CHAPTER VII

CONCLUSION

Having analytically studied, the appraisal of present work on “Crime and Punishment in Early Buddhism”, the crucial issues of which have been presented in the first six chapters of this thesis, is a humble attempt to highlight the importance of crime and punishment as depicted in early Buddhism as well as to analyse the Buddhist approaches to the contemporary concerns with crime and punishment. It can open up many possibilities for further research and enquiry. Finally, conclusions are being presented.

Crime as defined in criminology is an act of violation of law, consciously committed by a sane adult and punishable by the state. Evidently, no action is considered a crime unless it is defined as such by law. In the eyes of the law, an accused is regarded innocent until proven guilty by a just and fair trial. A crime is, however, considered in the paradigm of the law of a country in conformity with the religious and cultural milieu of that country. Punishment enforced for a particular crime, for instance, may differ from country to country in view of the gravity of the crime as evaluated in its own social mores and value systems.

The existence of crime in a society is a challenge to its members due to the deleterious effect on the ordered social development. In fact, it leads to enormous waste of human energy and colossal economic loss. Therefore, with the advancement in the field of criminology and behavioural sciences, efforts are being constantly made to work out for a commonly acceptable classification of crimes and criminals to provide a rational basis of punishment for various categories of offenders. For instance, the categories of offences, such as offences against person, offences against property, offences relating to document, offences affecting mental order, offences against public tranquillity, offences against state, and offences relating to public servants, and so on.

It is argued on the basis of ‘Social Contrast Theory’, which creates a ‘give and take’ situation. To enjoy individual rights and benefits, it is only reasonable and unavoidable that individuals curtail their freedom vis-à-vis others and in the event of their failure to do so, punishment must be inflicted on them. The rationalization of punishment may be divided into two classes based on retributive and utilitarian theories. While the retributionists assert that the infliction of punishment is justified in itself since offenders should be given their just deserts, the utilitarian regarded punishment as an evil, which should be used only if it serves some real purpose like deterrence from commission of crime.
To punish criminals is a recognized function of all civilized States for centuries. But with the changing patterns of modern societies, the approach of penologists towards punishment has also undergone a radical change. The penologists today are concerned with crucial problem related to punishment and its place in penal policy. Though opinions have always differed as regards punishment of offenders varying from age old traditionalism to recent modernism, broadly speaking four types of views can be distinctly found to prevail. Modern penologist prefers to call them ‘theories of punishment’, such as ‘deterrent theory, retributive theory, preventive theory and reformative theory. The various forms of punishment have been evolved and applied in different societies through the ages. The common modes of punishments, such as flogging, mutilation, branding, pillories, chaining prisoners together, simple or rigorous imprisonment, forfeiture of property and fines, and so on and so forth.

The earliest available teachings of the Buddha are to be found in Pāli literature and belong to the school of Theravāda Buddhism. We can define the term ‘Crime’ in Pāli, such as ‘Aparādha, which means crime, fault, offence, and guilt, Kībbisa, which means wrongdoing, demerit and fault, Accaya means, which fault, lapse and Vajja means fault.’

According to Buddhism, deeds are of the three types, viz. activities through Kāyakamma (body), Vacīkamma (speech), and Manokamma (thought). Of these three types, the most important is the mental activities. Buddhism considers the mind to be the forerunner of everything. The definition of Kamma in early Buddhist texts also proves this point. Defining Kamma, the Buddha says, “Volition, O monk. I declare, is Kamma. Having willed and acts through body, speech, and mind.”

In this regard, the Buddhist tradition examines seven aspects of the offences of crime; (1) The intention of the offender; (2) the strategy planned; (3) the stages arrived at in accomplishing the objective; (4) the accessories utilized or employed; (5) the nature of the apparent victim; (6) the final result of the perpetration; and (7) the attitude adopted thereafter. Intention counts significantly in determining the nature of offence. When the intention becomes lighter, the quality of the crime becomes less grave.

