

DEVELOPMENT AND SIGNIFICANCE OF PERMANENT CRIMINAL COURTS IN ROMAN CRIMINAL LAW

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1. Introduction

The study of Roman Criminal Law reveals a sophisticated and systematically organized legal system that laid the groundwork for many contemporary legal frameworks. Roman Criminal Law highlights a well-structured legal system that has significantly influenced the development of modern legal traditions. The establishment of permanent criminal courts (*quaestiones perpetuae*) represented a major development in Roman law, addressing the increasing demand for specialized judicial institutions to manage various offenses.

The specialization of these tribunals not only promoted fairness in judicial processes but also underscored the practical orientation of Roman legal principles. The focused structure of these courts highlighted the Roman emphasis on practical justice while ensuring procedural equity. Key figures such as Cicero and Papinian embodied the intellectual and ethical values central to Roman law. Figures like Cicero and Papinian reflected the moral and intellectual ideals that underpinned Roman jurisprudence. Cicero's legal arguments, evident in notable cases like those of Ligarius and Milo, emphasized the dynamic relationship between legal reasoning and political strategy. In cases such as Ligarius and Milo, Cicero demonstrated the integration of legal expertise with political acumen.

Papinian's unwavering commitment to justice, even at the cost of his life, symbolized the ethical core of Roman legal thought. Papinian's dedication to justice, despite personal risks, exemplified the moral principles at the heart of Roman law. These historical examples highlight the dual role of Roman law as both an instrument of governance and a protector of societal values. Roman law functioned simultaneously as a mechanism for statecraft and a custodian of ethical norms.

The Roman criminal justice system reflected a thoughtful approach to punishment, often favoring exile or fines over capital punishment for Roman citizens. Roman legal practices preferred penalties such as exile or fines for citizens, prioritizing dignity over harsh punitive measures. This preference for leniency highlighted societal values tied to preserving status and

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honor, though it also revealed systemic inequalities, particularly in the treatment of slaves and lower classes. While reflecting societal emphasis on dignity, the Roman legal system exposed significant disparities in its treatment of different social strata. Roman Criminal Law continues to offer an enduring legacy, providing insights into the balance of authority, justice, and the rule of law that remain relevant in contemporary legal systems. The principles of Roman Criminal Law endure as a source of guidance for balancing power, fairness, and justice in modern legal practice.

The advancements in procedural justice, the focus on public accountability, and the integration of moral considerations within Roman law continue to shape modern jurisprudence. Innovations in Roman legal procedures and their emphasis on accountability and ethics remain influential in current legal thought. This historical perspective not only deepens our understanding of Roman society but also contributes to broader discussions on the development of legal systems and their implications for modern justice. Studying Roman Criminal Law enriches both historical understanding and contemporary debates on the evolution of legal frameworks and justice.

2. Aemilius Papinian: A Pillar of Roman Criminal Law

Aemilius Papinian is widely acknowledged as a central figure in the development of Roman criminal law and is regarded as one of the most prominent jurists in the history of Roman legal tradition¹. Revered posthumously, Papinian's substantial contributions secured his lasting recognition as an authoritative figure within Roman jurisprudence². The Law of Citations, enacted in 426 CE, reinforced Papinian's enduring influence by positioning him among the foremost jurists, alongside Paulus, Ulpianus, Modestinus, and Gaius³.

His legal opinions were accorded significant weight in cases involving juridical disputes, demonstrating the exceptional trust placed in his legal acumen. Papinian's writings remained a source of inspiration for legal education, particularly in the Eastern provinces, where third-year law students, often referred to as "Papinianists" studied his works extensively⁴. Papinian's prominence reached its zenith during the Severan dynasty, particularly as he served as a trusted legal advisor to Emperor Septimius Severus. In 205 CE, he succeeded Gaius Fulvius Plautianus

¹ D. Magie, *Historia Augusta*, Volume II, London 1993, 8, np 1.

² E. C. Clark, *The Great Jurists of the World*, in *Journal of the Society of Comparative Legislation*, 4/1 (1902) 19, <https://www.jstor.org/stable/751789>.

³ R. Domingo, *The Roman Jurists and the Legal Science*, (2021) 17, https://www.researchgate.net/publication/318555672_The_Roman_Jurists_and_the_Legal_Science.

⁴ B. P. Szabo, *Papinianus on the Stage: A Martyr of Law or a Modern Model?*, in *Acta Juridica Hungarica*, 53/1 (2012) 8.

as praetorian prefect, a role that included accompanying Emperor Severus on military campaigns in Britain between 208 and 211 CE. However, following the death of Emperor Severus in 211 CE at Eboracum (present-day York, England), Papinian's favor with the imperial court waned under the new emperor, Antoninus Caracalla, ultimately leading to his dismissal from office⁵.

In 212 CE, Papinian was executed on the orders of Emperor Caracalla, following his refusal to fabricate a justification for the assassination of Caracalla's co-regent and younger brother, Geta, in December 211 CE⁶. His renowned response "To accuse an innocent man who has been murdered is to commit a second murder" as documented in *Historia Augusta*⁷, immortalized him as a paragon of justice and ethical integrity⁸.

3. The Secularization and Professionalization of Roman Jurisprudence

Initially, Roman jurists were intimately connected with their roles as priests, illustrating the profoundly religious origins of Roman legal systems. By the third century BCE, however, Roman jurisprudence began transitioning toward a more secular and autonomous form of legal practice, signaling a departure from the predominantly religious framework that had previously characterized legal interpretations. Unlike Greek jurists, who focused extensively on theoretical and philosophical abstractions, Roman legal practitioners emphasized practical and equitable resolutions to individual disputes⁹.

Although philosophical considerations were not entirely excluded, they occupied a secondary position in Roman legal reasoning, which remained firmly rooted in pragmatic and outcome-oriented approaches. A pivotal figure in this transformative period was Tiberius Coruncanius, who, in 254 BCE, became the first plebeian to assume the esteemed office of *pontifex maximus*¹⁰.

Coruncanius introduced a groundbreaking practice of providing public legal consultations, thereby democratizing access to legal knowledge and advancing the professionalization of Roman law. By extending legal expertise to broader segments of Roman society, Coruncanius played a foundational role in fostering a more inclusive and secular legal tradition, which marked a significant evolution in the Roman legal system.

⁵ S. Hornblower/A. Spawforth/E. Eidinow, *The Oxford Classical Dictionary*, Oxford 2012, 21.

