**The World History of Criminal Law and Its Development in America**

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Course

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Date

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**Introduction**

Criminal law performs an essential function in society in keeping order and upgrading justice in societies worldwide. Absorbing the historical development of criminal law gives valuable perception into its evolution and the factors that have shaped its existing form. The world history of criminal law encircles vast legal traditions, cultural influences, and historical development that have structured legal systems across civilizations. This research project looks into the evolution of criminal law, tailing its roots from ancient times to its development in America.

**The World History of Criminal Law**

 **Ancient Civilizations**

**1. Code of Hammurabi in Mesopotamia**

The code of Hammurabi is among the earliest legal codes in history. It served as a structure for demonstrating uniform laws and punishments for Babylonian society. Its principle, reflected in an eye for an eye concept, focused on inhibiting wrongdoing and keeping social harmony. Punishments prescribed by the code included fines, physical retribution, or death (Krasniqi, 2019). The significance of the code was its influence on legal systems and the principle of justice and order.

**2. Ancient Egypt legal codes**

Legal systems in ancient Egypt were complex and highly developed, imaging the civilization's forward understanding of the law. The legal codes and principles ruling criminal offenses were grounded on a combination of religious beliefs and social customs (van Blerk, 2018). The laws governed crimes such as theft, assault, and property damage and outlined punishments based on the crime and the individual's social status. They inhibited wrongdoing, promoted social justice, and protected people's rights.

 **Classical Greece And Rome**

**1. Legal System in Greek- City States**

Legal systems varied in different city-states. The consolidation of written laws, oral traditions and the influence of prominent legal thinkers portrayed the legal framework. The city-states of Athens and Sparta individually had notable legal systems that developed criminal law. The legal systems in classical Greece founded the development of democratic principles and legal practices that would affect legal systems in later civilizations (Siep Stuurman, 2019).

**2. Roman Law and The Twelve Tables**

The growth of Roman law can be dated back to the Twelve Tables, the earliest written legal code in Rome. The law of the Twelve Tables generalized criminal offenses against property under the term future, which included acts involving infringement of another person's property and recent gain for the offender (F Krasniqi, 2019). It also aimed for clarity and fairness in legal matters and developed principles like the presumption of innocence, the right to a defense, and the concept of proportionate punishment.

**3. Medieval Europe**

Religious beliefs formed criminal law and legal practices. The belief was that law and justice were derived from divine sources, and the Church was viewed as a dominion in affairs of morality and punishment. Religious rituals such as oaths and ordeals determined guilt or innocence. Europe structured criminal law by integrating religious and legal principles.

**Common Law**

This legal system was founded on custom and precedent rather than codified laws in England during the medieval period. It developed through judges' decisions and ensured that the same cases were rest consistently, involving stability and predictability in the legal process. Common law influenced the legal system in other countries, including America.

**Development of Criminal Law in America**

**Colonial Period**

**1. Adoption of Criminal law in American Colonies**

Amidst the colonial period, the American colonies, which would afterward form the United States, adopted English common law as the root of their legal systems. Since there were differences among colonies, the common law principles secured a degree of legal consistency and experience for colonists predominantly of English origin.

**2. Colonial Courts and Punishments**

Colonial courts administered justice and enforced the law in American Colonies. (Aliverti et al.,2023). These courts were run by the colonial government, with judges elected to preside over legal matters. Punishment for crimes differed but involved fines, public humiliation, physical punishments such as flogging or branding, and in extreme cases, execution.

**American Revolution and Early Republic**

**1. The Impact of The U.S. Constitution on Criminal Law**

The U.S. Constitution endorsed in 1788 founded the federal legal system. It developed principles like due process, the protection against self-incrimination, and the right to a jury trial. The Constitution also limited the federal government's powers in criminal matters and gave a framework for the protection of individual rights.

**2. Protection of Individual Rights**

The Bill of Rights, the first ten amendments to the U.S. Constitution, protected individual rights in criminal law. These protections mirror the recognition of the importance of safeguarding individual liberties in the criminal justice system.

**Expansion and Modernization**

1. **Development of Laws to Address Emerging Crimes**

The United States developed and underwent social and economic changes in the 19th and 20th centuries. Centuries. Criminal laws were formed to get hold of new forms of criminal behavior. The development of industrialization and urbanization led to the enacting of laws to address criminal behaviors. The development of transport networks and interstate commerce necessitated laws to address crimes such as piracy, counterfeiting, and interstate crimes.

**2. Progressive Era Reforms in The Criminal Justice System**

Amidst the progressive era in the late 19th and early 20th centuries, the reform movements improved the effectiveness of the criminal justice system and fairness. Progressive reformers called for developing probation and parole systems and introducing scientific methods in crime investigation. This led to the development of special courts, such as juvenile courts.

**Contemporary Criminal Law**

**1. Complexity and Jurisdictional Variations in The U.S.**

Criminal law in contemporary America has become complex due to the development of federal, state, and local statutes and regulations. There is a dual criminal law system in the United States, with federal crimes and laws varying from state to state. However, the complexity and jurisdictional variations pose a challenge for legal practitioners, law enforcement agencies, and individuals navigating the criminal justice system. Therefore, legal expertise and a comprehensive understanding of federal and state laws are required to ensure fair and just outcomes.

**2. Range of Offenses and Legal Principles**

As a result of criminal law in America, a vast array of offenses ranging from violent crimes to petty offenses and legal principles have developed. Legal principles like recklessness, causation, intent, and proportionality play crucial roles in determining guilt or innocence and the appropriate investigation, prosecution, trial, sentencing, and corrections with various actors, including law enforcement, attorneys, judges, and correctional personnel involved in upholding the principles of justice are included in the criminal law.

**Conclusion**

The world history of criminal law gives essential insights into the evolution and development of legal systems across different civilizations. Since the ancient Code of Hammurabi and Egyptian legal codes to the legal systems of classical Greece and Rome, medieval Europe, and the development of common law in England, the concepts of justice, punishment, and legal principles have evolved. In America, the adoption of English common law in the colonial period, the impact of the U.S. Constitution on individual rights, and the subsequent expansion, modernization, and reforms in the criminal justice system have shaped the development of criminal law. Today, contemporary criminal law in America is characterized by its complexity, jurisdictional variations, and a wide range of offenses, guided by legal principles that ensure fairness and uphold individual rights. Studying the world history of criminal law and its development in America allows us to understand the foundations and challenges of legal systems, contributing to ongoing discussions on justice and the pursuit of a fair society.

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