JOURNAL OF INTELLECTUAL PROPERTY AND HUMAN RIGHTS

Volume: 3 Issue: 4 | April–2024 ISSN: 2720-6882
http://journals.academiczone.net/index.php/jiphr

Crimes against the Environment and Axiological Assessment of the Object of Crime in the Sacred "AVESTA"

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Abstract: The author of the article analyzes the Avesta from the point of view of this source's assessment of crimes against the environment and to what extent the Zoroastrian approach to environmental protection was in demand in ancient times, so much is it in demand at the present time, when the world is exposed to exponential pollution of the oceans with plastic and atmospheric air with technological harmful to humans emissions and life-threatening gases, the emergence of pandemics that are purely technogenic in nature, the recommendations of the Avesta for the protection and protection of the environment sound more modern and relevant than ever.

Keywords: Avesta, environment, fire protection, air protection, water protection, land protection, crime, ecology, environmental crimes, increased responsibility for environmental pollution.

In the ideas of the Avesta, the first images about man and nature, life and its essence are put forward, and these ideas appear as the first shoots of human civilization. Indeed, historical development shows that the first "leap-like" stages of the evolutionary development of human thinking and imagination directly go back to the "Avesta" and receive sufficient strength from it.[1]

Zoroastrianism is the oldest monotheistic religious system currently known on Earth. The Prophet Zarathushtra is the first historical prophet of the Earth. For many millennia, this was a closed system for the development of human abilities, since only those born Zoroastrians could study it. Since 2004, a school of the Avestan Spiritual Tradition has appeared in Russia and Ukraine. In it, the representative of the Supreme Spiritual Council of Zoroastrians, Doctor of Philology, Erwad Ramiyar Pervez Karanjia, together with the Spiritual Culture Foundation, transmits this socially adapted, psycho-ecological traditional system of personality development to all willing students.

The system is developed on the basis of indigenous traditional esoteric Zoroastrianism, received through an unbroken line of transmission from the prophet Zoroaster himself, through the school of priests. This scientific work summarizes all the Foundations of the esoteric Avestan Spiritual Tradition (ADT) currently known in the school. As a textbook on ADT, it is used to teach the theory and practice of the tradition in Russian in Russia and other countries [2].

With regard to the classification of crimes in Avesta, special attention is paid to these legal relations. Crimes were mainly considered to be those acts that, based on the worldview and worldview of ancient people, encroached on the values on which order and stability in society were based. Taking into account the above, in order to determine an offense or crime in Zoroastrianism, it is necessary to understand the concept of the worldview and world order of this religion, which defines value relations, interests, objects that are subject to special protection. In the Avesta and Zoroastrianism there are often norms that strictly prohibit many acts. Violation of these prohibitions entails punishment. At the same time, we note that these actions and their content are very difficult to classify according to

[1] Juraev Nasrullah . Avesta: Historical and literary monument./ N. Juraev ; translator A. Mahkam . Tashkent: Gafur Publishing House Gulama ., 2015. – B.6.
[2]More details: https://www.labirint.ru/books/471598/

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any basic principles. In most cases they do not coincide with a single classification basis. But punishment for acts with rods and a ban on these acts is in any case clear evidence of recognition of the act as a tort. If we compare the concepts of crime in the modern understanding with the ancient establishment, they are not much different. Modern criminal law and legislation understands crimes as "... a guilty socially dangerous act (action or inaction) prohibited by the Criminal Code under threat of punishment [3]. " Zoroastrian law and the Avesta also recognize crimes for a socially dangerous act that encroaches on the life of a person, animal, angels, religion **and the environment** , prohibited by the Avesta and other sources of Zoroastrian law under threat of punishment. The main attention in the Avesta is paid to the categories of guilt.

It is from this position that the Avesta pays special attention to the veneration of nature, earth, water, trees, plants, animals, the use of land, its irrigation, the creation of gardens and crops, the development of animal husbandry, especially cattle breeding, and the holiness of water.

The Avesta mentions that one cannot swear before water and fire: "Whoever breaks his oath before water and burning fire will not be forgiven. He did not expect a second repentance.