Whatever deeds performed under the motivation of these root-causes of Akusalamūla (unethical deeds) are grouped in the broad category of Adhamma, Pāpa or Akusala. And such deliberate acts that become legally punishable are regarded as crimes.

From the above explanations, ‘crime’ in the Buddhist’s view includes “All activities or actions through body, speech, and mind, which are anti-social, illegal, immoral and unethical based on Cetanā (Intention).”
After studying the Tipiṭaka and its commentaries, it can be found that the two factors leading to be crime originate from the interaction between the internal factors and the external ones.

The internal factors are:- (a) Akusalamūla (Unwholesome roots), such as greed, hatred, and delusion; (b) Avijjā (Ignorance), (c) Akusalavitakka (Unwholesome thoughts), such as thought of sensual pleasures, thought of hatred, thought of violence; (d) Papañcadhamma (Diversification), such as craving, dogma, and conceit; (e) Paratoghosa (Hearing from other), such as rumours, slanders, which becomes the original method and causes of arising of the wrong view that leads to commit the crime; (f) Ayonisomanasikāra (Unwise attention), which is the cause of doubt; (g) Agati (Biased conduct), such as prejudice caused by love, hatred, delusion and fear; and (h) the Micchādiṭṭhi (Wrong view) is crucial as the core factor in associating with the unwholesome roots in the arising of the crime.

External factors can be divided into five conditions, they are: - (a) physical condition, such as vulnerable places, drugs, weapons, inappropriate time and beloved objects; (b) socio-psychological condition: this condition affecting criminal behaviour finds mention in a number of occasions. The best known instance is that of the great robber Aṅgulimāla; (c) social condition, such as bad friend and bad association, victim of crime, and inefficient institutions; (d) economic condition, such as poverty and economic development; and (e) political condition.

It can be observed that human beings commit crime because of the three fundamental mental attitudes or Akusalamūla (Unwholesome roots), such as greed, hatred, and delusion, which is vital of the origin and root of all criminal problems. Thus, it is the responsibilities of all social institutions to educate the people to have right view in daily live.

In Buddhist monastic discipline, there are two kinds of offences; Lokavajja (Commonly accepted offences) and Paññattivajja (Designated offences). The former are the offences punishable by the law of a country. The latter on the other hand deals with the infringement of the rules of discipline in governing the community of monks.

When a criminal offence arises, the society needs to have regulation for controlling and preserving harmony with application of jurisprudence. Jurisprudence is the science of law and is the method adopted by society for controlling and punishing the criminal offenders in the society. For the first time in human history, this notion was conceived by none other than the Buddha.
To trace the equivalent word of ‘Jurisprudence’ in Pāli term, it is ‘Nītisattha’, which literally means ‘the study and theory of law or legal theories including legal philosophers and social theorists of law, with a hope to obtain a deeper understanding of the nature of law, as well as the science of statecraft, and art of governance.’

The term ‘punishment’ in Pāli is ‘Daniṣṭa and Niggaha’, which stand for ‘atonement, blame, censure, coercion, cruelty, degradation, punishment, penalty, violence, restraint, subduing, rebuke, reproach and so on.’

The history of Buddhist jurisprudence dates back to the sixth century BCE. The framing of laws in the form of rules and regulations were started during the lifetime of the Buddha. It was necessitated following the formation of the Buddhist Saṅgha. The first Buddhist Saṅgha sprang into existence with sixty-one Bhikkhus after the Dhammacakkappavattana Sutta at the Migadāya in Isipatana. The Buddhist Order was established by the Buddha on the bed-rock of jurisprudence and democratic ideals. The most important organ and tool of democracy is the “Voting Right”, which was introduced in the Buddhist Saṅgha. It was technically known as the “Ubbāhika” in the Buddhist tradition. All these facts vouch for the ideals of jurisprudence in Buddhism from the beginning itself.

