

# THE IMPACT OF RELIGION ON FORMATION WORLD'S LEGAL CULTURE

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**Abstract:** *the purpose of this article is to show how religion influences the formation of the world legal culture and, accordingly, the behavior of society. The article discusses in detail Muslim law, Shinto right, Jewish, Buddhist laws, as well as the influence of the religions of these countries on the formation of law.*

*Religious ideology is a source of moral ideas for most believers and a certain criterion that does not allow breaking the law. Different religions have different impacts on forming world's legal culture but they have one common feature: they intersect in all spheres of modern human life, forming a completely new religious legal system.*

**Keywords:** *muslim law, shinto right, jewish laws, buddhist laws, religion, legal culture*

## ВЛИЯНИЕ РЕЛИГИИ НА ФОРМИРОВАНИЕ ПРАВОВОЙ КУЛЬТУРЫ МИРА

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**Аннотация:** *цель данной статьи – показать, как религия влияет на формирование мировой правовой культуры и соответственно на поведение общества. В статье подробно рассмотрены Мусульманское, Синтоистское право, Еврейские, Буддийские законы а также, влияние религий этих стран на формирование законов. Религиозная идеология - это источник моральных представлений для большинства верующих и некий критерий, не позволяющий нарушать закон. Разные религии по-разному влияют на формирование мировой правовой культуры, но у них есть одна общая черта: они пересекаются во всех сферах современной человеческой жизни, образуя совершенно новую религиозную правовую систему.*

**Ключевые слова:** *мусульманское право, синтоистское право, еврейские законы, буддийские законы, религия, правовая культура.*

The purpose of this article is to show how religion influences the formation of the world legal culture and, accordingly, the behavior of society. The article discusses in detail Muslim law, Shinto right, Jewish, Buddhist laws, as well as the influence of the religions of these countries on the formation of law.

Religious ideology is a source of moral ideas for most believers and a certain criterion that does not allow breaking the law. Different religions have different impacts on forming world's legal culture but they have one common feature: they intersect in all spheres of modern human life, forming a completely new religious legal system.

Religion is a special way of "understanding" the world. The main components of religion are moral standards and types of behavior, religious practices and rituals, it unites people in different religious organizations. Thus, the concept of "religion" includes the perception of the world, it is a guide for all nations.

Lets see how different religions now make an impact on law and act as regulators of social relations and are able to manipulate and regulate human behavior.

### **Muslim law**

Muslim law is a prominent part of the world legal culture, one of the most independent legal systems of our time.

Muslim law is a legal system based on the religion of Islam, which has a state nature. In the modern world, Muslim law is widespread. Muslim communities of Iran, Iraq, Jordan, Kuwait, Africa (Somalia, Tanzania, Kenya, etc.), some Balkan countries (Albania, Kosovo), CIS countries (Azerbaijan, Uzbekistan, Turkmenistan, Tajikistan, Chechen Republic, Ingushetia), Crimean Tatars in Ukraine, etc.

The peculiarity of Muslim law is that the legislative role of the state is limited mainly to the permitting of Muslim legal interpretations. The main legal source of Muslim law was the legal doctrine, the state formally imposed sanctions by appointing qadis (judges), forcing them to act according to the will of Allah, the teachings of a certain meaning. According to the doctrine of Islam, the Islamic State does not seek to transform society, it is intended only to ensure respect for divine law.

As a system of norms, Muslim law developed mainly in the 7th-10th centuries during the formation of feudal society in the Arab Caliphate, based on Islam. After the fall of the Arab Caliphate, Muslim law not only did not lose its former meaning, but gained a "second life" (like Roman law in medieval Europe) and became a valid law in a number of medieval countries in Asia and Africa .

The main source of Muslim law is the Qur'anThe second most important source of Islamic law is the Sunnah, the "Holy Tradition," which consists of stories about the actions and sayings of the Prophet Muhammad. It should be noted that during the life of the Prophet, his statements were transmitted mainly orally, and both written sources were compiled after the death of Muhammad.

There are many different gaps in the Qur'an that have led to the need of interpretation the Qur'an and the Sunnah based on Ittihad, which contained the rules of conduct that were lacking in the Qur'an and Sunnah.

Muslim law is based on a number of divine commandments found in the Shari'ah. Sharia is a divine law created by the religious commandments of the Qur'an, Sunnah, Ijma 'and Qiyas.