The punishment for this sin in hell is more severe than all the torments of the world. This punishment is worse than the inexorable cutting off of a human body.

The punishment for this sin in hell is more severe than all the torments of the world. These sufferings are even more terrible than driving impenetrable stakes into the human body.

The punishment for this sin in hell is more severe than all the torments of the world. These torments are much worse than the horror of a person thrown from the top of a mountain into an abyss.

The punishment for this sin in hell is more severe than all the torments of the world. This torment is much worse than the horror of being hanged.

The punishment of the one who sinned before pure water and burning fire is worse than all the torments of this world [4].

As can be seen from the evidence presented, the objects of crimes against the forces of nature were considered to be clean water and burning fire. Crimes against the forces of nature are serious crimes because they represent an attack on the source of life. Their desecration was tantamount to eradicating the foundations of life in the Avesta society. Therefore, Avesto regulated the rules for their use from thread to needle, prohibited actions leading to their contamination, and established appropriate penalties for such actions:

The Avesta defines that when earth, water, fire and air are desecrated by the body of the deceased in cases that do not depend on the will of a person, then there is no responsibility for such people. In particular, if a corpse is scattered by an animal or bird, such a person is not accused of sin and is not held accountable. In the Avesta, this situation is expressed as follows: "When a person dies under a gorge, and a bird sitting on the top of a mountain dives there and takes a piece of this corpse, and then returns to the top of the mountain, lands on a tree with hard or soft branches and returns to him, or if he soiled it with garbage, or if he scattered pieces of a corpse...

...Then if a person who survived under the gorge climbs to the top of that mountain, breaks the branches of the nearest tree and prepares firewood, and the son of Ahura Mazda puts it on the fire, what is the punishment for this sin?

[3] Article 14 of the Criminal Code of the Republic of Uzbekistan dated September 22, 1994// Gazette of the Supreme Council of the Republic of Uzbekistan, 1995, No. 1; Vedomosti Oliy Majlis of the Republic of Uzbekistan, 1996, No. 9, art. 144…

[4]Avesta. Historical and literary monument. Translation by Askar Mahkam . - B. 121-122.

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Ahura Mazda replied:

- No one is considered a sinner for murder committed by a bird, dog, wolf, bee or mosquito.

... If someone is made a sinner for a corpse brought by a bird, a dog, a wolf, a bee or a mosquito, then this physical world created by me - the homeland of mortal beings who are my creation - can immediately become a place of sinners, "pishavtanu". Their souls will scream terribly [5]. "

Or a person waters a crop. He drives water into his field. Every time a dog, a fox, a wolf brings a corpse to the water. In this case, as before, no one is considered guilty of death caused by a bird, dog, wolf, bee or mosquito.

It is known that in Zoroastrianism, in order not to disturb the condition of the soil, it was customary to bury a corpse on a specially designated hill, without burying it in the ground. In the Avesta we read the following:

- O God, who created the universe!

  O Truth!

  If summer is over and dark winter is coming, what should Mazda fans do ?

  Ahura Mazda replied:

- Let them build a “cup” to store the dead in every house and every lake!”[6]

- O God, who created the universe!

  O Truth!

What size should these “bowls” built for the dead be?

Ahura Mazda replied:

- A vertical head, an outstretched leg, an outstretched arm should not hurt.

According to the program of our religion, the cup of the dead should be like this.

It should be kept there for a day, or three nights, or a month, until the birds decide to fly, the flowers grow long, the rivers flow smoothly, and the spring winds dry the earth.

When the birds take flight, the flowers rise, the floods begin to flow, and the spring rains begin to dry the earth's surface, the worshipers must place the body of the deceased on the open area of the hut.

If someone does not place the body of a deceased person in a nursery hut for one year, then his punishment is equivalent to that of one who executed an asavana .

The body of the corpse must remain in the hut until the rain washes away all its uncleanness and the birds finish eating it [7].