⁶ Magie, *Historia* cit., 32-33.

⁷ Hornblower/Spawforth/Eidinow, *Oxford* cit., 21.

⁸ Domingo, *Roman* cit., 17.

⁹ C. Rowe/M. Schofield, *Greek and Roman Political Thought*, Cambridge 2006, 412s; G. Mousourakis, *Comparative Law and Legal Traditions: Historical and Contemporary Perspectives*, Gewerbestrasse 2019, 228.

¹⁰ G. Mousourakis, *A Legal History of Rome*, Routledge 2007, 30.

4. Roman Criminal Proceedings Before Permanent Courts

Prior to the establishment of permanent criminal courts, criminal cases in Rome were adjudicated by a combination of authorities, including the king, magistrates, the Popular Assemblies, and the Senate¹¹. As the principal magistrate, the king held primary responsibility for maintaining public order and ensuring the security of the city, exercising supreme judicial authority in both civil and criminal matters¹².

In practice, the king personally presided over cases involving serious offenses. For example, King Romulus imposed the death penalty on women found guilty of adultery or consuming wine. The administration of criminal justice during this era often adhered to the principle of retaliation (*lex talionis*), which emphasized proportional punishment corresponding to the nature of the offense¹³. While the king adjudicated major crimes, he delegated the resolution of lesser offenses to the Senate, thereby integrating additional governing bodies into the judicial process and reinforcing a collective approach to justice¹⁴.

4.1. Criminal Courts in the Republican Period

During the Republican period, the responsibility for adjudicating criminal cases was distributed among magistrates possessing *imperium* authority, popular assemblies, and the Senate. Among the popular assemblies, the *Comitia Curiata* held a primarily symbolic function. Comprising exclusively patrician members, this early assembly had lost its legislative authority by the Republican era, operating instead in ceremonial and religious capacities. The *Comitia Curiata*'s role in criminal proceedings was minimal, reflecting its significantly reduced influence within the broader framework of governance during this period.

4.1.1. Comitia Centuriata

According to the Twelve Tables (*Leges Duodecim Tabularum*), a fundamental principle of Roman law declared: "Crimes imposing penalties that restrict the life and privileges of Roman citizens could only be judged by the *Comitiatus Maximus*". This provision underscored

¹¹ Ö. Sarıtaş, *Roma Ceza Hukuku'nda Daimi Ceza Mahkemeleri*, Bursa, 2020, 25.

¹² Z. Umur, *Roma Hukuku Lüğatı*, İstanbul 1983, 17.

¹³ H. G. Türkoğlu, *Roma Hukukunda Suç ve Ceza*, Ankara 2017, 177.

¹⁴ Mousourakis, *Legal cit.*, 36.

the necessity of involving the most authoritative deliberative body in decisions that profoundly affected the fundamental rights and lives of Roman citizens¹⁵.

It is widely accepted that the term *Comitiatus Maximus* in this context refers to the *Comitia Centuriata*, an assembly organized by centuries. The *Comitia Centuriata* exercised the highest judicial authority in the Roman Republic, being primarily responsible for adjudicating cases involving capital punishment or the loss of civic privileges. This judicial arrangement ensured that such pivotal decisions were made collectively by the citizenry, represented through the assembly, rather than being entrusted exclusively to the judgment of individual magistrates¹⁶.

4.1.2. Comitia Tributa

When a Roman citizen was fined by a magistrate, the decision could be appealed and subsequently heard before the *Comitia Tributa*, the popular assembly¹⁷. During the appeal, the accused would present their case to the assembly, frequently pleading with the crowd for leniency. As part of this appeal, the accused might employ phrases such as “*Nihil Moror Aliquem*” (I do not detain a person, I let him go) or “*Sempronium Nihil Moror*” (As for me, he may go home, I put a stop to my accusation against him)¹⁸.

These expressions served as rhetorical strategies to demonstrate the accused’s willingness to reconcile and to elicit sympathy from the assembly. If such verbal appeals proved ineffective, the accused would sometimes old, shabby garments instead of their customary fine clothing - a deliberate act intended to arouse pity and compassion from the assembly.

This display of humility was designed to influence the assembly’s decision in favor of the accused. The legal process was characterized by a highly public and procedural approach. The proposed penalty or fine would be announced over three consecutive Sundays, providing the accused with sufficient opportunity to respond. Should the accused fail to appear by the final day of the trial, a herald accompanied by trumpeters would publicly summon them by proclaiming their name around the city’s walls and boundaries¹⁹. If the accused still did not appear, they would be sentenced to exile as a final recourse. This process illustrates the distinct

¹⁵ G. Mousourakis, *Criminal Justice, and the Jury Courts in Late Republican Rome*, in *Hiroshima Law Journal*, (2023) 7.

¹⁶ Id., 7, np 16.

¹⁷ A. Lintott, *The Constitution of the Roman Republic*, Oxford 1999, 50.

¹⁸ P. L. Frederick, *Lexicon of the Latin Language*, Boston 1842, 549, <https://archive.org/details/newcopiouslexico00leueuoft/page/548/mode/2up>.

¹⁹ A. Adam, *Roman Antiquities: or, An account of the Manners and Customs of the Romans*, New-York 1823, 170, <https://archive.org/details/romanantiquities01adam/page/170/mode/2up>.

interplay between Roman legal traditions and the role of public opinion, emphasizing the Republic's commitment to community participation in matters of justice.

5. Types of Permanent Courts According to Offense Types in Authorized Courts

The first permanent criminal court in Rome, the *Quaestio de Repetundis*, was established in 149 BCE to address corruption offenses, particularly those perpetrated by magistrates and provincial officials. This court set a significant precedent by introducing specialized tribunals to adjudicate specific categories of crimes, highlighting the growing complexity of Roman law and its administrative framework.

By the 2nd century BCE, four permanent criminal courts (*quaestiones perpetuae*) had been instituted, namely²⁰: *Quaestio de Maiestate*, *Quaestio de Ambitu*, *Quaestio de Peculatus*, and *Quaestio de Repetundis*.

These tribunals epitomize the Roman Republic's deliberate efforts to establish a systematic and organized approach to criminal justice. Each court was tasked with specializing in a distinct category of offenses, thereby ensuring both fairness and efficiency in judicial proceedings. This specialization not only mirrored the increasing complexity of Roman law but also underscored the Republic's dedication to addressing the multifaceted challenges of governance and maintaining legal order.

