

THE INTERSECTION BETWEEN CRIMINAL LAW AND THE BIBLE*

Abstract

According to the Bible, crime is defined as a violation of the public trust, a major legal transgression, a fundamental weakness or wickedness, and it is considered an offense against either (1) God, (2) man, or (3) both. The creator finds it irritating when the creature is hurt. Certain sins, such as adultery, murder, bestiality, blasphemy, breach of covenant, bribery, stealing, deceit, false swearing, harlotry, idolatry, incest, and so on, were detailed in great detail in the sacred book. This study's goal is to look at these crimes from a biblical perspective, as well as how they are handled and how they are related to modern society. The qualitative research methodology with the doctrinal approach research design was used for this study. It offers a distinct, methodical approach to collecting data from primary and secondary sources. The bible served as the primary source, while periodicals and reputable articles served as supplementary sources. The results show that the Bible is the source of all forbidden behavior, including what is known as crime. Further research findings showed that while all crimes are sins, not all sins in modern society are crimes. While guilty people in today's society can avoid justice for a variety of reasons, such as careless prosecution, subpar investigation techniques, flaws in the legal system, etc., those in violation of God's law are unable to evade judgment since God's conscience is still the last arbiter. No hypocrite (offender) can evade the Almighty God's justice and judgment. In conclusion, man suffered greatly from his inability to observe social and divine prohibitions after his fall in the Garden of Eden. He is a persistent transgressor because he is incapable of resisting the need to commit sin or other crimes. Consequently, the suggested course of action is for fallen man to acknowledge his shortcomings and accept Christ, whom God predestined for the intended salvation of humanity. After receiving Christ and having his mind refreshed to live a decent life, he is unable to willfully break the law, whether it be set by society or God, because God's presence is always present to guide people away from all wrongdoing. When the people in the above-envisioned society follow the above principles, there won't be any crime and there won't be any empty jails.

Keywords: Criminal Law, Bible, Offence, Sin, Penalty

1. Introduction

Crime and how it is dealt with have always been major issues for human communities. A complex interaction of moral, legal, and spiritual principles shapes how societies view, categorize, and react to transgressions of laws and social norms. This study's main goal is to investigate these complex dynamics by looking at how crime was perceived and justice was carried out in ancient Israel from a biblical perspective. It also makes comparisons to contemporary parliamentary-based criminal justice systems. We must identify their fundamental distinctions in this work in order to further elucidate the distinction between sin and crime in modern society. Crime is the breaking of social norms or laws, which may have legal repercussions enforced by the state. Legal systems often define crime as an offense, which can include a broad range of behaviors from infractions to major felonies that are illegal and subject to punishment. On the other hand, sin is frequently a religious or moral term connected to deeds deemed improper or immoral by a specific belief system. It is viewed as a transgression of moral or heavenly norms with moral or spiritual repercussions. It is crucial to remember that while some behaviors may be seen as both crimes and sins, not all crimes are viewed as sins by all belief systems, and not all sins are necessarily crimes. Adultery is considered one of the worst sins in the Bible, but it is not illegal in Nigeria's southern regions—only in the north. This is the case since the commission of the offense involves the soul, the spirit, and the body. Many examples of crimes including adultery, murder, blasphemy, and other transgressions are found throughout the Bible. These narratives shed light on the reasons behind the criminalization of these actions as well as the penalties associated with them. Israel is a historical case in point since it was the first country to receive divine instructions containing criminal prohibitions and penalties. Thus, it becomes imperative to look into whether contemporary societies and their historical counterparts have comparable approaches to handling criminal cases. God always intended for man to return to himself, beginning with the fall of humanity in the Garden of Eden, which gave rise to an innate desire to transgress social and divine laws, and ending with the advent of the second Adam, or Jesus Christ. God made a promise to humanity through his prophet even in the Old Testament: he will remove the heart of stone and implant his law in people's hearts, giving them the heart of love. With the arrival of Christ, God was finally able to do this and signaled the beginning of the process of redeeming humanity. Recognizing one's shortcomings and accepting Christ as the chosen Savior is the first step toward a man free from crime. This can

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result in moral behavior and counsel against immorality. There's a chance that if society adopts these ideas, crime rates may decline.

2. The Bible as a Historical and Ethical Foundation for Legal Principles

The Bible has a deep and complex role as the ethical and historical basis for legal concepts. In terms of history, the Bible offers insight into the judicial and legal procedures of earlier societies, which is helpful in establishing the background against which legal systems originated. It acts as a historical account of the methods used by prehistoric societies to address questions of punishment, justice, and government. The laws and stories included in the Bible shed light on how ancient cultures approached moral and legal issues, as well as the evolution of legal standards and principles over time.¹