In those days, cemeteries were built far from places where people lived - on hills, far from ditches, ponds, and reservoirs. In Zakhkash countries, for example in Khorezm, the body was wrapped in a shroud in special huts and buried in graves. The rules for keeping a corpse, the tarring of its clothes, the place where it lies, the rules for washing it, and the rules of hygiene for the corpse are given special attention in the fifth and seventh sections of the “ Vandidod ” part of the Avesta . ” and notes that this is a measure to prevent the transmission of diseases in the body of the deceased, especially to young people. practical conclusions from the events:

[5] Avesta. Historical and literary monument. Translation by Askar Mahkam . - B.122.
[6] Avesta. Historical and literary monument. Translation by Askar Mahkam . - B.12 3 .
[7] Avesta. Historical and literary monument. Translation by Askar Mahkam . - T.: “Shark”, 2001.- B.123.

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➢ "- O God, who created the universe! O Ahura Mazda!

O Truth!

We sit in our houses around the fire, barsam , jam, hammam and thieves. Suddenly a man or a dog passed by and died unexpectedly. What should we, Mazda fans , do?

Ahura Mazda replied:

➢ O Sipitmon Zarathustra!

In this case, fire, leopards, jam, havm and thieves should be taken out of the house. And take the corpse to the hut - a special place built for corpses. So that the corpse would be torn to pieces and eaten there [8]. "

As mentioned above, fire in Zoroastrianism is considered sacred, and desecrating it in various ways is considered a crime. Therefore, it was impossible to enter the fire into a dead house on certain days and months, depending on the time of year. According to the requirements of Avesta ", the fire was kept outside the dead house for nine days in winter and one month in summer, and then brought inside.

Conversely, bringing fire into a house without complying with these conditions was considered a crime, and punishment was prescribed for such actions. For example, " pishavtanu " was punished for those who left the house for nine days in the winter and less than a month in the summer, and a dead person left the house in the summer [9].

"Whoever during his lifetime pollutes water, puts out fires, steals and slaughters animals;

If he, while still alive, struck the Ashawan with a deadly fist and took his life ...

He cannot do this after his death.

➢ O Sipitmon Zarathustra!

In reality, Ashmug , the lowly bipedal creature or trickster giant , does not leave to part with Ashavan's food, lightness and grass while he is alive. He will not be able to do this after his death [10].

Thus, the holy book "Avesta" teaches the younger generation that a person has the responsibility to preserve Earth, Fire, Water and Air, all the good that is in the world, throughout his entire life. In addition, the first and second sections of the sixth chapter of the " Vandidod " part of the "Avesta" describe the punishments, fines and rules of procedure applied to those who pollute pastures, fields and land in general. in detail:

" Avesta " , the earth and its surface were considered sacred. For this reason, it is not allowed to plant crops on lands where people and dogs have died. In " Avesta " " is written like this:

"How long can you not plant crops on land where dogs and people died?

Ahura Mazda replied:

On the land where dogs and people died, nothing can be planted for a year.

➢ A person praying cannot sow grain or water a dead plot of land for up to a year. However, they can scatter grain and water a dead area of land.

➢ The sin of the one who sows grain and waters the ground, where dogs and people died before the end of the year, is equal to the sin of the one who throws a corpse into the water, the ground or onto

[8] Avesta. Historical and literary monument. Translation by Askar Mahkam . - T.: "Shark", 2001.- B.12 5 .
[9] Look. Avesta. Historical and literary monument. Translation by Askar Mahkam . - B. 125-126 .
[10] Avesta. Historical and literary monument. Translation by Askar Mahkam . - B. - 126 .

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the grass.

- O God, who created the universe!

O Truth!

If the followers of Mazda scatter grain and pour water on the ground where dogs and people died before the end of the year, what will be their reward?

Ahura Mazda replied:

- Their action is " pishavtanu ", and they are punished twenty times with the whips of aspahik-ashatra and saravushu-charana [11].

The place where the dead walked out clearly outlines the tasks that Mazda fans must complete after a year in the area. According to him, they had to look for bones, fur, meat, excrement and blood that might have been preserved there.

It is a sin if they do not seek the bones, wool, meat, dung and blood that may remain on this earth. The actions of such people are called " pishavtanu " and they are punished twenty times with aspahik-ashathra and saravushu-charana lashes [12].