5.1. Quaestio de Repetundis

The *Quaestio de Repetundis* was established as a criminal court specifically designed to address the corruption of magistrates who abused their authority, particularly in the provinces. These courts sought to prevent the exploitation of provincial resources while ensuring accountability among state officials.

The initial judicial framework for addressing bribery offenses was provided by the *Lex Calpurnia de Repetundis*, which outlined the legal process for prosecuting individuals accused of such crimes. Convictions under this law resulted in fines and the imposition of *infamia*, a social stigma that permanently damaged the individual's reputation²¹. The *Lex Junia de Pecuniis Repetundis*, enacted in 126 BCE, introduced exile as the penalty for bribery offenses committed in the provinces, reflecting the growing gravity attributed to such crimes²².

²⁰ G. Mousourakis, *The Historical and Institutional Context of Roman Law*, London 2016, 224-225.

²¹ O.F. Robinson, *Penal Practice and Penal Policy in Ancient Rome*, New York, 2007, 80.

²² Saritaş, Roma cit., 51.

Subsequent legislative reforms further refined these measures. The *Lex Acilia Repetundarum*²³ of 123 BCE sought to protect citizens by balancing the scales of justice against the influence of powerful and affluent state officials²⁴. This law simplified procedural complexities, facilitating more efficient and transparent hearings. Later statutes, such as the *Lex Servilia Glaucia de Repetundis*²⁵ (100 BCE) and the *Lex Cornelia de Repetundis*²⁶ (81 BCE), expanded upon these foundational legal principles.

Cicero, a prominent advocate for judicial reform, criticized the provisions of the *Lex Cornelia*, which permitted cases to be contested and heard twice. He contended that this system frequently led to unjust outcomes, contrasting it with the *Lex Acilia*, which restricted trials to a single hearing where accusations, defenses, and evidence were comprehensively addressed²⁷. The progressive development of these laws underscores the Roman Republic's commitment to combating corruption among public officials and safeguarding provincial citizens from exploitation, thereby reinforcing the principle of accountability within its administrative framework.

5.2. Quaestio de Ambitu (Criminal courts judging election freedoms)

Two distinct offenses are associated with election freedoms in Roman law: *crimen sodaliciorum* and *ambitus*²⁸.

5.2.1. Quaestio Perpetua de Sodaliciis

The *Quaestio Perpetua de Sodaliciis* was a permanent criminal court established to adjudicate offenses that restricted or undermined the freedom of individuals to vote in Roman elections²⁹. This offense specifically targeted the formation and participation in communities or associations (*sodalicia*) organized to purchase votes for a candidate, thereby corrupting and manipulating the electoral process.

Such practices were regarded as a significant threat to the integrity of the Roman Republic's political system. To deter these activities, severe penalties were imposed: individuals convicted of participating in these corrupt practices faced lifelong disqualification from holding

²³ Arnold Hugh Martin Jones, *The Criminal Courts of the Roman Republic and Principate*, Rowman and Littlefield Publishers, 1972,

<https://archive.org/details/criminalcourtsof0000jone/page/n5/mode/2up?q=quaestiones+perpetuae>.

²⁴ Saritaş, Roma cit., 52.

²⁵ W. Smith, *A Dictionary of Roman Antiquities*, Volume II, J. London 1891, 542, <https://archive.org/details/adictionarygree01smitgoog/mode/2up>.

²⁶ S. Pal, *The Criminal Reforms of Sulla*, in *Sectio Juridica et Politica*, XXII Miskolc 2004, 125-126, https://matarka.hu/koz/ISSN_0866-6032/tomus_22_2004/ISSN_0866-6032_tomus_22_2004_123-139.pdf.

²⁷ Smith, Dictionary cit., 542, <https://archive.org/details/adictionarygree01smitgoog/mode/2up>.

²⁸ Saritaş, Roma cit., 59.

²⁹ A. Berger, *Encyclopedic Dictionary of Roman Law*, Volume 43, Philadelphia 1953, 555-556, https://archive.org/details/bub_gb_oR0LAAAAIAAJ/mode/2up.

any public office. The establishment of this court highlights the Roman Republic's strong emphasis on maintaining the fairness and independence of electoral processes, reinforcing the principle that public office should be attained through merit rather than coercion or bribery.

5.2.2. *Quaestio Perpetua de Ambitu*

The *Quaestio Perpetua de Ambitu* was a permanent criminal court established to adjudicate offenses related to electoral bribery and manipulation. The term *ambitus* encompassed practices such as bribing voters to secure success in magistrate elections, organizing demonstrations to sway outcomes, and tampering with election results³⁰. This offense sought to hold accountable not only those who accepted bribes but also those who offered or facilitated them, thereby ensuring comprehensive accountability for electoral misconduct³¹.

The regulation of *ambitus* commenced with the *Lex Cornelia Baebia de Ambitu* in 181 BCE, which represented the first legal effort to address bribery in elections. This was succeeded by the *Lex Cornelia Fulvia de Ambitu* in 159 BCE and the *Lex Aurelia de Ambitu* in 70 BCE, both of which refined and expanded the penalties associated with electoral bribery³². In 63 BCE, the *Lex Tullia de Ambitu* introduced more stringent measures, including a prohibition on candidates hosting extravagant feasts or banquets to garner voter support. One of the earliest documented trials under this court involved Marcus Aemilius Scarus, who was accused by his rival Rutilius Rufus of employing bribery to influence election outcomes³³.

While Scarus was acquitted and subsequently elected consul, he later brought similar charges against Rufus, leading to Rufus's conviction. This sequence of events highlights the competitive and often contentious nature of Roman electoral politics³⁴. The *Quaestio Perpetua de Ambitu* exemplifies the Roman Republic's commitment to addressing corruption in electoral processes, reflecting a broader effort to safeguard the integrity of its political system amidst growing public discontent and factional rivalries.

5.3. *Quaestio Perpetua de Vi* (Permanent criminal courts judging offenses against public order, peace, and tranquility)

³⁰ Robinson, Penal cit., 32; Sarıtaş, Roma cit., 60.

³¹ M. Cicero, *Murena Savunması*, İstanbul 2015, 49.

³² Berger, Encyclopedic cit., 221.

³³ Berger, Encyclopedic cit., 553; Türkoğlu, Roma cit., 51.

³⁴ J. H. D'Arms, *Pro Murena 16 and Cicero's Use of Historical Exempla*, in Phoenix, 26/1 (1972) 82, <https://doi.org/10.2307/1087211>.