In terms of ethics, the Bible is often regarded as a source of moral instruction and standards that have shaped legal doctrines over time. Many legal systems are based on core ethical precepts that have been formed by the teachings of the Bible, especially the Ten Commandments found in the Old Testament. The principles of justice, equity, integrity, and regard for human life are fundamental to both biblical ethics and contemporary legal theory. The moral compass of legal practitioners and the guiding principles of the legal system are still shaped by the ethical framework that the Bible provides.² The Bible's status as a court and a lawgiver further emphasizes how applicable legal principles are to it. The significance of impartiality and fairness in legal proceedings is emphasized by biblical tales of virtuous and righteous judges, such as the well-known ruling of King Solomon.³ These stories highlight the enduring necessity for morally sound people to enforce the law and administer justice. The idea that legislators are essential in forming legal systems that are grounded in moral and ethical principles has its roots in the biblical narrative of individuals such as Moses, the man who gave the Ten Commandments.⁴

Furthermore, one further way that the Bible relates to legal ideas is through its emphasis on social justice. The Bible promotes treating underprivileged people fairly and compassionately, especially widows, orphans, and strangers. These social justice tenets have shaped legislation meant to safeguard marginalized groups and guarantee fair treatment in communities. Human rights and social justice laws continue to be influenced by the biblical responsibility to care for the least fortunate and advance social equity. The Bible's ethical precepts, emphasis on social justice, historical insights, and representation of just judges all contribute to its continuing significance as a source for legal concepts. Beyond the pages of scripture, it has an impact on the moral and ethical foundations of legal systems as well as the guiding principles that govern the administration of justice in communities all over the world.

3. Crime in Contemporary Legal System

In Hebrew tradition, there are no specific words for crime or criminal wrong. Instead, the same words that are used to describe human offenses against others are also used for offenses against God, such as sin and transgressions.⁵ Both religious and non-religious matters are intertwined, and many of the existing criminal laws are presented as direct pronouncements from God. This means that all crimes can be seen as offenses against God. However, it is important to note that not all sins are considered crimes. While God may punish all sins, the term 'crime' is only used to describe public offenses that were punished by the Israelite society.⁶ A crime in the modern legal system can be described as a public wrong. It is an action or inaction that is prohibited by law and for which the state imposes a penalty on its own.⁷ This implies that an offense against society as a whole, in addition to a person, becomes a crime. The rights and obligations of people in their interactions with others are governed by a variety of laws in many jurisdictions. Nonetheless, only offenses that cause harm to the public are classified as criminal and covered under the main body of criminal law. The legislative body of each jurisdiction decides whether an act qualifies as criminal or civil. Acts that caused harm to the community were deemed 'criminal' in the past, and the people made this judgment. These days, it is the state legislatures' responsibility. There are numerous distinctions between crimes and civil wrongs, but the primary one is the label that the legislature assigns to them. Put more simply, the legislature decides where to draw the extremely thin line between crimes and civil wrongs based on what the public is willing to accept.⁸

¹Art Lindsley Moral Law and the Ten Commandments <https://tifwe.org/resource/moral-law-and-the-ten-commandments/> accessed on 03/11/2023.

²Our Judge, Lawgiver, and King <https://www.theologyofwork.org/the-high-calling/our-judge-lawgiver-and-king/> accessed 03/11/2023.

³ See 1Kings 3: 16-28.

⁴ See Exodus 20 1-26.

⁵ Falk, Ze'ev Wilhelm, *Hebrew Law in Biblical Times: An Introduction*. (2001) 2d ed. Provo, Utah, and Winona Lake, Ind.

⁶<https://www.encyclopedia.com/environment/encyclopedias-almanacs-transcripts-and-maps/israelite-law-criminal-law>> accessed 08/11/2023

⁷ Neil C. Chamelin and Andrew Thomas, *Essentials of Criminal Law* (2009) 10 Ed. 3, Pearson Education, Inc.

⁸ Ibid

Criminal law is the aggregate term for the body of legislation that establishes criminal offenses, governs arrest, charges, and offender trials. It entails deciding on treatment plans and imposing penalties on convicted criminals. It serves as a mechanism in organized society to safeguard the survival of the collective and safeguard individual interests. It is recognized as the moral principles established by the family, the workplace, and religion, as well as the laws that support sanctions and the norms governing civil life that are upheld by law enforcement.⁹ Criminal law has two primary functions. Its primary goal is to control and direct human behavior. In the event that this goal is not met, the criminal code seeks to deal with disorderly conduct by punishing lawbreakers. There are three possible outcomes for punishment under the criminal justice system: fines, incarceration, or death. The main topic of discussion in our society's contentious social issues debates is the effectiveness, downsides, and effects of incarceration and the death penalty.¹⁰