The nature of the Buddhist Law can be divided into eight vitals characteristics, namely (1) Convention: the laws based directly on custom, are known as customary laws; (2) contribution of Brahmacariya (Celibacy): out of the innumerable rules, which are drawn upon the code for the Brahmacariya; (3) the influence of the institution of Yatis (a pious ascetic): The regulations made by the Buddha, bearing upon the contemporaneous monastic practices are equally important; (4) in older literature: on the suggestion of king Bimbisāra, the Buddha also made the rule that the Uposatha meeting must be held twice a month and became the main source of vitality on the Buddhist Saṅgha; (5) public opinion: the Saṅgha being solely dependent on the people for ration and clothing. The Buddha and His disciples were always ready to consider reasonable complaints and suggestions of the public; (6) suggestions of Bhikkhu: Many rules again are an outcome of the suggestions made by the Bhikkhus and Bhikhnis; (7) transgression: the Vinaya laws, which came to be declared on account of the lapses on the part of the inmates of Saṅgha; and (8) tradition.

The nature of Buddhist law depends on two important foundations – firstly, the Buddhist philosophy of the Noble Eight fold path and secondly, the sociological needs and demands necessitated by the differences between the community of monks and laypersons and such other socio-cultural demands made from time to time.
When we examine the teachings of the Buddha, we see that the discipline advocated by the Vinaya represents a very significant application of the Buddha’s Dhamma. Indeed, throughout the Pāli Nikāya, we often find the phrase “this Dhamma and this Vinaya” referring to the fact that the discipline advocated by the Buddha is part and parcel of His teachings. The analysis of the disciplinary code or Buddhist laws cannot be done isolation from the Buddhist doctrine. The word “Dhamma and Vinaya”, the Doctrine and Disciplinary code, occurs always together. There is a huge corpus of the Buddhist jurisprudence from the stand-point of different schools and sects of Buddhism, such as the Pātimokkha of Theravāda School, Pratimoksa of the Lokuttaravāda School, and so on. Thus, the evolution of Buddhist Jurisprudence is still on in a new situation.

For understanding the development of Buddhist law, it can be divided into four stages: first Stage: during the life of the Buddha; second stage: during the first great Buddhist Council; third stage: during the second Buddhist Council and last stage, fourth stage: during the third Buddhist Council at Asoka’s period. Therefore, the development of Buddhist law is dependent on current sociological conditions.

The legal philosophy is the vital element of the Buddhist teachings, which is, in fact, the Buddhist jurisprudence, such as firstly: Aṭṭhaṅgikamagga (the Noble Eightfold Path): the Buddhist Laws flow directly or indirectly from the Buddhist Philosophy of the Middle Path. In fact, the Middle Path or Noble Eightfold Path has to be followed in order to realize the Four Noble Truths; secondly: Cetanā (Intention); The consciousness is the hub of every action. Gotama Buddha exhorts: “Monks, I say that intention is the Kamma”. The consciousness is again related to ethics. The right consciousness leads to right actions and wrong consciousness paves the way for wrong actions. The Buddha further states in the Dhammapada as under: “Avoidance of all evil, gathering of merit, purifying one’s own mind- this is the teaching of the Buddhas;” thirdly: the Brahmavihāra. The Brahmavihāra is the most important teachings of Buddha. It is regarded as the sublime ideal. It is four fold, viz. friendliness, compassion; happiness; and equanimity; and fourthly: the probation, the isolation of the wrong-doer should not result in subjecting him to unnecessary mental and physical torture. The isolation should serve the purpose of educating him, disciplining him to become a new and for protecting other as far as possible from his misdeeds.
The great formal standard reference or the great authority in the Buddhist tradition is called Mahāpadesa. There are four Mahāpadesas each in the Sutta Piṭaka as well as in Vinaya Piṭaka. The Mahāpadesas found in the Vinaya embrace only the disciplines while those, which were in the Mahāparinibbāna Sutta cover both the fields of Dhamma-vinaya (Doctrine and Discipline). Mahāpadesa in the Vinaya Piṭaka are:- Akappiya (Improper); Akappiyānulomiya (Accordance with the improper); Kappiya (Proper); and Kappiyānulomiya (Accordance with proper); and four in the Sutta Piṭaka are:- Buddhāpadesa (the appeal to the Enlightened One as authority; Saṅghāpadesa (the appeal to a community of monks or an Order as authority; Sambahulattherāpadesa (the appeal to a number of elders as authority); and Ekattherāpadesa (the appeal to a single elder as authority).