Apparently, according to Zoroastrian belief, even after a year the earth will not be able to get rid of that dead castle.

" Avesta " punishment was assigned depending on the burial of a limb or bone of a certain size from the body of a dead dog or person. According to the rules of the Avesta » a person should bury the little finger joint, the index finger joint, the middle finger joint, two joints the size of a finger or a tooth, or the size of a muscle or thigh bone, the size of a skull, the whole body from the bone of a dead dog or human. If he surrenders or this bone marrow falls into the ground, the punishment is determined [13].

Aspahik-Ashatra and Saravushu thirty times . - Charana beats with a whip, or a dead dog, or If a piece of human bone the size of the joint of the index finger is buried in the ground, or if the bone marrow falls into the ground, he will be beaten fifty times by Aspahik-Ashatra and whips by Saravushu-Charana .

If a person leaves the body of a dead dog or person on the ground, or if the bone marrow falls into the ground, such a person will be punished a thousand times with the whips of Aspahik-Ashatra and Saravushu charana [14].

As can be seen from the above, in the Avesto society " They repeatedly teach that desecration of the earth is a grave sin, and the punishment for them is very terrible, that is, a thousand lashes. If we consider that even the strongest person will not be able to withstand this punishment to the end, it becomes clear that the fate that befalls one who disdains nature is equal to the death penalty.

In the Avesta we again read the following:

"- O God, who created the universe!

O Truth!

That a man on horseback, on horseback, or in a carriage should stumble upon a corpse in running water?

[11]Avesta. Historical and literary monument. Translation by Askar Mahkam . - B.128.
[12] Avesta. Historical and literary monument. Translation by Askar Mahkam . - B.128.
[13] Look. Avesta. Historical and literary monument. Translation by Askar Mahkam . - pages 128-129 .
[14]Avesta. Historical and literary monument. Translation by Askar Mahkam . - T.: "Shark", 2001. - B.129.

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Ahura Mazda replied:

- He takes off the kavush and clothes, enters the water and takes out the corpse. He should dive into the water and reach for the corpse until the ankles, knees, waist and head are buried. If he pulls a corpse out of the water, his action is asavanana . If he becomes a sinner, he will be freed from sin. If he does not, if possible, pull the corpse out of the water, his reward will be "a cheap death" or "a great sin [15]. "

If the corpse began to rot or was about to crumble, the believers hastily entered the water, lifted the dead body from under it with both hands and carried it to dry land. After this, the burden of sin did not fall on the neck of the ascetic who ransomed the corpse for bone, hair, meat, garbage or blood.

" Avesta " also indicates the degree of contamination of the water that fell on the corpse. It shows that nasv-devi , who pollutes a corpse, can pollute water falling on the corpse at six paces on each of the four sides . Water that is not taken from a dead person is haram and cannot be drunk. They had to take the corpse out of the water and put it on dry land.

It is then determined that half of the polluted water, one third, one quarter or one fifth should be taken away, and after removing the dirt from the water, a certain part of the water will be separated, and the remaining part will be purified, and the camels and people can use it as a nose [16].

Thus, in the Avesta, the pollution of four things: earth, fire, air and water is considered a grave sin, and the one who maintains their purity is freed from his sins. During the Avesta period " The owner of the house who dumped garbage near the front door was given 25 lashes by decision of the community elder, and a person who collected water from a pond or spring in an unclean jug or bucket was given five lashes. It was not allowed to graze cattle or tie horses on the banks of canals and ditches: those who polluted wells and ponds were severely fined. In addition, refusal to plant fruit trees near sources of drinking water is considered one of the important factors in preserving the health of people, especially the younger generation, and preventing various diseases.

After gaining independence, Uzbekistan began to take strict measures to protect the environment. On December 9, 1992, the Law of the Republic of Uzbekistan "On Nature Protection" was adopted, regulating many environmental problems.

Pollution of the natural environment is defined as a change in the purity of land, atmospheric air and water in connection with any industrial or other human activity, exceeding established standards, and changing them so much that they pose a danger. people, flora and fauna.