4. Criminal Justice Administration in the Bible and the Principle of Natural Justice

Adam and Eve

Genesis 3 describes how human sin and wickedness, which were under Eden's rule, caused paradise to be destroyed. Despite having plenty of chances to eat and enjoy everything that God had provided in the garden, Adam and Eve committed a grave betrayal of trust. Sadly, the couple was implicated by the fruit that the serpent tricked them into eating from the tree in the middle of the garden. Because of their avarice and naive desire to resemble God, they defied their creator. After eating the forbidden fruit, Adam and Eve were tried for multiple crimes of criminal breach of trust and stealing. The punishment for that offense was already outlined in Genesis Chapter 2 verse 17, where God said: 'but of the tree of the knowledge of good and evil you shall not eat, for in the day that you eat of it, you shall die.' Despite not having legal representation, they received a fair trial that adhered to the *audi alterem partem* concept. Following the impartial trial, the sentence was soon announced. The man is relegated to an accursed land where he must labor and sweat in order to survive, while the woman suffers during childbirth and for her generations.¹¹ Ultimately, they were banished from Eden's Garden, and the death penalty—the harshest penalty for their transgression—was postponed until a later time. The biblical idea of the original offense/crime holds that all of mankind bears Adam's guilt and that the only way to wash away the stain of Adam's transgression is through the death and resurrection of Jesus Christ. The Almighty God, who served as the accuser, the prosecutor, and the judge in the Garden of Eden judicial process, upheld the contemporary concept of due process. The charge of violating the principle that 'nobody should be a judge in his case' (*nemo iudex in causa sua*) would have been widespread in today's culture. One could argue that since God is the ultimate judge of the Supreme Court and is impervious to error or bias, the rule cannot apply to Him because of His infinite holiness, justice, and righteousness. These two foundations of justice were ingrained in Israeli residents' daily interactions with one another when the country was founded with human institutions and a government. All rules and warnings placed a strong emphasis on treating citizens fairly and with integrity. Adam and Eve were supposed to suffer the repercussions of their deliberate wrongdoing when they were driven out of the Garden of Eden. This was the first sign of the world's decline and hence the decline of man.

Cain and Abel

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King Solomon and the Maternity Test

In the instance of the two ladies battling for custody of a child, King Solomon's wisdom was evident. Before determining which, the right mother was, Solomon took the time to listen to each of them individually. The events surrounding this child stealing episode and the prudent decision made on the problem are recorded in 1 Kings 3:16-28.

⁹ Ese Malemi, *Nigerian Legal System* (2012) 3, Princeton Publishing Co.

¹⁰ Neil C. Chamelin and Andrew Thomas, *Essentials of Criminal Law* (2009) 10 Ed. 3, Pearson Education, Inc.

¹¹ Britannica, T. Editors of Encyclopaedia (2023). *Fall of Man*. *Encyclopedia Britannica*. <https://www.britannica.com/topic/Fall-of-Man>

5. Categorization and Penalty for Crimes in the Bible

The Bible provides a unique and ancient perspective on various crimes and their administration within specific jurisdictions. These crimes, as outlined in the scriptures, encompass a wide range of offenses that were viewed as transgressions against both God and society. The Bible offered specific prohibitions and prescribed penalties for these transgressions, laying the foundation for an early form of legal and moral governance.

Here are some categorization and penalty for crimes/criminal wrongs in the Bible

Murder, Homicide and Manslaughter

The Ten Commandments contain one of the most well-known lists of prohibitions: ‘You shall not murder’¹², which is a basic ban against taking another person's life. This commandment embodies a fundamental moral precept that forms the basis of legal systems in many nations. In the Bible, unintentional manslaughter¹³ were protected by towns of refuge, but revenge was also a common aspect of the court system for murder. Murder was typically punishable by death.¹⁴The majority of the time, the victim's family or supporters took revenge¹⁵ in cases of unlawful retribution. Sometimes, public indignation could lead to neighborhood actions against the murderer¹⁶. In general, biblical law views murder as a public, not a private, offense, which is why it is highly banned in Leviticus 24:21 and Numbers 35:31–34 (Leviticus 24:18) to provide compensation in cases of murder. Thoughts of the custom can be found in 1 Kings 20:39 and 2 Samuel 21:1–4. There is proof that restitution was provided for several additional crimes for which the death penalty was recommended. The biblical approach to murder vacillates between the domains of public and private law. The victim's friends and family members were still entitled to take legal action; society permitted them to kill the perpetrator or get financial settlements for the loss of a loved one. However, their decision was based on whether the victim's death was the result of murder, involuntary manslaughter, or negligent homicide; the victim's status as a free or unfree person also had to be taken into account. The relatives of the victim might legitimately kill the man who committed involuntary manslaughter, but the civil authorities could step in and provide the manslayer shelter, which is a kind of exile, in a ‘city of refuge’¹⁷

Crimes against King, Parents, and Civil Authorities

According to biblical accounts, the king executed people for a variety of offenses, including treason¹⁸, cursing God or the king¹⁹; ‘treasonous’ prophecies against the state²⁰, and witchcraft.²¹ The king's warriors carried out these executions; occasionally, large-scale practices like stoning were used in place of public trials before the actions. Sometimes, ‘treasonous’ prophesy was considered a low-level offense and punished with detention, whippings, or banishment²²There was an expressed obligation to submit to civil and parental authority. According to Dt. 17:8–13 and Jos. 1:18, the death sentence was mandated for individuals who revolted against the ruler and the judges. Similar laws apply to hitting a parent²³, cursing a parent²⁴, and disobeying orders from your parents.²⁵