According to the Vinaya Piṭaka, Pātimokkha means “the beginning, the head (or entrance-Mukha), the foremost (Pamukha) of skilful qualities. It is the collection of the various rules and regulations contained in the Vinaya Piṭaka. These monastic rules are solemnly read twice a month in every monastery, and individual monks are invited to make confessions if they have broken any of the rules read out. Pātimokkha may be described as the criminal code of the monks. Thus, the rules of discipline fist laid down by the Buddha in the Vinaya are called Mūlapaṭṭhāti (the root of regulation). Those which were added on later are known as Sikkhāpadas (the rule of discipline). The monastic disciplines, according to the Pāli Canon, were initially formulated by the Buddha based on the following ten reasons:- “For the good establishment of the Saṅgha, for the comfort of the Saṅgha, for the riddance of obstinate men, for the happy abiding of well-behaved Bhikkhus, for guarding against troubles (Āsava) in this present life, for guarding against trouble which may arise in a future life, for pleasing those not yet pleased, for the increase of those who are pleased, for the establishment of the true Dhamma, and for the benefit of Vinaya.”

The act of transgressing these rules of discipline and thereby incurring a penalty is called Āpatti (Reaching, Committing). There are 227 rules for Bhikkhu, and 311 rules for Bhikkhuṇis which is further divided into eight categories depending on the degree of transgression committed, namely:- Pārājika, Saṅghādisesa; Aniyata; Nissaggiya Pācittiya; Pācittiya; Paṭidesaniya; Sekhiya; and Adhikaraṇasamatha.

Thus, the Pātimokkha in particular and the Vinaya texts in general are the fountain-head of the Buddhist Jurisprudence and are compatible with the present existing laws. The
application of the Buddhist Jurisprudence to modern world in the spheres of social, political, philosophical and religious is fruitful and desirable.

There are four types of Punishment in Buddhist law:

[1]. Adhikarayasamatha: Seven modes of legal procedure are also described in Vinaya Pitaka, by means of which the Saṅgha arrives at decisions or settlements involving a breach of monastic discipline. They are: (1) Sammukhāvinaya: Proceeding in presence; (2) Sativinaya: Proceeding for the consciously innocent; (3) Amulhavinaya: Proceeding in the case of those who are no longer out of their mind; (4) Paṭīñātakaraṇa: Proceeding on confession of guilt; (5) Yabhuyasikā: Proceeding by majority; (6) Tassapāpiyasikā: Proceeding for the obstinate; and (7) Tiṇnavatthārika: Proceeding by covering over with grass.


[3]. Vuṭṭhānavidhi: the method for getting out of Saṅghādisesa offense. They are: (1) Parivāsā: Probation; (2) Mānatta: Penance; (3) Abbhāna: Calling back, Rehabilitation and (4) Paṭikassanā: The act of going back to the beginning of the Āpatti (Offences).

[4]. Miscellaneous of Buddhist Punishments. They are: (1) Pattanikkujjanakamma: Overturning the Bowl; (2) Nāsanākamma: Revocation of the privilege of Samaṇera (Novice); (3) Daṇḍakamma: Punishment imposed on Samaṇera (Novice); and (4) Paṇāma: Dismissal.

Obviously, no corporal punishment of any measure is envisaged in the Vinaya, and Buddhist believes in the rehabilitation of convicts, whom the community is supposed to welcome back for a fresh start following their sentence. Malefactors must fell remorse, confess errors, repair damage, and reform themselves; those offended are obligated to forgive crimes and help sinner improve their destiny. The laws promulgated in the Buddhist tradition focussed on education as the best antidote to social crime and it is enunciated with a particular point of view.