The *Quaestio Perpetua de Vi* was a permanent criminal court established to adjudicate offenses that disrupted public order, peace, and tranquility in Rome. This court addressed a range of violent crimes, which were categorized under *vis publica* and *vis privata*³⁵.

Vis publica referred to the organization and arming of gangs with the intent to obstruct state functions, thereby posing a significant threat to the stability of the state³⁶. The typical penalty for such offenses was exile. *Vis privata*, in contrast, encompassed violent acts committed against individuals³⁷. Perpetrators of these offenses faced severe punishments, including death or exile.

A notable case under this court's jurisdiction involved Marcus Caelius, who was prosecuted under the *Lex Plautia de Vi* for allegedly inciting social unrest and riots in Naples. The charges against Caelius included an attack on Alexandrians, damage to the property of a man named Palla, an assault on Dio with the intent to murder him for his gold, and a conspiracy to poison and kill a woman named Clodia. The plaintiffs in this case were Sempronius Atratinus, Publius Clodius, and Lucius Balbus³⁸. Despite the seriousness of the allegations, Marcus Caelius was ultimately acquitted of all charges. This case underscores the pivotal role of the *Quaestio Perpetua de Vi* in handling complex incidents that jeopardized both individual safety and societal stability. The dual focus of Roman law, as reflected in this court's operations, emphasized the importance of maintaining public order while simultaneously delivering justice in personal disputes.

5.4. Quaestio de Peculatus (Permanent criminal courts judging embezzlement offenses)

In addressing the widespread issue of bribery, Julius Caesar introduced the *Lex Calpurnia* in 59 BCE. This legislation permitted the initiation of lawsuits against individuals who unlawfully acquired money or goods, even during the course of ongoing trials³⁹. The primary objective of the *Lex Calpurnia* was to deter corruption by enabling immediate legal recourse against those suspected of financial misconduct.

During the reign of Augustus, the *Lex Iulia Peculatus* was enacted, imposing significantly stricter penalties for bribery and embezzlement offenses. Individuals convicted under this law faced severe repercussions, including the loss of senatorial status, disqualification from holding

³⁵ Mousourakis, Legal cit., 78.

³⁶ Mousourakis, Legal cit., 224, np 88.

³⁷ Id.

³⁸ M. Cicero, *Defence Speeches*, Oxford 2008, 122-128.

³⁹ Smith, Dictionary cit., 360; Berger, Encyclopedic cit., 294-295.

public office, and a forfeiture of public respect⁴⁰. Additionally, convicts were rendered legally incompetent as witnesses, a measure that further diminished their standing and credibility within Roman society. These legislative developments illustrate the evolving Roman strategy for combating corruption, demonstrating a clear progression toward stricter enforcement mechanisms and harsher penalties to safeguard the integrity of public institutions.

5.5. *Quaestio Perpetua de Falsis* (Permanent criminal courts judging forgery offenses)

Crimen falsi encompassed offenses involving the deliberate concealment of truth with the intent to harm another, including acts of deceit and falsehood⁴¹. Initially, this offense was confined to cases of will forgery; however, its scope expanded over time to include forgery of documents and currency, underscoring its broader implications for Roman society and its institutions⁴².

The penalties imposed for *crimen falsi* varied significantly based on the social status of the offender. Free individuals typically faced exile outside Italy as punishment. High-status offenders were subjected to both exile and the confiscation of their property. Lower-status individuals were penalized with forced labor, while slaves convicted of *crimen falsi* were executed. A particularly severe penalty was reserved for false witnesses who, as stipulated by the Twelve Tables, were sentenced to be thrown from the Tarpeian Rock⁴³.

5.6. *Quaestio Perpetua de Sicariis et Veneficiis* (Permanent criminal courts judging murder offenses)

The *Quaestio Perpetua de Sicariis et Veneficiis* was a permanent criminal court in Rome assigned to adjudicate cases of murder, with particular emphasis on those involving assassination (*sicarii*) or poisoning (*veneficii*). These offenses were governed by the *Lex Cornelia de Sicariis et Veneficiis*, enacted in 81 BCE, which specifically addressed acts of murder carried out through stealth or the use of toxic substances. However, the law excluded certain acts of killing deemed justifiable under Roman legal and societal norms. Examples included cases where a master killed their slave, a father killed his son, or a killing occurred out of necessity to prevent imminent danger⁴⁴.

⁴⁰ Robinson, Penal cit., 51; W. A. Hunter, Introduction to Roman Law, Fourth Edition, Edinburgh 1887, https://www.google.com.tr/books/edition/Introduction_to_Roman_Law/FxNAAAAAYAAJ?hl=en&gbpv=1&printsec=frontcover

⁴¹ Berger, Encyclopedic cit., 386.

⁴² Türkoğlu, Roma cit., 54.

⁴³ Sarıtaş, Roma cit., 73.

⁴⁴ Mousourakis, Legal cit., 78.

Over time, the concept of *parricidium*⁴⁵ expanded as a general term for murder, encompassing not only the killing of close relatives but also any act of homicide. *Parricidium* was regarded as one of the most egregious crimes and carried the ultimate penalty of death. According to the Twelve Tables, Rome's earliest codified legal framework, the prescribed punishment for intentional murder was execution, reflecting the severity with which such offenses were treated in Roman society⁴⁶.

5.7. Quaestio Perpetua de Annona

The *Quaestio Perpetua de Annona* was a permanent criminal court in Rome tasked with adjudicating offenses related to grain, a resource essential for the city's survival and stability⁴⁷. Crimes falling under this court's jurisdiction included the artificial inflation of grain prices for personal gain, obstruction of grain transportation into the city, and the creation of conditions that caused a rise in grain prices within the urban area⁴⁸.

Such offenses were treated with utmost seriousness, as they directly affected the food supply and had the potential to incite public unrest. By addressing crimes related to grain, this court sought to ensure the fair distribution of this critical resource, protect the economic stability of the city, and prevent its manipulation for personal or political advantage.

5.8. Quaestio Perpetua de Iniuriis (Permanent criminal courts judging offenses against individuals)

The *Quaestio Perpetua de Iniuriis* was a permanent criminal court in Rome tasked with adjudicating offenses committed against individuals, particularly those involving assault and battery. These offenses, collectively categorized under *iniuria*, encompassed acts of physical harm, insults, and other violations of an individual's personal rights or dignity⁴⁹.

