***HAMMURABI CODE IN CIVIL LAW TRADITION***

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10. ***INTRODUCTION:***

*Hammurabi was a king of Babylonion born in Babylon, now modern day Iraq. He transformed an unstable collection of city states into strong empire that spanned ancient Mesopotamia. Hammurabi’s lasting contribution to western society was his set of laws written on stone and displayed publicly for all to see, the most common being eye for eye, tooth for tooth. Hammurabi collected all the existing laws in shape of code which was one of the earliest and most complete written legal documents. This code was carved on a large, pillar like stone called a stele. Together, these laws have been called Hammurabi’s code.*

1. ***HISTORY OF HAMMURABI CODE:***

*From 1792 to 1750 BC there was one of ancient legal code to meet the requirements of commercial transactions, justice, punishment and fine consisting of 282 laws named as Hammurabi code, to unite all the southern Mesopotamia, code of Hammurabi expended all over the city of Babylon and Euphrates river, but at the end of his regime code of Hammurabi was carved into finger shaped black stone but unfortunately it was looted by some invaders, later on the French archaeologist team rediscovered it in 1909 from Iran.*

1. ***THE PURPOSE/OBJECT OF THE CODE:***

*The ancient Babylonian king Hammurabi enacted the code. He was governing his people with fairness, covering everything from proper marriage behavior to property statutes. In his own words Hammurabi wanted to establish the law and justice in the language of land. Thereby promoting the welfare of the people. Hammurabi’s on desire to rule as a just and good king was a main reason behind the code. He wanted to see his people live together in peaceful functioning society and he was not a ruler concerned with using fair and intimidation too keep his subject in line.*

1. ***NUMBER OF LAWS IN HAMMURABI CODE:***

*The code of Hammurabi consist upon 282 laws with different kinds of laws related to the need of society at that time.*

1. ***IMPORTANCE OF HAMMURABI CODE:***

*The Hammurabi laws are one of the earliest and more complete written legal codes from ancient time the code have served as a model for establishing justice in other cultures and are believed to have influenced the subsequent establishment of laws.*

1. ***EXAMPLES OF HAMMURABI CODE:***

*Hammurabi code one of the most famous example of the ancient precept of “ Lex Talionis”, or law of retribution a form of retaliatory justice commonly associated with the saying “ an eye for an aye”, under this system if a man broke the bone of one is equal, his own bone would be broken in written.*

1. ***THEORIES OF PUNISHMENT:***
2. *Deterrent theory*
3. *Retributive\Retaliatory theory*
4. *Preventive theory*
5. *Reformative\rehabilitation theory*
6. ***DIVISION OF HAMMURABI CODE:***

*The Hammurabi code is divided into three parts according to some jurist, but all of these divisions are arbitrary and no such divisions are indicated on the original.*

*The three parts are section 1-5 procedural law, sections 6-126 are property laws and section 127-282 are the law regarding persons.*

1. ***DESCRIPTION OF LAW IN CODE:***

*The laws of the code were related to the commercial transaction punishment, justice, fine, slavery, women’s rights, construction, rental cases, property related matter, marriage, inheritance, trades, punishment for judges or false witness, theft, buy and sale, parents rights, possession, tress pass, robbery ,debt, loan, conviction, agriculture and cultivation ,intention, merchant, agent, traders, method of taking swear before GOD ,conspirators, rights of prisoners, family matters, etc.*