As a result of environmental pollution, epidemics, epizootics, and emissions of biologically toxic substances occur that disrupt the natural balance.

In conclusion, it should be noted that in crimes committed by the forces of nature and the animals themselves mentioned in the Avesta, in Zoroastrian law of that time, the object of the crime is environmental safety , health or human life.

Soil is the fertile topsoil.

Water is a natural resource found in rivers, lakes, seas and other bodies of water.

The Zoroastrian teaching that the sun is purity, life, and fire is purity, neatness, contains a deep meaning, a unique comparison and an incomparable truth.

Atmospheric air is a natural resource that serves for the life and death of humanity, animals and plants.

[15] Avesta. Historical and literary monument. Translation by Askar Mahkam . - T.: "Shark", 2001. - B.129.
[16]Avesta. Historical and literary monument. Translation by Askar Mahkam . - B.130.

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In the current legislation of Uzbekistan, land pollution refers to any physical and chemical changes in the condition of the soil as a result of violation of the rules for working with chemical or biological substances.

Water pollution is a change in the composition of water (physical, chemical, etc.), as a result of which the purity of water becomes more contaminated than established standards. Typically, water pollution occurs as a result of the discharge of industrial waste into water, violations of the rules for storing pesticides, etc. As a result, the level of water pollution increases and has a negative impact on people.

Atmospheric air pollution is a violation of the rules for the release of pollutants into the atmosphere, as a result of which the maximum permissible amount of toxic substances in the air is exceeded [17].

The maximum permissible amount means that toxic substances have unlimited, long-term harmful effects on the human body [18].

The ideas of Zoroastrianism, that if a person loves and respects the land on which he grew up, he must understand that his patriotic duty is to keep the environment clean, are very relevant today.

In conclusion , it can be noted that “Avesta” is the sacred book of the Zoroastrian religion, which received incomparable significance for the social, political, economic, legal, cultural and spiritual life of the peoples who lived 3000 years ago. The rules laid down in the Avesta “, had a great influence on the culture and way of life not only of the peoples of Uzbekistan, but also of the Greco-Roman peoples of Europe and the ideas of human rights. Teachings of the Avesta " promoted monotheism and put forward ideas of goodness, kindness and justice. "Avesta" contains the most ancient information on history, philosophy, theology, geography, source studies, ethnography, medicine and all aspects of social and political life, as well as way of life, way of life, traditions, religious beliefs and beliefs of the peoples who lived in this area.

When studying the history of human rights in Uzbekistan, it is appropriate to give priority to the approach from the point of view of identifying the antiquity of the origin of the nation and statehood, its material and spiritual wealth, and the harmony of all spheres of society . , their place in world civilization, their contribution to it and the influence they had on the formation of other nations or states.

If we proceed from the requirements of the environmental standard of cleanliness, which is reflected in the Avesta, then it is necessary to radically revise the elements of crimes reflected in Chapter XIV of the Criminal Code of the Republic of Uzbekistan, providing for liability for crimes in the field of environmental protection and natural resource management (Articles 193-204) [19]in side of significantly strengthening criminal legal sanctions. Thus, by tightening responsibility for crimes in the field of ecology, we thereby create conditions for favorable protection of the environment of our planet, which is the only favorable environment for humanity in the giant solar system. Therefore, if one does not appreciate how vital the environment is for humans, so valuable that any harm that is caused to it must be compensated in multiple amounts, and the guilty person must be subject to more severe punishment. That is why environmental protection, the fight against climate warming, the fight against desertification and the fight against water scarcity are interconnected problems of our global life. All this requires an Avestan approach to the protection of our planet Earth, which is the pearl of human life in the vast expanses of the Universe.

[17]Rustamboev M. IKS . and others. Criminal law. - B.286.
[18]Rustamboev M. IKS . and others. Criminal law. - B.287.
[19] See: Criminal Code of the Republic of Uzbekistan dated September 22, 1994 // Gazette of the Supreme Council of the Republic of Uzbekistan, 1995, No. 1; Vedomosti Oliy Majlis of the Republic of Uzbekistan, 1996, No. 9, art. 144