1.0. INTRODUCTION

Every human being has an essential dignity that must be respected; this is a fundamental tenet of human rights thought. The primary human right, from which all others spring, is respect for one's dignity. Is the death penalty worthwhile? This is a key query that comes to mind. The fundamental variance is generated by the perception of what is good and what is bad. The central tenet of virtue ethics is to treat people as you would like to be treated. There are several philosophical understandings of punishment, including types of punishment like the death penalty, though. But when it comes to punishment, even the most heinous deeds could sometimes be acceptable. There is no one method of punishment, yet both proponents and critics of the numerous ideas of punishment concur on one point. In determining the appropriate penalty, it is important to evaluate the crime that was committed and the reasons that led to it, the offender's traits, and moral standards.

Retribution, deterrence, and rehabilitation might be argued to be the three fundamental ideas of punishment. The ideas of deterrence and rehabilitation are prospective, but the doctrine of retribution is retrospective. The deterrence strategy involves punishing a person to stop the offense from happening again. The purpose of the rehabilitation strategy is to assist criminals in adjusting to society and preparing to once again be productive citizens. It is also concerned with the future. The theory of retribution focuses on the past and seeks to hold people accountable for their unlawful behavior. Even if this notion does have a deterrent impact, it is more likely to be the exception than the rule. The ethical theories of consequentialism and deontology are analogous to the theories of punishment.

Humans develop their unique personalities through their independent decisions and deeds. They are self-directed in that their decisions and actions are internal. They are linked to others outside of themselves as well. This includes their social environment, which frames their personality and informs their decisions and behavior. When the death penalty is seen as a form of retaliation, it serves no useful purpose and only encourages more violence that is supported by tradition and sadism. Retributivism is the idea behind this. The attractiveness of retributive justice as a theory of punishment rests in part on immediate intuitive support, in part on the assertion that it offers a more comprehensive explanation of when punishment is appropriate than competing theories, and in part on justifications that connect it to deeper moral principles.
As a result, justice ought to be grounded in the law and moral principles rather than instinct and feelings. However, this divides the retributivists into two schools of thought: When the death penalty is seen as a form of retaliation, it serves no useful purpose and only encourages more violence that is supported by tradition and sadism. Retributivism is the idea behind this. The attractiveness of retributive justice as a theory of punishment rests in part on immediate intuitive support, in part on the assertion that it offers a more comprehensive explanation of when punishment is appropriate than competing theories, and in part on justifications that connect it to deeper moral principles. This “retributivism”, involves both positive and negative claims. According to the positive desert thesis, wrongdoers ought to be punished for their immoral deeds. A deontic claim that is contrary to this positive desert claim is added. As to negative retributivism, only things are true in a way that is akin to the negative aspect of retributivism. It holds that wrongdoers renounce their right to receive a punishment that is proportionate to their crime, but that the justification for punishment must highlight some additional benefits, like deterrence or incapacitation. As a result, justice ought to be grounded in the law and moral principles rather than instinct and feelings.

Furthermore, the "retributive approach" justifies punishment based on both the deeds and the person's mental state at the time of the deed. However, other academics contend that people's actions frequently depend on their environment. Some believed the death penalty plays foul on the human rights creed of the "Right to Life." For it brings to existence "What is meant to obey human dignity? These qualities, in turn, transmit the moral right to live one's life by one's knowledge of oneself, use of reason, ability to make decisions, and consideration of the presence and corresponding rights of other people. Treating another person as a human with the right to live as a human is a fundamental act of respect. It is true that throughout a person's life, his capacities for
self-awareness, cognitive ability, insight, ability to see people as they are, and ability to see himself in others, which is frequently encapsulated in the concept of empathy, change.

This article observes that the issue with how criminalists approach people who commit crimes is that they are influenced by the aspects of the crimes rather than taking character evaluation into account. As a case study for the death penalty in this research project, Thomas More's precedent will be used. The reasons why the death penalty is still used in several countries, including China, Saudi Arabia, and North Korea, as well as how these practices undermine the morality of the law, will be covered in detail in the sub-cases.

2.1 ST THOMAS MOORE ALLEGATIONS

Based on a false treason charge, Thomas More was put to death. He was unable to ratify the Act of Supremacy, a significant piece of legislation that establishes King Henry VIII as the head of the Church of England because he was a devoted Catholic. Sir Thomas was steadfastly devoted to his king but was unable to recognize him as the head of the Church. It was this obstinate refusal to embrace the new political system that finally proved to be Sir Thomas' downfall. While some academics praised him, others thought he was cruel in punishment, evasive in argument, lusty for power, and repressive in politics; that he betrayed Christianity by leading it into court politics with such violence, and that he betrayed politics by ceding it to the defense of Catholicism with such meekness.

However, while contrasting the two schools of thinking, one must be tempted to console him by pointing him that he died for his religious convictions, more specifically for his belief in the real rights of the Church and the papal throne. More's testimony to a truly common good jurisprudence at a time when such jurisprudence was being attacked by positivistic assertions of absolute sovereignty makes him particularly relevant now. In an era when new theories about the nature of law and justice in political institutions predominated, More's life and legal profession serve as an example of the wise pursuit of old conceptions of virtue and justice. But why would someone's assertion of superiority—if not committed in proper treason—become a sign of their execution?