This court served a pivotal function in resolving conflicts among citizens by adjudicating acts of personal harm within the framework of Roman law, thereby discouraging private retaliation. By establishing a permanent tribunal for such cases, the Roman legal system aimed to uphold the principles of justice and public order while ensuring legal recourse for individuals affected by violent or offensive actions.

⁴⁵ Berger, Encyclopedic cit., 229.

⁴⁶ An example of a trial conducted in the Permanent Court with the Lex Cornelia de Sicariis is the trial of Sextus Roscius. In the case opened in 80 BC, the defendant was tried for the murder of his father, Sextus Roscius. Cicero was the defense attorney and the defendant was acquitted at the end of the trial (Cicero, Defence cit., 3).

⁴⁷ W. L. Burdick, *The Principles of Roman Law and Their Relation to Modern Law*, 1938, 684.

⁴⁸ Mousourakis, Historical cit., 309.

⁴⁹ Mousourakis, Historical cit., 228.

5.9. *Quaestio Perpetua de Adulteriis* (Permanent criminal court judging adultery offenses)

The *Quaestio Perpetua de Adulteriis* was a permanent criminal court in ancient Rome established to adjudicate offenses against public morals⁵⁰. This court handled cases involving *adulterium*, adultery committed by a married woman⁵¹, *stuprum*, the crime of engaging in sexual relations with high-status widows or virgins⁵², and *incestum*, offenses related to incest⁵³.

Prior to the enactment of the *Lex Iulia de Adulteriis*, adultery was largely considered a family matter. A husband who caught his wife committing adultery had the right, under specific circumstances, to kill both her and her lover. The woman would then be subject to trial in a family court, where the husband could initiate divorce proceedings and claim a portion of her *dos* (dowry). The introduction of the *Lex Iulia de Adulteriis* marked a significant shift by transferring the authority to adjudicate such cases from familial oversight to the state, thereby elevating adultery to the status of a public crime.

The *Lex Iulia de Adulteriis* imposed harsh penalties for those convicted of adultery. A man found guilty faced exile and the confiscation of half of his property. A woman convicted of adultery was exiled to a separate island, prohibited from marrying a free Roman citizen following divorce and subjected to the confiscation of one-third of her property and half of her *dos*⁵⁴. This transition from family-based adjudication to state jurisdiction reflects a broader evolution in Roman law, emphasizing the importance of public morality and the regulation of personal conduct as a matter of state interest.

5.10. *Quaestio Perpetua de Plagiariis* (Permanent criminal court judging human trafficking offenses)

The *Quaestio Perpetua de Plagiariis* was a permanent criminal court in Rome established to address and adjudicate cases of human trafficking. Its primary purpose was to punish the

⁵⁰ During the reign of Augustus, the family's influence proved insufficient to prevent the moral decline of society. In this period, it was also deemed inappropriate for a husband to enforce justice on his own. Thus, a husband lost the right to kill his wife caught in adultery. However, under certain conditions—such as catching his wife in the act, proving it with the testimony of neighbors, and acting within 12 hours—he was granted the right to kill her accomplice. Furthermore, the husband was expected to immediately divorce his wife and file a case in court. The courts, in such instances, ruled for the confiscation of the offenders' assets and their exile to different islands (D. Tamer, *Augustus Çağında Cinsel Suçlar: Lex Iulia de Adulteriis Coercendis*, İstanbul 2007, 137s).

⁵¹ M. A. Deminion, *Staging Morality: Studies in the Lex Iulia de Adulteriis of 18 BCE*, Victoria 2007, 2, <https://dspace.library.uvic.ca/server/api/core/bitstreams/2f2d0200-6cfa-409d-86e8-cfc7ecb7efad/content>.

⁵² Berger, *Encyclopedic cit.*, 390.

⁵³ *Id.*, 168.

⁵⁴ Tamer, *Augustus cit.*, 221.

crime of trading free individuals as though they were enslaved, involving their illegal buying and selling⁵⁵.

This court reflected the Roman commitment to protecting the legal status of free citizens, as the act of treating a free person as property was considered a severe violation of social and legal norms. By establishing a dedicated tribunal for such offenses, the Roman legal system underscored the gravity of crimes involving the exploitation and unlawful commodification of individuals.

6. Roman Courts and the Legal Process

In Rome, criminal cases were adjudicated in courts⁵⁶ known as *quaestiones perpetuae*, which were established as permanent tribunals for specific categories of offenses⁵⁷. Unlike modern legal systems, Rome lacked a public prosecution office to initiate cases on behalf of the state. Instead, accusations were brought forward by private individuals⁵⁸. The trial process began with a preliminary hearing when both parties appeared before the praetor.

Following the preliminary hearing, the jury was allocated a ten-day period to prepare for the main trial, which was conducted in their presence. The proceedings were open to all citizens, reflecting the transparent nature of Roman legal practices and their emphasis on public accountability.

The legal profession in Rome operated under distinct constraints and incentives. For example, the *Cincia law* prohibited charging fees for legal representation, making advocacy a pursuit motivated primarily by political recognition and career advancement⁵⁹. A successful defense in court frequently served as a stepping stone in a lawyer's public career, enhancing their prominence within Roman society.

During the trial, the defense was allowed six hours to present its arguments. Nevertheless, certain practices highlighted the harsh realities of Roman legal procedures. For instance, torture was sometimes employed to obtain statements or evidence; however, only slaves could be subjected to such treatment⁶⁰. Torture to extract testimony about a master was explicitly prohibited, reflecting the social hierarchy and its influence on legal practices. This framework of legal procedures illustrates the intricate balance between formal judicial processes, societal

⁵⁵ Burdick, Principles cit., 684.

⁵⁶ A.H.J. Greenidge, *The Legal Procedure of Cicero's Time*, London 1901, 454, <https://archive.org/details/legalprocedureof00greeuoft/page/n7/mode/2up>.

⁵⁷ Berger, Encyclopedic cit., 334.

⁵⁸ M. T. Cicero, *Milo Savunması: Quintus Asconius Pedianus'un Yorumlarıyla*, İstanbul 2016, 22.

⁵⁹ Cicero, Milo cit., 25.

⁶⁰ Id., 30.

values, and the often-brutal methods of evidence gathering characteristic of Roman criminal trials.

7. Decision

In Roman courts, the ultimate determination of a defendant's guilt or innocence was entrusted to the jury members⁶¹. The size of the jury varied according to the nature of the case. For crimes such as embezzlement or misconduct that undermined the dignity of the Roman people, a panel of seventy-five jurors was convened. In cases involving public disorder or acts of violence, the jury was composed of fifty members⁶².

