narshakhi refer to the teachings of the Avesta and the symbols mentioned in it. Manuscript and printed copies of these rare scientific works are preserved in the fund of the Institute of Oriental Studies of the Academy of Sciences of the Republic of Uzbekistan. The scientific studies of modern Uzbek scholars such as A. Qayumov, H. Homidov, M. Is'hoqov, and N. Rahmonov are also noteworthy.

Literature Review. According to most researchers, the Avesta originated in Central Asia, particularly in Khorezm, during the first half of the first millennium BCE. The geographical information presented in the text also confirms this view. For example, while listing the lands created by God, ancient Khorezm, Gava (Sogdiana), Margiana (Merv), and Bactria (Balkh) are mentioned first due to their wealth and beauty. In addition, the Aral Sea (Vorukasha or Vurukasha) and the Amu Darya River (Daiti) are described. The original homeland of the people depicted in the Avesta is considered to be the lower reaches of the Syr Darya, Amu Darya, and the Zarafshan Valley.The Avesta was formed over a long period of time. The oldest parts of the information contained in it date back to the end of the second millennium BCE and the beginning of the first millennium BCE and were transmitted orally from generation to generation. In later centuries, descriptions of various religious rituals, moral teachings, and legal norms were added. Zoroaster organized the Avesta into a unified religious work.According to legend, the first written version was inscribed on 12,000 pieces of cattle hide and preserved in Persepolis. When Alexander the Great conquered Iran, this version was burned. During the reign of Vologases I of the Arsacid dynasty (51–78 CE), the text was rewritten, but that version also did not survive. During the Sasanian era (3rd–7th centuries CE), it was compiled into a complete book.The Avesta originally consisted of 21 nasks (sections). Due to its large volume, a shortened version known as the "Little Avesta" (Khordeh Avesta) was created for everyday religious use. After the Arab conquest of Iran in the 7th century, part of the Zoroastrian clergy migrated to India. Their descendants, known as Parsis, have preserved some original copies of the Avesta within their communities in Mumbai. The French researcher Anquetil-Duperron lived among Zoroastrian communities, studied the language and script of the Avesta, translated it, and published it in 1771. This publication consisted of 27 volumes and represented approximately one-seventh of the entire work. It included sections known as Yasna, Vispered, Vendidad, Gathas, and Yashts.According to the ideas expressed in the Avesta, the world is based on the eternal struggle between two opposing principles: light and darkness, good and evil. The god of goodness and virtue, Ahura Mazda, created the earth, plants, and all natural wealth. The symbol of evil and wickedness, Angra Mainyu (Ahriman), constantly fights against Ahura Mazda but is unable to defeat him. This struggle continues eternally. The forces of goodness are located in the heavens, while the forces of evil dwell beneath the earth, and the surface of the earth serves as the battlefield between them. Changes in life depend on which force prevails. Human beings themselves consist of the struggle between body and soul, while morality reflects the conflict between good and bad behavior.Infinite and eternal space and time are also divided into two opposite realms: eternal light ruled by Ahura Mazda and eternal darkness ruled by Angra Mainyu. According to the teachings of the Avesta, the first human was Govamard (bull-man; in Persian, Kayumars), from whom all humanity descended. The reign of the first king, Yima, was considered the "Golden Age" because there was no death, and Ahura Mazda created eternal spring. People lived happily and prosperously. However, after 900 years, King Yima became arrogant and consumed forbidden cattle meat, allowing the forces of evil represented by Angra Mainyu to rise. As a result, the world was covered by ice. By the command of Ahura Mazda, Yima built a fortress (var) to protect humans and animals from the cold and placed one pair of every living creature inside it.After the end of humanity's first "Golden Age," the second era began – the period of struggle between good and evil. In the third era, Ahura Mazda will triumph, the kingdom of goodness will be established, and the dead will rise again. The moral and philosophical essence of the Avesta is expressed through the sacred triad of "good thoughts, good words, and good deeds." Followers of Zoroastrianism declare their intentions with these three expressions before worship.The Avesta is an important and unique source for studying the socio-economic life,

religious beliefs, worldview, customs, and spiritual culture of the ancient peoples of Uzbekistan, Central Asia, Iran, and Azerbaijan. As stated: "This rare book is the spiritual and historical heritage left to us by our ancestors who lived between the two rivers three thousand years ago."

Research Methodology. The article is based on generally accepted historical methods, including the principles of historicism, comparative-logical analysis, chronological analysis, consistency, and objectivity.