The Buddhist jurisprudence is the knowledge of Buddhist law. It is the fountainhead of modern jurisprudence. In fact, human jurisprudence takes birth from the Buddhist
jurisprudence, which is based on the democratic ideals, republican thoughts, compassion, friendliness, equanimity and pragmatic realism.

The Saṅgha institution was established by the Buddha and is as old as the Buddhism. The original formation of the Saṅgha took place after the first declaration of the first sermon, at the deer park, to the five ascetics, who were previously been companions of the Buddha. The Buddhist Saṅgha seems to be the first Order, which was organized on the ideas of a corporate life and in order to have an efficient administration within the organization, necessitated the positing of many monastic officials, which further requires rules with regard to their election, rights and duties, and so on.

During the life of the Buddha, many disciplinary rules were established. Subsequently, they were made into a code known as the Pātimokkha (Code of Conduct). As a matter of fact, Buddhism accepts the faulty nature of human, and his weaknesses, as evident from the numerous rules of the Pātimokkha, as depicted in the Pāli Vinaya Tipiṭaka. There are six kinds of crimes found mentioned in early Buddhist literatures, of Mūlapaṇṇatti (original enactment), as reflected in the Bhikkhu and the Bhikkhunī Pātimokkhas, based on the Pāli Tipiṭaka, namely: (1) crime against person, which is divided into two types: (1.1) killing offence; (1.2) sexual offence; (2) crime against property; (3) crime committed against the Saṅgha; (4) crime committed against community law; (5) crime committed against religion; and (6) miscellaneous crime.

The classification of crimes are Mūlapaṇṇatti (Original enactment) based on the Pāli Tipiṭaka, have classified only 220 rules of the Bhikkhu Pātimokkha and 304 rules of the Bhikkhunis Pātimokkha, starting from Pārājika to Sekhiya. But the 7 rules of Adhikaraṇasamadhas are excluded; these are the Buddhist method for punishment according to the Buddhist law.

Thus, the results of classification of crimes found in Mūlapaṇṇatti (Original enactment) are reflected in Bhikkhu and Bhikkhunī Pātimokkha.

In Bhikkhu Pātimokkha, the rules applied are: (1) 10 rules are killing offences, 28 rules are sexual offences; 34 rules are crimes against property; 14 rules are crimes committed against the Saṅgha; 4 rules are crimes committed against community law; and 7 rules are crimes committed against religion; and 123 rules are miscellaneous crimes respectively.

In Bhikkhunī Pātimokkha, the rules applied are: (1) 12 rules are killing offences, 29 rules are sexual offences; 59 rules are crimes against property; 21 rules are crimes against
the Saṅgha; 31 rules are crimes against community law; 15 rules are crimes against religion; and 137 rules are miscellaneous crimes respectively.

The Case Study of crimes as depicted in early Buddhist punishment, divides crime into six kinds as seen from the classification above. The details of which are as follows:-

(1). Crimes against person: in Buddhism, there are many cases relating to serious crime. Here, serious crimes against person are divided into two main categories are:-

(1.1). Major cases of killing: for instance, (a) suicides Case of Ven. Channa; (b) Ven. Godhika with the self-murder; and (c) Ven. Aṅgulimāla: A murderer’s case, and so on.

(1.2). Major cases of sexual offence: for instance, (a). Ven. Sudinna Kandalakaputta and Ādhikammika (First Transgressor); (b) Uppalavaṇṇa Theri’s rape case; and (c) false rape accusation of Ven. Dabbamallaputta with Mettīyā Theri, and so on.

(2.) Crimes against Property: for instance, (a) Ven. Dhaniya with the Buddhist case law on theft; (b) rescuing of the kidnapped children by Ven. Pilindavaccha; and (c) Bhikkhu with tax corruption, and so on.

(3). Crimes committed against Saṅgha (Community): for instance, (a) crisis of Kosambi Bhikkhus; (b) Ven. Devadatta with Saṅghabheda (creating schism in the community); and (c) Ven. Ariṭṭha is the enemy of the Sāsana (Buddhist Order), and so on.