Instead, a lot of "monsters" have equally solid exteriors, like one who commits cold-blooded murder. A simple examination of the facts should be enough to get rid of them. There is no room for hope that they will ever change or repent given the seriousness or scope of their crimes. There
is just one option left: get rid of them. All they need to do is be stopped from doing it again. Discussion about the death penalty is appropriate only on this frontier. In all other instances, the justifications for the death penalty cannot withstand the abolitionists’ critiques. However, the state is left to place a bet in exceptional circumstances. Those who believe that a chance should only be given to the vilest of mankind and those who believe that change is illusory cannot be reconciled by any fact or argument.

2.1. THE CHINA CASE

In China, the death sentence is an acceptable punishment. It is a legitimate punishment for other transgressions and is frequently used for murder and drug trafficking. Fatal injection or fatal injection by firearm are both used for executions. As the government continues to put thousands of individuals to death every year, China's terrible application of the death sentence is still one of the country's darkest secrets. The issue in China goes beyond the high number of executions, the broad variety of offenses that can result in the capital penalty, the withholding of information, and the absence of protection for the human rights of those who will be put to death. The main cause is the Chinese criminal justice system's institutional and structural flaws. There is no impartial judiciary in China. The Party Committee and the administration have control over the judiciary. The "Political and Legal Committee" of the Communist Party oversees having direct supervision over the procuratorates, courts, and judicial administration divisions. They also influence the judge's judgment.

Consequently, the unusual phenomenon that "the police have more say than the judge" exists in criminal justice. Murder cases need to be solved, and due to the lack of democratic accountability, the separation of powers, and other laws, a significant number of people have been unfairly, mistakenly, and wrongfully convicted. Additionally, there are flaws in the system for evaluating evidence, institutional torture, limitations on the obligations and privileges of criminal defense lawyers, widespread judicial corruption, etc., all of which have contributed to the persistence of wrongful convictions, including in capital cases. However, it is challenging to reverse these injustices.

The criminal offenses eligible for the death penalty and references are as follows:

1. Betrayal of the Country (Article 102)
2. Armed rebellion, and rioting (Article 104)

3. Collaborating with the enemy and betrayal (Article 108)

4. Spying or espionage (Article 110)

5. Stealing, spying, buying, and illegally providing state secrets and intelligence abroad (Article 111)

6. Providing material support to the enemy (Article 112)

7. Arson (Article 115)

8. Flooding (Article 115)

9. Explosion (Article 115)

10. Spreading hazardous substances (Article 115)

11. Endangering public safety in dangerous ways (Article 115)

12. Destruction of vehicles (Article 119)

13. Destruction of transportation facilities (Article 119)

14. Destruction of electrical equipment (Article 119)

15. Destruction of flammable and explosive equipment (Article 119)

16. Hijacking aircraft (Article 121)

17. Illegal manufacturing, trading, transporting, mailing, and storing guns, ammunition, and explosives (Article 125)

18. Theft, snatching of guns, ammunition, explosives, and dangerous substances (Article 127)

19. Robbery of guns, ammunition, explosives, and dangerous substances (Article 127)

20. Production and sale of counterfeited drugs (Article 141)

21. Intentional homicide (Article 232)

22. Intentional injury (Article 234)
23. Rape (Article 236)
24. Kidnapping (Article 239)
25. Trafficking in women and children (Article 240)
26. Robbery (Article 263)
27. Riot prison escape (Article 317)
28. Gathering Crowds to raid a prison with weapons (Article 317)
29. Smuggling, selling, transporting, and manufacturing drugs (Article 347)
30. Destruction of weapons and equipment, military installations, and military communications (Article 369)
31. Deliberately providing unqualified weapons and equipment, military facilities (Article 370)
32. Bribery (Article 382, 383)
33. Defying orders in wartime (Article 421)
34. Concealing and lying about military affairs (Article 422)
35. Refusal and false transmission of military orders (Article 422)
36. Surrender (Article 423)
37. Escape in wartime (Article 424)
38. Soldier defection (Article 430)
39. Stealing, spying, buying, and illegally providing military secrets abroad (Article 431)
40. Theft and snatching of weapons, equipment, and military materials (Article 438)
41. Illegal sale and transfer of weapons and equipment (Article 439)
42. Mutilating and plundering residents during wartime (Article 446)

The death sentence is still widely used, the legal system is growing more partisan, and China's legal system is progressing significantly. The execution of Uyghurs and other ethnic minorities for
compromising national security as well as extrajudicial executions, of which the outside world is even less aware, have resulted in an even more horrifying genocide in Xinjiang.