Sexual Offenses

The death penalty was also prescribed for a variety of sexual offenses:

- Adultery,²⁶Adultery is another crime outlined in the Bible, is seen as a breach of the marital covenant, harming both the individuals involved and the social fabric of the community. The administration of justice for adultery included various forms of punishment, such as stoning, reflecting the seriousness with which it was viewed.
- Sexual relations of a man with his father's or son's wife²⁷ or with his mother or daughter,²⁸
- Rape of a married or even a betrothed woman²⁹,

¹² See Exodus 20:13

¹³<https://www.encyclopedia.com/environment/encyclopedias-almanacs-transcripts-and-maps/israelite-law-criminal-law> accessed 08/11/2023

¹⁴ See Gen. 9:6 and Exo. 21:14.

¹⁵ See Gen. 4:11–15, 2 Sam. 14:4–11; see also 2 Sam. 3:26–30, 1 Kgs. 2:5–6

¹⁶ See Exo. 21:14; Dt. 19:11–12; Judges. 20:12–13; Ez. 16:38–41, 23:45–49

¹⁷ See Exo. 21:12–13, Num. 35:1–34, Dt. 19:1–13.

¹⁸ See 1 Samuel 22:13–19; 1 Kgs. 1:50–53, 2:23–24

¹⁹ See 2 Samuel 19:21–23; 1 Kgs. 2:46, 21:9–16, see also Exo. 22:28, Levi 24:10–16),

²⁰ See Jer. 26:8–24, 2 Chr. 24:19–21)

²¹ See 1 Samuel 28:9–10).

²² See 1 Kgs. 22:13–27; Jer. 20:2, 32:2–3; Am. 7:9–13.

²³ See Ex. 21:15

²⁴ See Ex. 21:17, Lev. 20:9

²⁵ See Dt. 21:18–21.

²⁶ See Gen. 20:3, 38:24; Dt. 22:22–24)

²⁷ See Lv. 20:11–12.

²⁸ See Lv. 20:14,

²⁹ See Dt. 22:25–27

- Bestiality³⁰,
- Male homosexuality³¹, and
- Prostitution engaged in by the daughter of a priest³²

Idolatry

The lengthy battle against idolatry and polytheism, which culminated at the collapse of the monarchy, is reflected in the biblical laws. As well as for encouraging idolatry in others, the death sentence is mandated for a number of idolatrous acts³³. A city and its animals are sentenced to death in Deuteronomy 13:12–18; all other assets and goods are regarded as *herem*, or to be offered to God and destroyed by fire^{34,35}.

Theft

Even more than the response to homicide, the responses to theft hover between public and private law. Kidnapping and sale of a person was punished by death (Ex. 21:16, Dt. 24:7), but the theft of animals was settled by compensation (MT Ex. 21:37, 22:3). There are, nevertheless, hints of capital punishment in the outbursts of King David in 2 Samuel 12:5–6 (1 Sm. 26:16) and of Jacob in Genesis 31:32. A thief caught stealing during the day was not to be killed, but a thief caught in the night could be slain without penalty (Ex. 22:2). This same distinction, between daytime and nocturnal theft, also appears in the Babylonian laws. The taking of property belonging to God (*herem*) was punished by death (Jos. 7:1, 7:18–26).³⁶

Multiple Penalties

In situations when there was a criminal penalty in addition to compensation being paid, one actually comes into contact with the blending of private and public interests. Two forms of punishment were meted out to the man who falsely accused his betrothed wife of adultery: first, the man was beaten, and second, the woman's father was given financial recompense (Duet. 22:13–19). It appears that agreements established in civil or private disputes could also include the addition of beating as a criminal penalty (Duet. 25:1-3). From a biblical standpoint, In the biblical perspective, crimes were not only seen as offenses against individuals but also as transgressions against God. Because of the significance that divine forgiveness and judgment played in dealing with these sins, the religious dimension brought a distinctive aspect to the administration of justice. Since Israel was the first people to receive God's instructions, it incorporated these biblical ideas into its moral and legal system. The legal system in ancient Israel was intricately linked to faith and ethics because the administration of justice was intimately related to moral and religious precepts. While the biblical perspective on crimes and how they are handled in particular jurisdictions provide insightful historical context for the evolution of moral and legal norms, it is important to acknowledge that these long-standing customs have changed over time. The concepts and procedures of modern legal systems are influenced by a variety of sources, such as historical and religious writings. Because of the Bible's continuing influence on human civilization, scholars continue to research and argue its impact on the moral and legal aspects of contemporary civilizations

Categorization of offences against God and Kings and punishments by them in the Bible.

