



## Legal and social consequences of the use of death penalty in China and Iran: A comparative analysis

**Yerzhan Bimoldanov\***

Deputy Head  
Almaty Academy of MIA of the RK named after M. Yesbulatov  
050060, 29 Utepova Str., Almaty, Kazakhstan  
<https://orcid.org/0009-0005-5247-1087>

**Abstract.** The aim of this article was to conduct a comparative assessment of the impact of the use of death penalty in China and Iran on the legal system and social sphere. The study used a special legal method to analyse the normative consolidation of the death penalty, a comparative legal analysis to compare the institutional models of China and Iran, and a case study method to identify social selectivity and its impact on public perception of criminal justice. It has been established that in China, the death penalty was legally enshrined as a type of criminal punishment and was applied exclusively for “extremely serious crimes,” the list of which was specified in the Special Part, in particular, intentional crimes against life, crimes against state security, generally dangerous acts, and certain corruption crimes on an especially large scale. It has been found that the Chinese model was specific in that it has two forms of death penalty (immediate execution and a two-year reprieve), as well as mandatory centralised review of all death sentences by the Supreme People’s Court of the People’s Republic of China, which limits the discretion of lower courts. It has been established that in Iran, the criterion of the seriousness of the crime was not formulated through a single category, but was determined by the offence’s classification under the qisas, hadd or tazir regimes, which results in different legal grounds and mechanisms for the implementation of the death penalty. An analysis of judicial review materials for 2022-2023 showed a systematic change of death sentences to death with a two-year reprieve or life imprisonment, which indicates the real impact of centralised control on the restriction of judicial discretion. In Iran, on the contrary, a decentralised and regime-fragmented institutional model has been identified, in which final decisions on the execution of the death penalty were made by different courts depending on the regime of responsibility (qisas, hadd, tazir) without a single national review mechanism. It has been found that the centralised review of death sentences in China increases the legitimacy of justice, but does not eliminate the social selectivity of the application of this sanction. It was concluded that in both states, the death penalty was being transformed from an instrument of justice to a mechanism of social control. The results obtained can be used to develop more transparent standards of judicial control and to formulate criminal policy aimed at reducing social selectivity

**Keywords:** criminal punishment; extremely serious crimes; life imprisonment; regime of responsibility; trust in justice

### Introduction

The use of the death penalty continues to remain a component of criminal law policy in a number of states, including China and Iran, which necessitates scholarly analysis of its legal and social consequences. The relevance of this study was determined by the combination of two circumstances: the retention of the death penalty as an instrument of state coercion and the active development of international

human rights standards aimed at restricting or abolishing this form of punishment. In such conditions, there arises a need to determine how the death penalty affects the legal system, judicial practice, and social processes in states with different legal traditions and models of governance.

In academic discourse, the issue of the death penalty was mainly considered through the prism of normative

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\*Corresponding author



admissibility, comparative criminal law and social justice, but the social consequences of its application remain fragmentarily understood. A study by M.F. Anwar (2024), devoted to a comparative analysis of the preservation of the death penalty in China and Pakistan, showed that the legal arguments in favour of this sanction were based on political and ideological factors rather than empirically proven effectiveness. The author concluded that the death penalty in these legal systems functions as an instrument of state sovereignty, while its impact on trust in justice and perceptions of social equality was ignored. The moral and legal dimensions of the death penalty were explored in the work of D. Choong En Jie *et al.* (2023), which finds that even in legal systems where the death penalty was formally recognised as permissible, its legitimacy remains conditional and dependent on the perception of procedural fairness. The authors show that public acceptance of the death penalty declines when there were doubts about the equality of the parties and the transparency of the judicial process. The problem of selectivity in the application of the death penalty was explored in a systematic review by A.T. Cobb *et al.* (2024), which found a correlation between the racial, age and gender characteristics of defendants and the likelihood of receiving a death sentence. The researchers concluded that the death penalty reproduces structural social inequalities, undermining the principle of equality before the law. The Iranian model of criminal justice was analysed in a study by D. Dyke & H. Enayat (2025), which shows that the use of the death penalty was closely linked to the ideological nature of the judiciary and personalised decision-making practices. The authors prove that death sentences were used not only as a legal remedy but also as an instrument of political security. The political dimension of the use of the death penalty in Iran was revealed in the work of B. Egan (2023), which found that foreign citizens were disproportionately often the subject of death sentences in cases related to security narratives. The author showed that the death penalty in such cases performs a symbolic function of state control.

