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Historical Monuments of Legal Regulations on Infanticide in Ancient Rus and Pre-Revolutionary Russia

Abstract

The article studies the history of legislative regulation of public relations related to the murder of children by their parents. The research methods are historical-legal, comparative-legal, formal-logical, etc. The work is significant, as it allows us to look at the problem of infanticide from the historical point of view and to assess the variability of the legislator's approach to this phenomenon. In our society the murder of children is still committed. The authors believe that studying the historical basis and causes of the murder of a newborn by its mother will help to find an answer to the question of why infanticide was committed and is still committed. There is a gap in scientific knowledge: the society has not yet found a means to make child abuse (and their murder) few and far between in our country. The lack of scientific knowledge in this area creates a ground for conducting scientific research. The authors refer to Ancient Rus and pre-revolutionary period, analyze the legislation, and assess the legislator's approach to murder of a child by an adult. The study reflects the variability of the legislator's position on the issue. The methodological basis of this work includes analysis and generalization of literature and publications in periodicals devoted to historical aspects of legal regulation of infanticide, as well as study of legal monuments containing relevant legal regulations. The main results of the work are that the authors have conducted a historical analysis of the legal ban on committing infanticide from Ancient Rus to pre-revolutionary Russia. Initially, the murder of a child, primarily an illegitimate one, by its mother was classified as a qualified crime and severely punished. However, with development of society, state, and law, the legislator reduced the punishment for committing infanticide. The contribution of this research to science is determined by its novelty. The authors have been able to show how important social norms and mores are for forming the opinion of the legislator.

Keywords

Historical sources, history of infanticide, history of Russia; legal prohibitions, history of law, punishment in ancient times, legal responsibility.

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