

The Road to Abolition of Death Penalty in China: With the Perspective of the Ninth Amendment

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Abstract : This paper supplies some possible approaches of the death penalty reform in China basic on the analyzing the reformation conducted by the Ninth Amendment. There now are 46 crimes punishable by death, and this penalty still plays a significant role in the criminal punishment structure. In order to abolish entirely the death penalty in Penal Code, the legislature of China should gradually abolish the death penalty for the nonviolent crimes and then for the nonlethal violent crimes and finally for the lethal violent crimes. In the case where the death penalty has not yet been abolished completely, increasing the applicable conditions of suspension of execution of death penalty and reducing the scope of applicable objects (elderly defendant and other kinds of special objects) of death penalty would be an effective road to control and limit the use of death penalty in judicial practice.

Keywords : death penalty, the eighth amendment, the ninth amendment, suspension of execution of death, immediate execution of death, China

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