A separate area of research was devoted to the influence of the individual characteristics of defendants on the imposition of the death penalty. S.J. Fogel *et al.* (2024) found that taking into account adverse childhood experiences reduces the likelihood of imposing the death penalty on young offenders. The results indicate that humanising factors may mitigate the severity of the sanction; however, their influence was fragmentary and depends on the court's willingness to integrate socio-psychological arguments into legal evaluation. A subsequent study by M.D. Smith *et al.* (2025) showed that, in practice, judicial decisions in death penalty cases were formed not only with regard to formally recognised mitigating or aggravating circumstances. The authors proved that even factors that were not enshrined in law or were officially rejected during the trial actually influence the final choice of punishment. This result highlights the structural unpredictability and selectivity of the application of the

death penalty, which directly affects its perception as an instrument of fair justice.

The social perception of capital punishment in China has been analysed by J.Z. Liu (2021), who demonstrated that support for this sanction was higher among political and administrative elites than among the general population. This indicates a persistent gap between official criminal policy discourse and public sentiment. Research by T. Smith & D. Pascoe (2022) has shown that the institution of suspended death penalty transforms it into a form of conditional social control. The authors found that postponing the execution of a sentence reduces the level of international criticism while maintaining the disciplinary effect of the sanction.

An analysis of contemporary studies on the death penalty reveals several underdeveloped topics, including the impact of this sanction on social structures, institutional processes, and mechanisms for building public trust in justice. The field of research was limited in its comparative scope, as the interaction between democratic and authoritarian regimes has been studied unevenly, and empirical data was mainly focused on Western countries. Individual and contextual factors influencing the imposition of the death penalty were also insufficiently researched. The problem lies in the limited comparative assessment of death penalty practices in China and Iran, especially with regard to their impact on the principles of legality, legal certainty, trust in the judicial system, and social stability. The aim of this article was to assess the legal and social consequences of the use of the death penalty in China and Iran based on a comparative analysis of the legal framework, judicial practice and social effects. To achieve this aim, the article addresses the following objectives: analyse the legal foundations of the death penalty in China and Iran; to examine the practices of imposing and carrying out death sentences; and to evaluate the social consequences of the death penalty and conduct their comparative analysis.

## Materials and Methods

The study of the legal and social consequences of the use of the death penalty in China and Iran covered the period from 2007 to 2025, due to key institutional changes in the mechanisms for imposing and reviewing death sentences. The choice of the initial time frame was related to the fact that in 2007, the Supreme Peoples Court of the People's Republic of China (SPC PRC) (n.d.) restored its exclusive jurisdiction to confirm or overturn death sentences, which fundamentally transformed the model of judicial control and the practice of applying this sanction. The geographical boundaries of the study were defined as the People's Republic of China and the Islamic Republic of Iran, which was justified by the preservation of the death penalty in both states, combined with fundamentally different institutional models for its imposition and review. The choice of these countries was determined by the possibility of conducting a comparative analysis of centralised (China) and fragmented (Iran) systems of judicial review, as well as identifying

differences in the social consequences of the application of the death penalty.

A special legal method was used to analyse the normative consolidation of the death penalty in the criminal legislation of China and Iran, as well as to identify the legal constructs that determine the grounds, conditions and limits of its application. The materials used to implement this method were the Criminal Law of the People's Republic of China (2020) and the Islamic Penal Code (2013), the provisions of which were analysed in conjunction with the relevant norms of criminal procedure law and official judicial interpretations.

Comparative legal analysis was used to systematically compare the key elements of the legal regulation of the death penalty in China and Iran. Within the first analytical block, the comparison was made on the basis of substantive parameters that determine the grounds for the application of the death penalty, including methods of legal specification of the category of seriousness of offences, the scope and nature of social relations protected by the possibility of imposing the death penalty, as well as techniques for the normative formalisation of its exceptionality. The second block was devoted to comparing institutional and procedural mechanisms and covered models of control over the imposition of death sentences, the competence of courts of various instances, the role of the highest judicial authorities, and the nature of appellate review. The norms of the analytical materials from The Dui Hua Foundation (2023; 2024) on the correction of death sentences in 2022-2023 served as materials for analysing China's institutional model. To assess the scale and conditions of the use of the death penalty in China, summary data and human rights assessments by Amnesty International (2024) were also used.

The comparative analysis of Iran's institutional architecture was based on the provisions of the Islamic Penal Code (2013), which define the composition of criminal offences and the limits of the application of the death penalty. Certain aspects of the practice of imposing and carrying out death sentences were clarified on the basis of materials from the annual reports of Iran Human Rights & ECPM (2023; 2024). General conclusions regarding the fragmentary and variable application of this sanction were specified taking into account the special reports of the United Nations Human Rights Council (2024).