In the Bible, disobedience to divine commands, idolatry, and blasphemy are examples of spiritual offenses against God. Depending on the circumstances and seriousness of the offense, punishments for these crimes ranged from natural calamities or plagues to banishment or death. Death and banishment from the Garden of Eden were the punishments prescribed for Adam and Eve.³⁷ In the case of Cain, he was made a wanderer by the sentence of God. Regarding the Kings, offences could include rebellion, disrespect or disobedience. Punishment for these offences could also range from exile to execution, depending on the gravity of the offence and the specific circumstances outlined in the scriptures. In the case of Absalom, he rebelled against his father and he was killed.³⁸

6. Administration of Criminal Law and Justice in Nigeria

The administration of criminal justice in Nigeria and Common Law both prioritizes providing a fair, just, and prompt decision of guilt or innocence for those who are accused of committing crimes. Following a trial, the court has the power to render a decision and sentence the found guilty party to a fine, jail time, or other types of punishment. As previously mentioned, the main goal of criminal law is to forbid and stop actions that seriously endanger people or the general public. Karibi-White JSC asserts that the primary goal of criminal law is to punish antisocial behavior in order to suppress it. In many jurisdictions, victim compensation is not granted under

³⁰ See Ex. 22:19, Lv. 20:15–16

³¹ See Lv. 20:13

³² See Lv. 21:9.

³³ See Lv. 20:2–5, Dt. 17:2–7) (Dt. 13:1–5, 13:6–11, 18:20–22, Exodus 32:27

³⁴ See Ex. 22:20

³⁵ Ibid

³⁶ Ibid

³⁷ NKJV, Genesis 3 vs 17 – 23

³⁸ NKJV, 2 Samuel 15: 31-35

criminal law, in contrast to civil law. Its primary goals are to identify, prosecute, and punish actions and inactions that fall under the criminal definition.³⁹ However, criminal justice safeguards citizens' rights and guarantees a speedy, fair, and accurate decision of guilt or innocence. The objective is to develop a just and efficient penal system for individuals proven guilty. The primary objectives of the entire criminal justice system are to seek vengeance through State-mandated punishment, make amends, and deter. It is widely acknowledged that the goals of criminal law are to protect society and its members and to make those who commit crimes answerable for their deeds. Furthermore, it's a common misconception that the purpose of punishment for crimes is to show the strength of the law and deter future offenders. Essentially, the goal of the criminal justice system is to improve community safety by locating and dealing with potentially hazardous people or organizations, whether they are businesses or private citizens. An important feature of criminal proceedings is the burden of proof as criminal procedures, the prosecution must prove their case beyond a reasonable doubt, as contrast to civil trials where a claimant just needs to demonstrate their case based on a balance of probability. As a result, if a court finds a defendant guilty and condemns them, the defendant is then sentenced to an appropriate degree of punishment.

7. Comparative Analysis of Criminal law in the Bible with Modern Legal Systems

There are similarities and differences between the categories used by the Bible to classify crimes and the categories used by modern legal systems. The Bible is a fundamental religious source that classifies crimes mostly according to moral principles and divine commandments. It clearly forbids basic crimes like stealing and murder. Modern legal systems, on the other hand, are usually secular and include a broader range of crimes, including those that are unique to the complexity of today's world. They categorize crimes and choose suitable penalties based on extensive legal laws.⁴⁰ The classifications found in the Bible are mostly religious in nature, while modern legal systems cover a wider range of social activities. These systems cover a wide range of topics outside the purview of religious literature by precisely categorizing offenses. The precision of contemporary legal codes allows for the classification of crimes that may not have been anticipated in biblical times, such as cybercrimes, environmental infractions, and intellectual property infringements, in order to accommodate the complexity of contemporary society.⁴¹ The penalties outlined in the Bible for crimes frequently have a retributive bent and may not necessarily be consistent with the values of due process, individual rights, and rehabilitation that are prioritized in modern legal systems. Modern legal systems, on the other hand, place a higher priority on procedural justice and fairness, guaranteeing that those who are accused of crimes have the right to a proper trial, legal counsel, and appropriate punishments. This difference highlights how legal systems have changed over time, moving from retributive justice to one that is more rights-based and rehabilitative. The flexibility of modern legal systems to societal and technical developments is another important distinction. Legal systems must change to handle new types of crimes as society develops and new problems arise. For example, concerns about digital technology, environmental preservation, and intellectual property rights are crucial factors for contemporary legal classifications, even though the Bible did not foresee these particular difficulties. However, there is still a basic moral and ethical correspondence between the legal systems of today and the biblical classifications of crimes like stealing, murder, and lying on one's witness. These universally acknowledged values show how important it is to protect people, things, and the truth. This area of agreement demonstrates how biblical ethics, regardless of one's religion or cultural background, continues to shape contemporary moral and legal philosophy.

While the Bible and modern legal systems categorize crimes in ways that are both similar to and different from one another, they represent different methods that are based on moral and religious principles as opposed to secular legal structures. Modern legal systems are complex, secular, and flexible to the demands of the modern world; in contrast, the Bible's classifications are simple and founded upon divine principles. Notwithstanding these differences, biblical ethics continues to influence modern legal and moral philosophy because of the common ethical principles of protecting life, property, and truth.⁴²

8. Legal Procedure and Justice Administration in the Bible

Biblical narratives provide insights into legal procedures and principles that emphasize the importance of witnesses, testimony, and evidence. Below are the key elements of legal procedure and justice from biblical perspectives.

