

ICBS 24

THE EFFECTIVENESS OF BUDDHIST JURISPRUDENCE AND PUNISHMENTS (IN ADDITION TO THE ROMAN AND DUTCH LAW IN SRI LANKA)

Ven. K Sankichcha

(Graduate)

Department of Pali and Buddhist Studies

University of Ruhuna

ksankichcha@gmail.com

Law is a great elucidation of the role of a government. The fundamental concepts of law are establishing standards, maintaining order, resolving disputes, and protecting liberty and rights. A government is made up of the power of the people of a particular country because a government should be supportive of the people. Law is common to all and everyone is to be served equally by law enforcers. The purpose of this paper is to identify the democracy of Buddhist jurisprudence and punishments, as well as the equality and specifications of Buddhist punishments. The problem discussed in the paper is to create awareness of what the true purpose of the present law is. Under the qualitative methodology, the canon and commentaries are used. The principle which was needed to follow in promulgating *Vinaya* rules had been maintained meticulously as mentioned in the canon. The law does not exist for the law itself, but for the sake of the people. This is somewhat different in the Roman and Dutch law which is in existence in Sri Lanka. Even baseless obligations can put someone into court and punish. The Supreme Court has the power to put someone into jail even when there is no complete evidence available. Many people have been sentenced to death and life imprisonment without a reason. The system of penalties the Buddha worked out for the rules is based on two principles. The first one is training that aims primarily at the development of the mind. The second principle used in determining penalties is based on the Buddha's observation of *Ven. Ānanda*. The punishments can only be enforced if there are acceptable pieces of evidence, and if the accuser accepts the offense he or she has committed. Discipline is for the sake of restraint. Restraint is for the sake of getting freedom from remorse. Democracy is a depiction of Buddhist jurisprudence and punishments. There is a great attitude in the Buddhist *Vinaya*; the condemned one is also accepted as a worthy person for the company after he is tamed properly.

Keywords: Canon, Discipline, Jurisprudence, Punishment, Restraint