(4). Crimes committed against community law: for instance, (a) Vaisāḷī affair and the assembly of 700 Bhikkhus; (b) schisms settled by King Asoka; and (c) Ven. Paṇḍuka and Ven. Lohitaka, who were held guilty of various offences against law, and so on.

(5). Crimes committed against religion: for instance, (a) the case of Vaggamudāṭṭiriya; (b) Ven. Assaji and Ven. Punabbasuka’s Case; and (c) a cheap miracle performed by Ven.Piṇḍola-bhāradvāja, and so on.

(6). Miscellaneous crimes: for instance, (a) Ven. Sudhamma with Citta Gahapadi’s case; (b) Ven. Ānanda’s trial; and (c) Ven. Channa with the Brahmadaṇḍa Act, and so on.

According to the prevailing criminal issues occurring around the world at present, it can be divided into five types, namely: (1) crime against person, such as murder, terrorism; (2) crime against property such as robbery, white-collar crime; (3) sexual offence, such as rape, prostitution; (4) crime against society, such as anti-race or racial discrimination; anti-religion or religious discrimination; and (5) issues of physical can mental heath, such as alcoholism and drug-addiction.
It can be observed that human beings commit crimes because of the three fundamental mental attitudes or Akusalamūla (Unwholesome roots), such as Lobha (Greed), Dosa (Hatred), and Moha (Delusion), which are the origin and root of all controversial criminal problems. Lobha or Rāga, Dosa and Moha are the roots of unwholesome actions. Out of these, Moha (Delusion or Ignorance) is the greatest of all unwholesome roots of actions because; Lobha or Rāga and Dosa are caused by it. If Moha is replaced by Pañña (Wisdom), Lobha or Rāga and Dosa will cease to be or at least will be considerably reduced. It is, thus, the responsibilities of all social institutions to instruct the member of society to have right view, without which Moha (Delusion) enters the daily life preventing the resolve of criminal dilemmas.

As mentioned earlier, all controversial criminal arguments, except anti-race and anti-religion, are incorporated within the five precepts, which is the moral code of conduct code and is the fundamental Buddhist Principle. Other unwholesome attitude like the Papañcadhammas (Diversifications), such as craving, dogma, and conceit, are the root of anti-race and anti-religion. The affect of these elements involves different stages in making an individual to create life of misery and suffering for everyone and it requires to be properly rectified of the onset.

There are three levels of the Buddhist teachings on prevention and resolution of criminal offence, they are:- the primary level: (a) Pañcasīla (the five precepts). The five precepts are the fundamental code of moral conduct that is vital to all the Buddhists and as such it determines the best characteristic of a true Buddhist. To understand, appreciate and follow the five precepts is to find peace of mind, responsible individual, homogenous society and peaceful world without crime; (b) Pañcadhamma (the five enabling virtues). These ennobling virtues or Kalyāṇadhamma serve to ennable those who practice them. They are; loving-kindness and compassion, patience with the right means of livelihood, abstention from sexual offence, truthfulness as well as watchfulness; the secondary level: Kusalakammmapatha (the whole course of actions). It is the way of good, which include ten qualities to be followed and practice for the development of good physical action, verbal action and mental action; and the tertiary level: Aṭṭhaṅgikamagga (the Noble Eightfold Path). It is the Sublime Path of the Holy Life when a person observed this path it leads to Nibbāna. They are:- Right understanding, Right though, Right speech, Right action, Right livelihood, Right effort, Right mindfulness and Right concentration. The inclusion of Sila (Morality), Samādhi (Concentration) and Pañña (Wisdom) in the Eightfold Path makes it the
nexus of Buddhist ethics. In short, Buddhist ethics can be defined as the way of life leading to Nibbāna (Liberation).