³⁹Udosen Jacob Idem, 'Sentencing and the Administration of Criminal Justice in Nigeria' <<https://www.researchgate.net/publication/347452115>> accessed 09/11/2023

⁴⁰Encyclopedia Of The Bible: Crimes And Punishments Crimes and Punishments - Encyclopedia of The Bible - Bible Gateway accessed on 3/11/2023.

⁴¹Richard Burditt: The Relevance of Bible to our Modern World. The Relevance of the Bible to our Modern World | Und... (understandingthegospel.org) Accessed on 01/11/2023.

⁴² Garnett, Richard W., *Christianity and the Criminal Law* (2020). Routledge Books 368.

Role of Witnesses: The Bible frequently underscores the significance of witnesses in legal matters. Deuteronomy 19:15⁴³ states, ‘One witness is not enough to convict anyone accused of any crime or offense they may have committed. A matter must be established by the testimony of two or three witnesses.’⁴⁴ This principle highlights the necessity of multiple witnesses to establish the truth and avoid false accusations.

Truthful Testimony: Truthful testimony is a fundamental principle in the Bible. Exodus 20:16⁴⁵ admonishes, ‘You shall not give false testimony against your neighbor’.⁴⁶ This commandment reflects the importance of honesty in legal proceedings, emphasizing the integrity of witnesses.

Role of Judges: Biblical narratives often depict judges who were responsible for resolving disputes and administering justice. Figures like Moses and King Solomon served as judges, making decisions based on the law and testimony.⁴⁷ These stories highlight the role of judges as impartial arbitrators.

Legal Proceedings and Fairness: In the book of Ruth, the story of Ruth and Boaz provides an example of legal proceedings in biblical times. Boaz follows a legal process to secure Ruth’s right to glean in his fields and marry her, demonstrating the importance of adhering to legal procedures.⁴⁸

Importance of Oaths: Oaths play a significant role in legal proceedings in the Bible. Witnesses often swore oaths to confirm their testimony. For example, in Genesis 24:3-4,⁴⁹ Abraham’s servant took an oath when entrusted with a task. Oaths were considered solemn commitments and were expected to be upheld.

Role of Elders: In various instances, the Bible mentions the involvement of elders in legal matters. Elders were respected figures who played a role in resolving disputes and making legal decisions. Their presence added wisdom and experience to the process.⁵⁰

Evidence and the Two- or Three-Witness Rule: The Bible’s legal principles often required multiple witnesses to establish facts and ensure fairness. The two- or three-witness rule is reflected in various legal situations, particularly in cases of accusations or disputes (Deuteronomy 19:15; Matthew 18:16).⁵¹ Biblical narratives illustrate legal procedures and principles that include the necessity of multiple witnesses, the importance of truthful testimony, the role of judges and elders, adherence to legal proceedings, the significance of oaths, and the application of the two- or three-witness rule. These principles emphasize the pursuit of justice, fairness, and honesty in legal matters, providing foundational guidance for both ancient and contemporary legal systems.

9. Criminal Law Administration under the Old Testament

The criminal laws found in the Old Testament, provide insight into the legal and moral principles of ancient Israel. These laws are primarily documented in the Torah, which includes the books of Exodus, Leviticus, Numbers, and Deuteronomy. ⁵²Some key aspects of the historical background of criminal law in Old Testament include:

Mosaic Law: Because the laws in the Bible are credited to Moses, who is said to have received them from God on Mount Sinai, they are frequently referred to as Mosaic Law. These laws address many different topics, such as morals, criminal acts, and religious customs.

The Ten Commandments: The Ten Commandments, found in the book of Exodus, are a foundational part of biblical law and include moral and ethical principles that have influenced legal systems around the world. Some of these commandments, such as ‘Thou shalt not kill’ and ‘Thou shalt not steal,’ have direct relevance to contemporary criminal law.

Punishments: The Bible outlines various punishments for criminal offenses. These punishments often included restitution, fines, corporal punishment, and, in some cases, the death penalty. The severity of the punishment depended on the offense.

⁴³Richard Burditt: The Relevance of Bible to our Modern World. The Relevance of the Bible to our Modern World | Und... (understandingthegospel.org) Accessed on 01/11/2023.

⁴⁴ Ibid.

⁴⁵ Ibid.

⁴⁶ Ibid.

⁴⁷ See Exodus 18:13-26; 1 Kings 3:16-28

⁴⁸ See Ruth 3:1-18.

⁴⁹ Ibid.

⁵⁰ See Exodus 18:21; Deuteronomy 21:18-21.

⁵¹ Ibid.

⁵² Garnett, Richard W., *Christianity and the Criminal Law* (2020). Routledge Books 368.