The case study method was used to analyse individual court decisions illustrating the practice of applying the death penalty to socially and politically vulnerable groups of the population, as well as to identify the mechanisms of social selectivity of this sanction. Cases were selected based on the following criteria: the availability of confirmed information regarding the imposition or execution of the death penalty; the availability of official or independently verified materials regarding the course of the case, the trial and the subsequent review of the sentence; the representativeness of the case for identifying characteristic features of judicial practice, rather than isolated exceptional events. The application of this method was aimed at clarifying how

specific judicial practices influence public perceptions of the fairness of criminal justice and transform the death penalty from a formally neutral sanction into an instrument of social control.

The results of the study were limited by the availability of open statistical data on the use of the death penalty in China and Iran, which made it impossible to fully quantify the extent of its use. In addition, the comparative analysis covered only two countries, which allowed for an in-depth study of their institutional and social differences, but did not envisage the universalisation of the conclusions for all legal systems in which the death penalty was retained.

## Results

### Legal basis for the application of the death penalty in China and Iran

The normative regulation of the death penalty in China and Iran operates within different models of criminal law, which leads to distinct approaches to defining its legal status and mechanisms of application. In China, the death penalty was directly established in the Criminal Law of the People's Republic of China (2020) as one of the forms of criminal punishment. The legislator includes it in the general list of sanctions alongside life imprisonment and fixed-term imprisonment, which indicates its institutional integration into the system of criminal penalties rather than its existence outside it. A distinctive feature of the Chinese model was the existence of two forms of death sentence: immediate execution and the death penalty with a two-year reprieve. The suspended death sentence has independent normative regulation and provides for the possibility of automatic commutation to life imprisonment or fixed-term imprisonment if no new serious offences were committed during the reprieve period. This structure creates an intermediate level of sanctions between the death penalty and life imprisonment and at the same time performs the function of reducing the number of actual executions. In the academic literature, this mechanism was regarded as a way of combining the severity of criminal repression with the manageability of its application (Xiong *et al.*, 2022; Bessler, 2022). At the same time, the Special Part of the Criminal Law of the People's Republic of China (2020) provides that the death penalty was applied only for "extremely serious crimes," thereby normatively limiting the scope of its admissibility. The concept of "extremely serious crimes" was not defined through a universal definition but was specified through a list of offences whose sanctions allow for the death penalty. This category includes intentional crimes against life and physical integrity, such as intentional homicide, causing death under aggravating circumstances, and certain forms of violent offences if they result in death or mass casualties. In such cases, the criterion of "extreme seriousness" was linked to the irreversibility of the consequences and the level of harm caused. A separate group consists of crimes against state security and the constitutional order, including acts against sovereignty, territorial integrity, and state authority. In these offences, "extreme

seriousness” was determined not by individual harm to specific persons but by the potential or actual impact on the stability of the state system and the functioning of the political order. The category of extremely serious crimes also includes certain offences of general danger, such as terrorist acts, explosions, arson, or other actions that create a mass threat to life and public safety. In this context, the decisive factor was not only the actual result but also the scale of potential harm, which corresponds to the preventive logic of criminal legislation. Within the category of extremely serious crimes, economic offences were also singled out, for which Chinese criminal law formally provides the possibility of the death penalty while limiting its application through special conditions. This primarily concerns corruption offences committed on an especially large scale or under legally defined aggravating circumstances. In such cases, the criterion of “extreme seriousness” was linked to the scale of harm to state interests and the functioning of the public administration system, rather than to the presence of physical violence against a person.

An additional structural element of the legal status of the death penalty in China was centralised judicial review over its application. All death sentences were subject to mandatory review by the Supreme People’s Court of the People’s Republic of China, which creates a separate institutional level for verifying the legality and justification of this form of punishment. This mechanism unifies the practice of applying the death penalty at the national level and reduces the variability of decisions by lower courts, limiting their discretion in matters of legal qualification and sentencing. As a result, the death penalty in the Chinese legal system retains the status of a primary form of criminal punishment; however, its application was simultaneously constrained by a combination of substantive criteria concerning the severity of the offence and procedural mechanisms of multi-level judicial review. It was precisely this combination of normative narrowing of the range of eligible offences and centralised institutional oversight that forms the specific model of the “managed exceptionalism” of the death penalty in China, distinguishing it from approaches established in other legal systems.