There are two conditions for prevention and reformation of criminal offences from the Buddhist perspective, namely; internal conditions, i.e. the Sammādiṭṭhi (Right View) & Sammāsaṅkappa (Right Thought) and the Hiri (Conscience) and Ottappa (Moral Dread) are the main Buddhist principle for prevention of criminal offence and maintenance of social harmony. The five conditions in external conditions for prevention of criminal offences are:- physical disability: everyone should realize the value of a human being and should believe in the potentiality of human for development; family condition, this is the fundamental unit of society, which is the starting point to prevent, solve and eradicate crime; the Majjhimāpaṭipada (Middle Way) and Mattaṅnantā (Moderation) are the Buddhist ways for economical ways to avoid and resolve the criminal tendencies; the Sāṅghavatthu (Foundation of social harmony) such as generosity, amicable-speech, helpful action as well as community participation are the social condition to prevent and solve illegal activities. Political awareness, which emphasis on the citizens and politicians to contribute in bringing about good administration, knowing and abiding by the seven Buddhist principle of Aparihāniyadhamma. This principle of collective responsibility demands the practice of active participation in the government from both the people and politicians alike.

Having studied, the crime and punishment from the Buddhist canonical literature with special reference to the early Buddhism, consequently it can be found that Buddhist law as evident in the early literature also accepted human being weaknesses. Buddhism asserts that because human beings lack adequate understanding of right and wrong. It believes in rehabilitation of convicts, whom the community is supposed to welcome back for a fresh start following their sentence. Malefactors must feel remorse, confess sorrow, repair damage, and reform themselves; the offended are obligated to forgive crimes and help sinner improve their destiny.

Buddhism emphasizes on human effort, and believes in the ability of the human beings. The every human being has the seed of awakening and insight within his or her own mind. A true Buddhist considers it “His responsibility to better himself. If a human being successes in fully bettering himself then he becomes the most excellent and noble of all beings.” As the Buddha said in the Dhammapada that: - “Best among men is the tamed one who endures abuse” Everyone, in this regard, could distribute love and compassion and make efforts to establish an equitable society.
Buddhist jurisprudence focusing on education related to human training, as the best antidote to social crime is enunciated with a practical point of view. In order to attain the highest destination of Buddhist training, the Buddha has drawn a systematic path and suggested His disciples to go along the path, which completely educate and help them in reaching their ultimate goal. The course of Buddhist training is *Ti-sikkhā* (thef threefold training), i.e., (1) *Adhisilasikkhā*: Training in the Higher Morality; (2) *Adhicittasikkhā*: Training in the Higher Mentality; and (3) *Adhipaññasikkhā*: Training in the Higher Wisdom.

It should be emphasized here that there are two aspects of human’s trainings in the Buddhist teachings, which are rationality and scientific approach to human training for reformation of *Aparādha* (Crimes) and to become the *Arahanta* (the worthy one). The two aspects of human’s training are:-

(1). **Physical Training**: the training of the body, to discipline oneself for a proper moral and social conduct and to create a conducive environment to develop a friendly relationship based on social justice, which is the first step for human training in Buddhism.

(2). **Mental Training**: the training of the mind and wisdom considered the best and final stage of human development in Buddhism. Every human being has the seed of awakening and insight within his or her own mind. The trainee in the Buddhist way would be in better stage of happiness and emancipation.

It can be realized that Buddhism never preached an extreme form of *Ahimsā*. Being a practical religion embracing all aspects of life, its approach are always pragmatic, empiricist and humanitarian leading to enlightenment. The Buddhist notion is to prevent people from committing these crimes by training and educating mankind to have the *Sammādiṭṭhi* (Right View) and *Sammāsaṅkappa* (Right Thought) with the help of social institutions. *Hiri* (Conscience) and *Ottappa* (Moral Dread) are the Buddhist principle for prevention of criminal offences and maintenance of social harmony. It would be worthy to note here that the Buddhist perspective and response to these crimes are not of the retributive or retaliatory courses but the based on *Mettā* (Loving Kindness) and *Karunā* (Compassion).

Thus, the essence of the Buddhist Jurisprudence is *Parivāsa* (Probation of Offender). The Buddhist jurisprudence is construed as to reform and rehabilitate the criminal leading him/her to the final blessing, i.e. *Nibbāna*, which is the higher peace, as the Buddha said in the *Dhammapada* that: “There is no happiness higher than peace.”

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