Retribution and Restoration: The biblical approach to criminal justice emphasized both retribution and restoration. Offenders were required to make restitution to their victims, which aimed at restoring justice and making amends.

Community Responsibility: In biblical times, the community played a significant role in upholding and enforcing the law. Elders and leaders often administered justice at the city gates.

Evolving Interpretations: Over time, interpretations and applications of these laws evolved within Judaism and Christianity. Different sects and denominations have varying perspectives on the relevance and application of these laws in contemporary society.

It is important to note that the application of these biblical laws in modern legal systems varies widely, and many countries have secular legal systems that are not directly based on religious texts. The historical background of biblical criminal law provides valuable insights into the development of legal and moral principles in ancient times, but it should be understood in its historical and cultural context.

10. Criminal Law Administration under the New Testament

The New Testament's approach to criminal law mostly addresses issues of morality, faith, and spiritual direction. Rather than providing particular criminal rules, the New Testament teaches about personal behavior, forgiveness, and love. As long as they do not conflict with their beliefs, Christians are urged to uphold the laws of the state in the New Testament. The criminal law and judicial systems of the New Testament were very different from those of the Old Testament. For instance, Jesus changed the law in the adulterous woman's account by telling her to go and stop sinning, even though the law called for her to be stoned to death. Exodus 21:24, 'Eye for eye, tooth for tooth, hand for hand, foot for foot,' and Matthew 5:43, 'You have heard that it hath been said, Thou shalt love thy neighbor, and hate thine enemy,' are two more important examples of how the old and new testament approaches criminal justice. Jesus addressed this principle in Matthew 5:38, saying, 'You have heard that it hath been said, An eye for an eye, and a tooth for a tooth:' but He provided God's interpretation by saying, 'Mat 5:39 but I say unto you, That ye resist not evil: but whosoever shall smite thee on thy right cheek, turn to him the other also.' Jesus said, 'Love your enemies, bless those who curse you, do good to those who hate you, and pray for those who spitefully use and persecute you.' He also said, 'If any man will sue thee at the law, and take away thy coat, let him have thy cloke also.' Jesus' reinvention of the criminal justice system under the Old Testament is significant because it marked the beginning of an era of love and forgiveness that was cemented after his death. The goal of the Bible is to subjugate mankind to a divine state while maintaining that humanity functions according to the principles of divinity, which were made abundantly evident in the words of our Lord Jesus and his apostles found in the New Testament writings. As a result, 'love the lord your God, and love your neighbor as yourself' is how our Lord Jesus Christ summarizes the entire law and the prophets. This is a synopsis of the Bible's criminal justice system, along with its goals and standards. The 2015 Criminal Justice Act's guiding principles bear similarities to the biblical principles of criminal procedure and administration. The Administration of Criminal Justice Act, enacted by the Nigerian government in 2015, provides a legal framework that outlines the procedures and rules for criminal justice in Nigeria. The framework emphasizes the importance of fair trials, efficient case administration, and the preservation of the rights of all parties concerned. The constant emphasis on ideas like justice, fairness, mercy, restitution, and rehabilitation that offer moral and ethical direction is comparable to the Bible's Principles. It is important to note that justice and fairness are goals shared by the Bible's principles and the administration of the criminal act. The application of justice administration in the holy bible supplied fundamental moral concepts and direction, even though the ACJA is a modern legal framework designed to enhance the criminal justice system in Nigeria. A fair trial (Section 36(4)), reparations (Section 311), defense of the accused's rights (Sections 35 and 36), and expeditious case resolution (Section 396) are just a few of the provisions covered by the ACJA 2015. Together, these Sections seek to safeguard the rights of Defendants, assure equitable treatment for them, facilitate the process of restitution, and speed up the conclusion of criminal cases in the Nigerian judicial system. In contrast, there are real-world instances when the ideas articulated in modern legal systems, such as the ACJA, appear to have originated from the way the criminal justice system was implemented in the Bible. Fair trial principles are demonstrated in Deuteronomy 19:15–21, where the significance of these principles is highlighted by the need for several witnesses to be proven true and by making sure that dishonest witnesses receive the same punishment they demanded for the accused.

Exodus 22:1–5 illustrates the concept of restitution, which calls for the return of whatever that was improperly taken or stolen. The parable of Job claiming his innocence is relevant to this discussion of rights protection. It serves as an example of the idea of defending one's rights and remaining innocent in the face of difficulty. Regarding the speedy resolution of issues, there have been situations where disagreements were settled without mentioning the law specifically. For instance, in Acts 6:1–7, the early Christians voiced concerns about the equitable distribution of resources. These concerns were promptly handled by designating Deacons to supervise the distribution and avert additional strife. These illustrations highlight the biblical precepts of equity, justice, and swift dispute settlement. This comparison makes it extremely evident that the holy book is the primary source of the legal framework used by our modern legal system, highlighting the holy book's significant influence on it.