2.2. NORTH KOREA CASE

Although it is challenging to quantify the number of public killings carried out in North Korea, the fact that nearly all of the North Koreans Amnesty International has spoken to had witnessed public executions and all of them were aware of public executions seems to indicate that there were at least some public executions, show that public executions were frequently carried out. However, some North Koreans said that public executions had either stopped or happened very infrequently recently in their city. In North Korea, public executions have been announced in a variety of ways. Most frequently, it appears to have been accomplished by notices that are displayed on buildings, billboards, and at the location of execution. One North Korean said that workplaces also had posters up. These posters often list the offender's name, date of birth, the school he graduated from, the crime he committed, and the time and location of the execution.

Other announcement techniques have occasionally been employed. One North Korean claimed to have heard about an execution at his place of employment and that it had also been broadcast on the radio. An investigation of the use of the death penalty during Kim Jong-un's administration found evidence of torture, cruel executions, and body desecration. Since Kim Jong-un took office following the sudden death of his father in December 2011, there have been over 100 public executions documented. Numerous witnesses said that the accused were subjected to horrible cruelties and barbaric torture before their death. According to witnesses, pupils were methodically transported to public trials at Heyesan, where teachers kept attendance to guarantee maximum participation. Watching or sharing South Korean videos, drug-related offenses, prostitution, human trafficking, and indecent conduct are all crimes in North Korea that carry the death penalty.

2.3. SAUDI-ARABIA CASE

Executions are typically carried out by being shot or by a firing squad, although they can also be done via hanging and beheading with a sword. Executions take place in public in Saudi Arabia. Confessions are the main basis for sentencing. According to Human Rights Watch, most people are subjected to torture to extract confessions, and courts have not looked into this. According to a 2018 report by the European Saudi Organization for Human Rights (ESOHR), almost 70% more
beheadings occurred in the kingdom during the first quarter of 2018 than they did during the corresponding period in 2017.

Around nine in the morning is the customary time for a public beheading. A courtyard close to the courthouse is where the condemned prisoner is led before kneeling in front of the executioner. Following the announcement of the person's offenses by a police officer, the beheading occurs. The condemned person's head is severed from his or her body at the neck using a blade known as a sultan. The process is finished when a police official repeats the crimes committed by the beheaded offender after a medical examiner has examined the body and declared the convict dead. As many as ten persons have been beheaded in one day by skilled executioners.

Three types of criminal offenses are permitted under Sharia law, and the Saudi judiciary may inflict the death penalty in any of these cases:

- **Hudud**: Fixed penalties for offenses. Apostasy, adultery, and sodomy are Hudud crimes that are punishable by death, albeit the burden of proof is heavy and usually predicated on confession. Adultery and sodomy are both punished by being stoned. The practice of stoning has not occurred in Saudi Arabia recently.

- **Qisas**: Eye-for-an-eye reprisal punishments are known as qisas. Murder is a crime under the qisas. Families of the deceased have the option of requesting the death penalty or granted clemency in exchange for the offender paying diyya, or "blood money," to the family. The amount of blood money demanded can be very high: According to a recent source, $11 million is required as compensation.

- **Tazir**: A broad category that includes offenses that fall under the purview of national laws, some of which carry the death penalty, such as drug trafficking.

A conviction requires one of three types of evidence:

- A voluntary confession.
- Two male witnesses' testimony can lead to a conviction. This does not apply to "hudud crimes", in which case a confession is also necessary.
- It is possible to need an oath-based affirmation or denial.
In a religious nation like Saudi Arabia, taking an oath is treated very seriously, and refusing to do so will be interpreted as admitting guilt and result in a conviction. Political demonstrators have been sentenced to death via capital punishment. During Arab Spring protests in the Eastern Province in 2012, Dawoud al-Marhoon and Ali al-Nimr, both 17 years old, were detained. They were tortured into confessing, and in 2014 and 2015, they were both given death sentences by beheading. Dissidents are not tolerated in Saudi Arabia, and they may face punishment. Jamal Khashoggi, a Saudi-American journalist, was murdered unlawfully by Saudi Arabia in 2018. A gang of Saudi assassins arrived in Turkey as he entered a Saudi consulate there. He was never able to leave the consulate.

**PROSPECTS**

We need to spread happiness and joy because the universe is sad and we need to serve justice because our situation is unjust. Similarly, we cannot execute others since we have been handed the death penalty. Killings are carried out in the name of society while officials and journalists deliberately conceal the genuine horrors of executions from the public. Therefore, rather than benefiting the populace, the death penalty "is evidently no less unpleasant than the crime. However, if people were just made aware of the horrifying mechanism behind this state-authorized murder, "then suddenly awakened public imagination will disavow both the word and penalty. Furthermore, executions may provoke a type of interest or indignation that can inspire other crimes rather than serve as an impetus for offenders to commit more crimes. Therefore, it is necessary to create regulations that allow people to purge themselves without suffering unendingly.

In conclusion, it may be said that a murder is a murder, regardless of who does it—a private citizen or the government. It is never justified in any way. The reality that there is no humane manner to kill a human is forgotten by those who support this inhuman crime. Those who support the death sentence, even in extremely rare circumstances, are ignoring the adage that "an eye for an eye makes the world blind."