The presiding judge did not participate in the voting process but held a critical role in supervising the trial and ensuring adherence to procedural requirements. Once the jury reached a decision, the judge formally announced the verdict, exemplifying the collaborative yet hierarchical framework of Roman legal proceedings. This structure emphasized the importance of collective judgment in Roman trials, ensuring that decisions were not made unilaterally but instead reflected the deliberation of a diverse assembly of jurors.

8. Penalties

In Roman law, long-term imprisonment was not a punitive measure applied to free Roman citizens⁶³. Instead, penalties predominantly involved fines or exile, reflecting a legal preference for sanctions that preserved social and economic stability. For offenses such as embezzlement and extortion, offenders were typically required to pay fines or restore the property they had unlawfully acquired.

The most severe punishment in Roman law was the death penalty⁶⁴. However, for Roman citizens convicted of murder, the death penalty was rarely carried out. By the late Republic, the direct enforcement of capital punishment had largely been abolished. Instead, defendants were often permitted to enter voluntary exile before their guilt was definitively determined. This practice allowed individuals to avoid immediate execution, with the understanding that returning to Rome would result in punitive consequences. This evolution in the application of

⁶¹ J. R. King, *The Philippic Orations of M. Tullius Cicero*, Oxford 1878, 106, https://www.google.com.tr/books/edition/The_Fourteen_Philippic_Orations/vO06AAAACAAJ?hl=en&gbpv=1&pg=PP7&printsec=frontcover.

⁶² Cicero, Milo cit., 32.

⁶³ Id., 33.

⁶⁴ Id., 34.

penalties illustrates the complexities inherent in Roman criminal law and highlights the significant distinctions it made between free citizens and other segments of society.

9. Cicero's *Deprecatio*: A Plea for Mercy in an Extraordinary Trial

The trial of Quintus Ligarius in 46 BCE serves as a striking example of the intersection between Roman law and politics during Julius Caesar's reign⁶⁵. Caesar, as the victorious *imperator* and dictator, wielded absolute authority and acted as the sole judge (*iudex*) in the case. Quintus Aelius Tubero served as the prosecutor (*accusator*), while Marcus Tullius Cicero, renowned as one of Rome's greatest orators, defended Ligarius (*reus*), who faced charges of *perduellio* - hostility against the homeland or its ruler⁶⁶.

The accusations against Ligarius originated from his involvement in Africa during the Civil War⁶⁷. Cicero's defense employed the rare legal strategy of *deprecatio*, a plea that acknowledged guilt while appealing for the judge's mercy⁶⁸. Cicero openly conceded that Ligarius had deliberately committed the act for which he was accused, being present in Africa during the conflict⁶⁹. However, he argued that Ligarius's actions were driven by circumstances beyond his control and lacked malicious intent.

Cicero emphasized that Ligarius had recognized his mistakes and was deserving of forgiveness. The choice of *deprecatio* was directly influenced by Caesar's unique dual authority as both judge and dictator, granting him the sole power to extend clemency. Having himself been pardoned by Caesar following the Civil War, Cicero recognized the strategic suitability of this plea and crafted his argument to appeal to Caesar's magnanimity, portraying Ligarius as a figure worthy of compassion rather than punishment.

Cicero's speech exemplifies the intricate balance between legal rhetoric and political considerations. By employing a method deemed unconventional for traditional court proceedings, Cicero tailored his defense to the exceptional context of Caesar's dual role, ultimately appealing to his capacity for clemency⁷⁰.

9.1. Defense of Ligarius

⁶⁵ M. T. Cicero, *Ligarius Savunması*, İstanbul 2021, 11.

⁶⁶ Cicero, Ligarius cit., 12.

⁶⁷ S. G. Kalaycıoğulları, *Cicero'nun Pro Ligario Adli Söylevinde Deprecatio*, in *Archivum Anatolicum*, 15/2 (2021) 360.

⁶⁸ W. C. McDermott, *In Ligarianam*, in *Transactions and Proceedings of the American Philological Association*, 101 (1970) 325, <https://www.jstor.org/stable/2936056>.

⁶⁹ Id., 317.

⁷⁰ Cicero, Ligarius cit., 20.

Cicero's defense of Ligarius marked his first public speech in the forum following the Civil War between Caesar and Pompey, a conflict that signaled the end of the Roman Republic. The case was presided over by Caesar, who had emerged as the victor of the war and now wielded unparalleled military and political authority in Rome.

In his defense, Cicero openly acknowledged Ligarius's guilt and appealed to Caesar for clemency. This speech represents a rare example of *deprecatio*, a rhetorical strategy in which the defendant's guilt is admitted, but a plea is made for mercy. Cicero's argument emphasized not only the personal circumstances of Ligarius but also Caesar's magnanimity as a leader.

The broader context of this case lay in the deep societal divisions caused by the Civil War. Pompey championed the *optimates*, the conservative senatorial elite, while Caesar led the *populares*, advocating for the common people. The conflict escalated in January 49 BCE when Caesar crossed the Rubicon River with his army, igniting the war. Caesar's eventual victory decisively defeated Pompey, consolidating his control over Rome. During this turbulent period, Ligarius was captured but spared by Caesar, though exiled and prohibited from returning to Italy⁷¹.

Cicero, who initially sought to mediate between Caesar and Pompey, ultimately aligned with Pompey once the Civil War began. After Caesar's triumph, Cicero returned to Italy under Caesar's pardon. Caesar reportedly agreed to hear the case of Ligarius not with the intention of granting clemency but to appreciate Cicero's rhetorical prowess⁷². However, Cicero's eloquence and persuasion during the trial led Caesar to reverse his stance and pardon Ligarius⁷³. Despite receiving Caesar's pardon, Ligarius harbored lingering resentment toward him⁷⁴. In 44 BCE, during Caesar's assassination, Ligarius, bedridden due to illness, was summoned by Brutus. Brutus remarked, "Ah Ligarius, it is indeed the time to be ill" to which Ligarius replied, "No, Brutus, if you have a worthy cause, then I am well" subsequently joining the conspiracy that culminated in Caesar's death⁷⁵.

10. Legal Process in the Milo Case

Milo was prosecuted under the *Licinia law* on charges of conspiring against Clodius, bribery, and forming a gang⁷⁶. The trial process was meticulously structured: during the three

⁷¹ Id., 2.

⁷² Cicero, Ligarius cit., 9.