11. Trial of Jesus and Paul in the Bible

Jesus was taken into custody at the Garden of Gethsemane following Judas Iscariot's betrayal of him. At his trial before the Jewish Council, the Sanhedrin, Jesus was charged with blasphemy for asserting that he was the son of God. His trial was in front of his accusers, who had already found him guilty before he had a chance to present his case, hence it did not follow a fair trial procedure. But then they brought him before Pontius Pilate, the Roman ruler, who, after a clumsy interrogation, declared him innocent but gave him a guilty verdict under duress and sent him to be executed. The just processes and procedures in the Jesus trial were abandoned in order to appease the demonic expectations of the Jewish nation's rulers, who were alarmed by Jesus's teachings, which placed more emphasis on righteousness and holiness than on class and the elitist system. Because they were under threat from Christ's teachings, they felt guilty and felt that the only way to get peace of mind and keep their avaricious positions was to kill Jesus. Jesus' trial did not adhere in the slightest to the *audi alterem partem* (let the other party be heard) precept. Despite the lack of conclusive evidence, he was found guilty and given the death penalty. The judge later washed his hands, indicating that he was facing criticism for rendering the incorrect decision and sentencing. Paul's right to an appeal was upheld, therefore there were some fairness features to his trial. Similar to Jesus, he was accused by Jewish leaders. The Roman authorities cleared him this time. A portion of his trial took place in Caesarea before Felix, Festus, the Roman Governors, and King Agrippa. He was made fun of, his defense was dismissed as fiction, and he was not given a fair trial while he was there. Invoking his right to an appeal, Paul—a Roman citizen—asked to be tried before Ceaser in Rome. He was sent to Rome to have his case considered by Ceaser when his request was granted. Although there are conflicting accounts of Paul's trial in Rome, it seems likely that Paul was put to death during Emperor Nero's autocratic rule. It's important to remember that throughout their criminal trials, religious and civic authorities of the day leveled baseless and malicious accusations of blasphemy against both Jesus and Paul. Paul received a better and more equitable treatment since certain of his rights, particularly the right of appeal, were upheld, whereas Jesus's trials were conducted without following any fair method. But ultimately, the harsh trials that befell them both led to their deaths. This implies that there have always been injustices committed. It originated in the Bible and is strengthened by the modern legal system. In modern culture, unfair criminal trials that result in miscarriages of justice persist despite attempts to alter the legislation to remedy some of these shortcomings in criminal procedures, as seen by the trials of Jesus and Paul. The author argues that a law devoid of any real sense of justice is meaningless. It is as useless to the pater as it is to the writer.

12. Findings

One of the conclusions is that it is impossible to determine if the ancient Israelites intentionally distinguished between civil and criminal law. It is obvious that the distinctions between crimes committed in private and public were made differently than in contemporary Western countries. The Bible nevertheless regarded some crimes as private torts, including violence (Ex. 21:18–19) and theft (Ex. 21:37, 22:3), which are now considered criminal or public offenses. On the other hand, transgressions like adultery (Lv. 20:10; Dt. 22:20–24; Ez. 16:38–41, 23:45–49), witchcraft (Ex. 22:18, Lv. 20:27, 1 Sm. 28:3), and Sabbath violation (Ex. 31:14–15, 35:2; Nm. 15:32–36), which are either private torts or nonactionable in contemporary secular societies, were regarded as serious public offenses or crimes in the Bible. The second and most significant finding is that, in contrast to the New Testament's perspective on forgiveness and sin, which holds that any crime can be forgiven by God if the perpetrator repents of their sin and forsakes their crime (Isaiah 1:18), modern society, which has criminal codes, holds the offender accountable for their actions. Even while there are mitigating factors like plea bargains, which keep the perpetrator accountable but result in a shorter sentence, or clemency through the appointment of political officers or the sudden release of inmates from jail by chief judges, these are rarely employed unless there are extraordinary circumstances. Thirdly, God promises that the rules of God are inscribed in our hearts as part of the New Testament or covenant (Jeremiah 31:33). This is preferable to codified laws, which the Bible claims have deadly consequences. This suggests that when the people are led by the spirit of God and strictly obey the rules that forbid crime or offenses, the society will be free from criminal activity.

13. Conclusion

After the fall in the Garden of Eden, man's capacity to abide by social and religious norms was severely diminished. He is weak to resist the temptation to do wrong, thus he consistently disobeys these regulations. Happily, Christ arrived to right the evil that was committed in Eden. Consequently, it is advised that the fallen man confess his sins and accept Christ, who was predestined by God to rescue humanity. Through faith in Christ and a new outlook on living morally, man will no longer purposefully break social or divine laws. God's spirit will lead him and keep him from doing anything wrong. Society will become free of crime and eventually lead to empty prisons if it adheres to the aforementioned principles. To put it another way, if a person has a deep relationship with the word of God, then that person will live in constant fear of God and not be drawn to sin or other transgressions that could harm others or anger God. As a result, when the Spirit of God leads the populace and enforces strict adherence to the rules that forbid crime or offenses, society will be free from crime.