

On the Alternative Sanctions to Capital Punishment in China

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Abstract : There can be little doubt that our world is inexorably moving towards being execution-free. However, China is still on the way until now, in other words, China is still a retentionist state in the term of capital punishment but it is developing domestic criminal law toward that goal (eventual abolition of the capital punishment). The alternative sanction to capital punishment, which would be imposed on a criminal who should have been sentenced to death by law, is a substitute for execution and it should be provided with the basis of the present criminal punishment structure and with the premise of abolishing capital punishment or limiting its use. The aim of this paper, therefore, is to explore a substitute for capital punishment in China. For the criminal sanction system in China, the death penalty with suspension, naturally, is an execution, so it wouldn't be the substitute; life sentences without parole is out of the tune with punishment policy that promoting correction and rehabilitation; life-imprisonment, which is one of the most severe punishment measure in the sanction system, should be a suitable substitute for executing but it needs to be improved, including the term of imprisonment, the commutation and parole conditions.

Keywords : alternative sanctions, capital punishment, life imprisonment, life imprisonment without parole, China

Conference Title : ICCPL 2017 : International Conference on Capital Punishment and Life

Conference Location : Venice, Italy

Conference Dates : April 13-14, 2017