⁷³ McDermott, Ligarianam cit., 324-325.

⁷⁴ D. F. Epstein, *Caesar's Personal Enemies on the Ides of March*, in Latomus, (1987) 567, <https://www.jstor.org/stable/41540686>.

⁷⁵ <https://myshakespeare.com/julius-caesar/act-4-scene-2>.

⁷⁶ Cicero, Milo cit., 36.

days preceding the trial, witnesses were heard, and on the fourth day, ballots were distributed. The plaintiff was allocated two hours to present their case, while the defendant had three hours to deliver their defense. The verdict was required to be rendered on the same day⁷⁷. Prior to the verdict, both the plaintiff and the defendant were permitted to reject five jurors each, leaving the final decision to a panel of 51 jurors⁷⁸.

The prosecution alleged that Milo had orchestrated a trap to kill Clodius. Cicero, serving as Milo's defender, refuted this claim and argued that it was Clodius who had set a trap for Milo⁷⁹. Despite Cicero's efforts, Milo was convicted of Clodius's murder by a jury vote of 38 to 13. The jury determined that Clodius had initially been wounded without Milo's knowledge but was subsequently killed on Milo's orders within a house where Clodius had sought refuge⁸⁰. Over the following two days, Milo was also found guilty of bribery and forming a gang, leading to his exile in Massilia.

After the trial, Cicero sent Milo the speech he had initially planned to deliver in court. Milo humorously responded, "Thank goodness you didn't say those words in court. Because if you had made such a defense, I wouldn't be enjoying such fine mullet fish here in Massilia⁸¹". Cicero's defense strategy was meticulously constructed. Although he acknowledged that Clodius had been killed during the conflict involving Milo and his men, Cicero avoided framing his argument around broader state interests. Instead, Cicero argued that, while an individual could be punished for the benefit of the state, once deceased, that individual was considered innocent. Cicero's defense focused on portraying Clodius as the primary instigator of the conflict, asserting that he had set a trap for Milo⁸². This case underscores the complexities of Roman legal proceedings and highlights Cicero's rhetorical expertise in navigating the politically and socially charged atmosphere of the Republic.

11. Defense of Caelius

Following the trial, Marcus Caelius aligned himself with prominent figures in Roman politics, reflecting his sustained involvement in the volatile political dynamics of the late

⁷⁷ Id., 37.

⁷⁸ According to reports, Marcellus and Milo requested protection to ensure the trial proceeded calmly. In response, Pompeius arrived at the forum with armed guards. Clodius's supporters were too intimidated to cause trouble during the two days of witness testimony. On the final day of the trial, April 8, all shops in the city were closed, and everyone came to watch the proceedings (Cicero, Milo cit., 38).

⁷⁹ <https://www.attalus.org/latin/asconius2.html>.

⁸⁰ R. L. Enos, *The Literate Mode of Cicero's Legal Rhetoric*, Carbondale 1988, 90-91, <https://archive.org/details/literatemodeofci0000enos/page/n5/mode/2up?q=massilia>.

⁸¹ Enos, *Literate cit.*, 90.

⁸² Cicero, Milo cit., 43.

Republic⁸³. He traveled to Africa to join Pompey, who had been appointed as the provincial governor, serving as his aide and thereby reinforcing his political connections.

Caelius also played a pivotal role in the aftermath of the notorious trial concerning the death of Clodius. He supported Milo during the trial that followed Clodius's death, which occurred amidst a heated confrontation between the two men. After Clodius was killed by Milo's men, Clodius's supporters dramatically brought his lifeless body to the Senate building and set it on fire, an act intended to provoke public outrage against Milo⁸⁴.

Despite his overt alignment with Caesar, Caelius maintained secret communications with Milo, who was secretly preparing to lead an uprising in support of Pompey. This dual loyalty underscores the intricate and precarious nature of political alliances during this tumultuous period of Roman history⁸⁵.

11.1. The Charges Against Caelius and the Role of Cicero

The trial of Marcus Caelius in 56 BCE represents a pivotal moment in Roman legal history, notable not only for its public spectacle but also for the prominent figures involved⁸⁶. The case featured Sempronius Atratinus as the plaintiff (*accusator*), with Clodius serving as one of his representatives (*subscriptores*). On the defense, Marcus Tullius Cicero, the renowned orator, acted as Caelius's (*reus*) *patronus*. The trial was conducted in a public forum, with the prosecution presenting its case first, followed by the defense.

Marcus Caelius faced five formal charges, including accusations related to unrest in Naples (*De seditonibus Neapolitanis*), disturbances involving Alexandrians in Puteoli (*De Alexandrinorum Pulsatione Puteolana*), misappropriation of property (*De bonis Pallae*), and crimes against Dio (*De Dione*)⁸⁷. In addition, the charge *De Veneno in Clodium Parato* accused Caelius of conspiring to poison Clodia.

A central allegation was that Caelius had designed Dio's murder by bribing slaves⁸⁸. This accusation was further complicated by claims that Caelius procured poison intended for Clodia. Allegedly, upon discovering the poisoning scheme, Clodia claimed that Caelius conspired with slaves to orchestrate her murder to conceal the matter. Reports suggest that Clodia uncovered this scheme, adding an additional layer of intrigue to an already sensational trial. This complex

⁸³ S. G. Kalaycıoğulları, *Marcus Tullius Cicero: Caelius Savunması*, İstanbul 2021, 2.

⁸⁴ Cicero, Milo cit., 19.

⁸⁵ Kalaycıoğulları, Caelius cit., 11.

⁸⁶ Id., 13.

⁸⁷ Id., 14.

⁸⁸ Id., 16.

case, characterized by personal vendettas and highly charged accusations, provided a platform for Cicero to demonstrate his rhetorical mastery. Cicero sought to dismantle the charges against Caelius, framing them as exaggerated and baseless, while highlighting the political and personal motivations driving the accusations⁸⁹.

11.2. Structure of the Defense:

Cicero, widely celebrated for his rhetorical brilliance, meticulously crafted his defense strategy to captivate the judges' attention and secure their favor. His approach emphasized concise yet compelling arguments, ensuring that the judges remained engaged throughout the proceedings. In his defense, Cicero focused on the central issue of the case: the defendant's prior romantic involvement with a woman. He argued that his client's sole failing was succumbing to his emotions and entering into a relationship with this woman. Cicero further asserted that the accusations and allegations against his client were rooted in the woman's pain and emotional distress stemming from the end of their relationship. By reframing the case as one driven by misplaced affections rather than criminal intent, Cicero sought to undermine the credibility of the charges and redirect the narrative in favor of his client⁹⁰.