Analysis and Results. The Avesta provides a detailed classification of crimes against human life and health and establishes corresponding punishments for them. Intentional assault, attacks committed in a state of rage, threats, harmful actions by physicians, abortion, and crimes against the health of women during pregnancy are regarded as crimes against the person. Indeed, human life and health are considered invaluable treasures of an individual, and depriving a person of these blessings or causing harm to them is regarded as a crime against the individual or an intentional offense. As long as a human being lives, they strive to enjoy life and its blessings, and nothing can compensate for the deprivation of life. Harm caused to a person's health inflicts physical, moral, and psychological suffering and restricts their social and vital activities. A criminal act, as a form of human behavior, must first possess all the characteristics of psychological content inherent in human conduct. The physiological basis of human behavior is physical action, which may be active or passive. Such actions may involve verbal activity (fraud, slander, threats, propaganda, insult, humiliation, dissemination of false information about another person, and others), physical-mechanical influence on objects of aggression (theft, robbery, causing bodily injuries, etc.), or both verbal and physical influence simultaneously (hooliganism, abuse of authority, and similar acts). Thus, crime is one of the most complex phenomena of social life, which is why it attracts the attention not only of lawyers but also of philosophers, political scientists, sociologists, and scholars of other fields.

An intentional crime is understood as a conscious, volitional, and purpose-oriented act of behavior. In the Avesta, it is written: "Whoever sets out with the intention of striking another commits the sin called 'Ochiripta.'" The term Ochiripta means "to take." According to the Vendidad, this referred to the sin of a person who took up a weapon with the intention of attacking another individual. In the Avesta, Zoroaster asks Ahura Mazda: "O Creator of the world! O Truth! What punishment awaits the one stained by the sin of 'Ochiripta'?" Ahura Mazda replies that the offender shall be punished with lashes from the aspahiq-ashatra whip and the saravushu-charana whip. The punishments become increasingly severe with repeated offenses. By the seventh offense, the criminal receives ninety lashes from each whip. Thus, if a person repeatedly commits the sin of Ochiripta, meaning repeatedly intending to assault another person, the punishment is increased according to the number of offenses. The aspahiq-ashatra was a whip made from horsehide, while the saravushu-charana was made from bull hide.Similarly, the Avesta describes another category of offense called Avauyrayishta, referring to a person who takes up a weapon in anger with the intention of attacking another person. This term literally means "to swing" or "to brandish." Punishments for this offense also increased progressively depending on repetition. A first offense resulted in ten lashes with each whip, while repeated offenses led to harsher penalties. If the offender committed the crime for the seventh time even after paying compensation for previous offenses, they were considered guilty of Pishavtanu. The term Pishavtanu means "a person who has surrendered his body for his sins." It was also referred to as "cheap death," indicating an offender deserving capital punishment because of accumulated crimes. Other punishments could also be applied to a Pishavtanu offender. According to the Avesta, refusal to pay compensation for committed crimes also resulted in being classified as Pishavtanu. Another offense mentioned in the

Avesta is Aridush, referring to a person who intentionally prepares to attack another with a weapon. The punishments for this offense also became more severe with repetition. The first offense resulted in fifteen lashes with both whips, while subsequent offenses carried harsher sanctions. The Avesta also imposed punishments for causing serious bodily injury. In the Republic of Uzbekistan today, protecting citizens' health and physical integrity from criminal attacks remains one of the most important tasks of criminal law. Legal scholars generally define bodily injury through two objective criteria: Violation of the anatomical integrity or normal functioning of body organs and tissues; Harm to health determined through forensic medical examination. Based on these criteria, bodily injury may be defined as unlawful harm inflicted upon another person against their will, resulting in the disruption of anatomical integrity or physiological functions under the influence of external factors. According to the Avesta, a person who beat another and caused serious bodily injury was punished with thirty lashes from each whip. Repeated offenses resulted in increasingly severe punishments, reaching ninety lashes with each whip for the fourth offense. A fifth repeated offense after compensation was considered Pishavtanu. The Avesta further states that causing another person to bleed by striking them was punished with fifty lashes from each whip, while repeated offenses led to harsher sanctions. Such acts resemble the modern legal category of intentional infliction of medium bodily injury, which may result in prolonged health impairment or partial loss of working capacity. Similarly, breaking another person's bones by assault was punished with seventy lashes from each whip. Repetition of the offense resulted in harsher punishments, and a third repeated offense after compensation was classified as Pishavtanu. Assault causing a person to lose consciousness also carried severe punishment, including ninety lashes with the aspahiq-ashatra whip and sixty lashes with the saravushu-charana whip. At the conclusion of these punishments, offenders were considered purified and recognized as ashavan (righteous persons), after which they were allowed to continue practicing the Mazda religion.The analysis demonstrates that the Avesta paid great attention to protecting human health, bodily integrity, and individuals from violence and arbitrariness. The application of these rules ensured the protection of members of society against violent acts. Modern criminal legislation in Uzbekistan also focuses on safeguarding human health and preventing bodily harm. For example, Article 109 of the Criminal Code of the Republic of Uzbekistan establishes liability for intentional light bodily injury, including injuries causing short-term health impairment or temporary loss of working capacity. This demonstrates the historical continuity between ancient legal traditions and modern criminal law principles concerning the protection of human life and health.