With the development of the theory of Muslim law, Ittihad began to symbolize the highest level of knowledge on which a person can make independent decisions. The Muslims who exercised this right were called Mujahideen and later became legislators.

### **Jewish law**

Jewish law is the oldest religious law, dating back more than 3,000 years. Its origins, like other religious legal systems, are closely linked not only to legal factors, to events in the legal sphere, but also to other socio-political events in society.

The ideological basis of Jewish law has been formed for a long time. It began to take shape immediately after the creation of Jewish society. The religious teachings of the patriarchs of the Jewish people, Abraham, Isaac, and Jacob, were based on the idea that the clan leader established personal ties (covenants) with the God of his fathers, the patron saint of the clan. Judaism, as a religion, was constantly fighting for its self-assertion. The reign of King Josiah (639-609 BC) played a special role in this process. In the post-Babylonian period, as a result of the activities of legal teachers Ezra u Nehemiah (444 BC), the Jewish people established themselves as a strictly theological closed community isolated from the outside world. This is reflected in ethnic isolation, fundamental rejection of mixed marriages, as well as internal economic separatism.

Jewish law is a system of social norms, principles, religious interpretations, customs and traditions of the Jewish people, which are significantly different from all other legal systems.

The main feature of Jewish law is the uncompromising negative attitude of the ancient Jews towards the foreign religion

The only source of Jewish law is the Old Testament, often referred to as the Jewish Bible.

### **Buddhist law**

In ancient India, religious principles entered not only cultural life, but also became part of the social and legal development of society. Proof of this are the sources of law in ancient India, which enshrined both the rule of law and the norms of morality.

In ancient India, the development of law was inextricably linked with Dhamashastras, which best reflected the socio-economic and state development of the state. Dhamashastras was a collection of religious legal precepts that included descriptions of both morality and decency as well as the image of legal law. This religious teaching was widespread in all parts of India. This religion contained rules of conduct that fully met all religious requirements.

A narrower concept than the Dharma was the word "nya", which literally meant "law". Nyaya was applied to a specific person, noting a special norm of behavior, the violation of which is followed by an appropriate punishment.

Buddhism, driven out of India by Hinduism, was blocked in the West by Islam-Christianity and spread in wide waves to the south, northeast. It became the religion

of much of China, Korea, and Japan and almost completely conquered the countries of Southeast Asia: Burma, Laos, Thailand, Cambodia and Vietnam.

The influence of Buddhism on law enforcement practice is significant. One of the most prominent studies of Buddhist law is R. French's book, *The Legal Cosmology of Buddhist Tibet*, which examines in detail how Buddhist rules influence court decisions. Thus, when considering criminal cases, Tibetan judges tried to reveal not only the factual circumstances, the identity of the perpetrators, but also karma, giving it great importance.

The most important issue of justice is not punishment, but the re-education of criminals, their return to Buddhist spiritual and moral values. Referring to this topic, the Dalai Lama XIV wrote: "Wars, crimes, all kinds of violence, corruption, poverty, deception, falsification - social, political - economic injustice. All of this is a consequence of negative human behavior. »: Justice must be based on ethical values, because "no matter how complex, well-organized our legal system is, no matter how perfect the methods of external control are, they alone can not eradicate evil." Therefore, judges, along with strictness, must be empathetic on the outside.

### **Shinto right**

As a national religion, Shintoism in Japan developed the idea of a holy, godly chosen country ruled by an equally holy emperor. Moreover, from 1868 onwards, the version of the divine origin: imperial dynasty of the state of Japan, which formed the basis of Shinto, entered the public education system as an integral part.

Legislation affirmed that the imperial person is the divine apostle of heaven, whose right of hereditary power is not in doubt, does not depend on the will of the people. Such principles of Shintoism were the essence of the state religion of Japan, which was abolished only in 1945. In a special edition, the emperor renounced his own divine origin, and since then Shinto has become just one of many religions.

There are very few people in modern Japan who consider themselves Shinto, but this religion has become an integral part of the life of most Japanese, who today perceive the performance of traditional Shinto rituals, which are inextricably linked to all important life events as part of national culture.

Thus, based on the study of the theory of the relationship between religion and the law, it must be concluded that the various homogeneous elements of the legal-religious system intersect in all spheres of modern human life, forming a completely new religious legal system. Different religions have different views and purposes, but they have one in common: regulating human behavior by having an impact on legal culture.

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