11.3. The Rivalry Between Milo and Clodius

Cicero, regarded as one of Rome's most accomplished orators and lawyers, served as the defender of Milo, who faced charges for the murder of Clodius. This case was inextricably linked to the flexible political and social dynamics of the Roman Republic, as the hate between Milo and Clodius had been intensifying for years, driven by personal rivalries and conflicting political agendas.

The origins of their conflict can be traced to Clodius's infamous scandal involving Julius Caesar's wife, Pompeia. Widespread rumors alleged that Clodius had pursued an affair with Pompeia and desecrated sacred ceremonies in the process. Although Clodius maintained that he was absent from Rome on the day of the incident, Cicero testified against him, asserting that Clodius had been in the city and had even visited Cicero's house to seek advice. Despite Cicero's testimony, Clodius was acquitted, narrowly escaping conviction with a vote of 31 to 25.

The rivalry between Milo and Clodius escalated further after Milo actively sought to undermine Clodius's influence. Milo arrested Clodius's gladiators to prevent them from

⁸⁹ Id.

⁹⁰ Id., 17.

interfering with Cicero's return from exile. When legal methods proved insufficient, Milo resorted to forming his own gang of gladiators to confront Clodius's forces. These violent clashes between their factions became symbolic of the broader political chaos characterizing the late Republic.

The feud culminated in Clodius's death. His body was placed at the entrance of his house and displayed to the public amidst the anguished laments of his wife. This dramatic display intensified public outrage against Milo, further polarizing Roman society and leaving an indelible impact on the political and social landscape of the city.

14. The Italian Penal Codes and Their Stance on Capital Punishment

Cesare Beccaria, in his seminal work *On Crimes and Punishments* (1764), argued that the death penalty does not effectively prevent crime⁹¹. His ideas sparked significant debates and influenced many legal systems of his time, particularly those in Europe. One prominent example is the 1889 Italian Penal Code, also known as the Zanardelli Penal Code, named after the Minister of Justice. This progressive code notably excluded the death penalty, signaling a shift towards more humane approaches in criminal law. Similarly, the Tuscan Penal Code took a firm stance against the death penalty, reinforcing the growing opposition to capital punishment during this period⁹².

Despite adopting the Zanardelli Code as a model, the Old Turkish Penal Code (Law No: 765) deviated in one key aspect, it retained the death penalty. This divergence reflects the complex interplay between foreign influences and local legal traditions in shaping Turkish criminal law. The influence of Italian legal codes in Turkey continued with the 1930 Italian Penal Code, commonly referred to as the Rocco Code. Unlike its predecessor, the Rocco Code reinstated the death penalty, and this provision was directly incorporated into the Old Turkish Criminal Code, particularly in Articles 125 and subsequent provisions⁹³. However, the Italian Penal Code underwent significant revisions in 1945, culminating in the abolition of the death penalty, signaling another shift in the approach to criminal justice.

The debate over the death penalty was not confined to legal codes but extended to intellectual and political circles in Turkey. In 1926, a heated discussion emerged over its necessity and morality. While Mahmut Esat Bozkurt supported its retention, arguing for its deterrent effect, Feridun Fikri Düşünsel opposed it, advocating for a more progressive stance

⁹¹ C. Beccaria, *Suçlar ve Cezalar Hakkında*, İstanbul 2024, 142.

⁹² M. E. Artuk/A. Gökçen, *Ceza Hukuku Genel Hükümler*, Ankara 2023, 86,139.

⁹³ Id., 142.

in line with evolving global perspectives. These debates illustrate the enduring tension between traditional punitive measures and the broader movement towards criminal justice reform⁹⁴.

15. Conclusion

Questiones Perpetuae refer to the permanent criminal courts established to adjudicate criminal cases during the late Republican period. The creation of these permanent criminal courts was a direct response to the growing prevalence of illegal actions by magistrates serving as provincial governors, an issue that had become increasingly problematic. The establishment of *Questiones Perpetuae* marked a significant shift, relegating the trials previously conducted by the popular assemblies and the Senate to a secondary role.

The harsh governance practices of provincial governors left the public with no continuous court to address their grievances, forcing them to appeal directly to the Senate. The first legislative framework for *Questiones Perpetuae* was the *Lex Calpurnia*, enacted in 149 BCE, which established the first permanent criminal court. These courts were named after the specific crimes they frequently addressed, with corresponding penalties prescribed for the convicted. The transition to permanent courts was significantly influenced by the legal reforms introduced by Sulla between 82 BCE and 79 BCE.

During the periods of Caesar and Augustus, the scope and jurisdiction of *Questiones Perpetuae* were further expanded, allowing these courts to handle a broader range of cases. Many of Cicero's notable legal defenses were conducted within this framework. A foundational principle governing these courts was articulated as “*Crimen sine accusatore, sententia sine consilio damnatio sine defensione*,” meaning “no accusation without a prosecutor, no judgment without counsel, no conviction without defense”. This principle underscored the importance of procedural fairness and due process within the operations of *Questiones Perpetuae*.

⁹⁴ M. Korkmaz, *Mahmut Esat Bozkurt'un Anayasacılık Perspektifi*, in ÇÜHFD, 5/1 Ankara (2020) 2136.

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ABSTRACT

The study of Roman Criminal Law highlights a sophisticated legal system that laid the foundation for modern legal frameworks, particularly through the establishment of permanent criminal courts (*quaestiones perpetuae*) to address governance specialized offenses. These courts, categorized by crime types such as corruption (*quaestio de repetundis*), electoral bribery (*quaestio de ambitu*), and murder (*quaestio de sicariis et veneficiis*), reflected Rome's commitment to equitable justice and pragmatic jurisprudence. Figures like Cicero and Papinian illustrate the intellectual and ethical dimensions of Roman law, with Cicero's legal bridging law and politics and Papinian's unwavering dedication to justice symbolizing its moral foundation. The approach to justice balanced public order with individual rights, reinforcing accountability and procedural fairness. Roman Criminal Law remains an enduring legacy, shaping contemporary legal practices through its emphasis on the rule of law, public accountability, and moral considerations, while providing insight into the evolution of legal thought and its implications for modern justice systems.

Keywords: Criminal courts, Cicero, Deprecatio, Quaestiones perpetuae, Roman Law