Conclusion and Recommendations. The above analysis demonstrates that issues of crime and punishment in the Avesta were presented in a clear and systematic manner, with human life and health protected as the highest values. Punishments were prescribed not only for intentional harm but even for the intention to commit a crime. The severity of punishments increased according to the gravity and repetition of the offense. At the same time, punishment served not only as a means of retribution but also as a way of purification and correction. This indicates that justice and moral order held a dominant place in the Avesta.

REFERENCES.

1. Ancient Civilization of Uzbekistan: Essays on the History of Statehood and Law / E. V. Rtveladze, A. Kh. Saidov, E. V. Abdullaev. – Tashkent: "Adolat", 2001. – P. 235.
2. Ancient Civilization of Uzbekistan: Essays on the History of Statehood and Law / E. V. Rtveladze, A. Kh. Saidov, E. V. Abdullaev. – Tashkent: "Adolat", 2001. – P. 218.
3. Criminal Law. General Part / A. S. Yakubov, R. Kabulov and others. – Tashkent: Academy of the Ministry of Internal Affairs of the Republic of Uzbekistan, 2004. – Pp. 100–101.

4. Avesta: A Historical and Literary Monument / translated by Asqar Mahkam. – Tashkent: “Sharq”, 2001. – P. 118.
5. Avesta – A Priceless Monument of Eastern Peoples / H. Boboev, T. Do‘sjonov, S. Hasanov. – Tashkent, 2004. – P. 22.
6. Avesta: A Historical and Literary Monument / translated by Asqar Mahkam. – Tashkent: “Sharq”, 2001. – P. 339.
7. Avesta – A Priceless Monument of Eastern Peoples / H. Boboev, T. Do‘sjonov, S. Hasanov. – Tashkent, 2004. – P. 22.
8. Avesta – The Source of Our Spirituality / H. Boboev, S. Hasanov. – P. 64.
9. Avesta: A Historical and Literary Monument / translated by Asqar Mahkam. – P. 119.
10. Avesta: A Historical and Literary Monument / translated by Asqar Mahkam. – Tashkent: “Sharq”, 2001. – P. 119.
11. Criminal Law / M. Kh. Rustamboev and others. – Tashkent: “World of Economy and Law”, 2000. – P. 56.
12. Avesta: A Historical and Literary Monument / translated by Asqar Mahkam. – Pp. 119–120.
13. Criminal Law / M. Kh. Rustamboev and others. – Tashkent: “World of Economy and Law”, 2000. – P. 74.
14. Criminal Code of the Republic of Uzbekistan: Scientific and Practical Commentary / edited by A. S. Yakubov. – P. 148.
15. Avesta: A Historical and Literary Monument / translated by Asqar Mahkam. – P. 120.
16. Avesta – The Source of Our Spirituality / H. Boboev, S. Hasanov. – P. 66.
17. Criminal Code of the Republic of Uzbekistan: Scientific and Practical Commentary / edited by A. S. Yakubov. – Tashkent: Academy of the Ministry of Internal Affairs of the Republic of Uzbekistan, 1996. – P. 146.
18. Avesta: A Historical and Literary Monument / translated by Asqar Mahkam. – Tashkent: “Sharq”, 2001. – P. 120.
19. Avesta: A Historical and Literary Monument / translated by Asqar Mahkam. – Tashkent: “Sharq”, 2001. – Pp. 120–121.
20. The Deeds of a Noble Nation Are Great, Its Life Bright and Its Future Prosperous / Shavkat Mirziyoyev. – Tashkent: “O‘zbekiston” Publishing House, 2019. – P. 60.