In contrast to the Chinese model, where the criterion of “extreme seriousness” was formed through a normatively defined set of offences, in Iran the legal assessment of the seriousness of an act that allows for the death penalty was based on the classification of the offence within one of

the basic regimes of criminal liability established in the Islamic Penal Code (2013). The Code does not employ a single universal category of “especially” or “extremely” serious crimes; instead, it differentiates legal consequences through the systems of qisas, hadd, and ta’zir, each of which establishes its own grounds, conditions, and limits for the application of the death penalty. Within the qisas regime, the criterion of seriousness was linked to an intentional encroachment on life, which was regarded as a legally sufficient basis for the most severe legal consequence. In this case, the death penalty functions not as a sanction within a general scale of punishments, but as a normatively defined outcome of intentional homicide. At the same time, the implementation mechanism of qisas was structurally combined with legal possibilities for suspending the execution of the death sentence, particularly through forgiveness by the victim’s family or substitution with financial compensation (diya). This alters the procedural trajectory of the case but does not eliminate the initial legal assessment of the act as reaching the highest level of seriousness. The hadd regime constructs the criterion of seriousness differently, as it provides fixed punishments directly prescribed in the Code for a defined range of offences. In this context, the death penalty was applied to acts that the legislator classifies as having heightened normative significance for the protection of religious-legal and public order. Seriousness here was determined not by an individualised assessment of harm, but by the very fact that the act belongs to the hudud category, for which the Code prescribes a death outcome if the evidentiary requirements were met. Within the ta’zir regime, the criterion of seriousness takes on a criminal-policy character, as it concerns acts for which punishment was determined by the legislator within the scope of state discretion. It was precisely in this category that a significant proportion of death sentences was concentrated, particularly for drug-related offences and other acts defined by the legislator as posing a threat to public security or social order. In such cases, severity was linked neither to an attack on a specific life nor to a fixed religious-legal sanction, but was justified by the scale of the threat as defined at the level of criminal policy. A synthesis of these differences makes it possible to systematically compare the approaches of China and Iran to defining the “seriousness” of offences for which the death penalty was permitted, according to key parameters (Table 1).

**Table 1.** Comparison of the criteria for determining the “seriousness” of crimes permitting the application of the death penalty in China and Iran

Comparison parameter	China	Iran
Method of legal specification of seriousness	“Extreme seriousness” was specified through the list of offence types in the Special Part of the Criminal Law, the sanctions of which expressly permit the imposition of the death penalty. The criterion of seriousness was materialised at the level of the legislative qualification of specific offence types.	“Seriousness” was primarily encoded through the classification of the offence under one of the regimes of criminal liability (qisas, hadd, ta’zir). Specific offence types have a derivative significance within the relevant regime.

Continued Table 1

Comparison parameter	China	Iran
Protected legal interest determining the applicability of the death penalty	The criterion of seriousness was formed through the combination of several blocks: intentional offences against life; generally dangerous acts threatening public safety; crimes against state security; and certain economic offences, where they cause significant harm to state interests or public administration.	The threshold of seriousness was differentiated by regimes: qisas – intentional deprivation of life; hadd – acts with fixed consequences defined by the code; ta'zir – acts recognised by the legislator as creating a substantial threat to public order or security, including drug offences.
Model of the “exceptional” nature of the death penalty as a legal technique	The exceptional nature was structured through the normative formula “only for extremely serious crimes”, combined with the institution of a two-year reprieve from execution and the mandatory centralised review of death sentences by the Supreme People’s Court of the People’s Republic of China, which reduces variability in practice.	There was no single universal formula of exceptionalism. Different regimes (qisas, hadd, ta'zir) have autonomous grounds for the application of the death penalty, distinct procedural trajectories, and different mechanisms influencing the execution of the sentence, which complicates the unification of the substantive criterion of seriousness.
Offence types whose sanctions permit the death penalty	Intentional murder; terrorist activity; arson, explosion, or other generally dangerous acts causing grave consequences; rape under aggravating circumstances; large-scale drug trafficking; corruption offences involving “especially serious consequences”; treason.	Intentional murder; rape; armed robbery; spreading corruption; repeated alcohol consumption; large-scale drug trafficking.

**Source:** compiled by the author based on Islamic Penal Code (2013), Criminal Law of the People’s Republic of China (2020)

The comparative analysis demonstrated that the criteria for determining the “seriousness” of crimes permitting the application of the death penalty in China and Iran were formed on different normative and institutional foundations. In the Chinese model, the seriousness of the offence was determined by a legally defined range of offence types, with the subsequent restriction of the death penalty by substantive and procedural filters, including centralised judicial control. In the Iranian model, seriousness was differentiated depending on the legal regime of liability, which results in multiple grounds, procedural trajectories, and mechanisms for implementing the death sentence. These differences were not only doctrinal but also practical in significance, as they directly affect the scale, selectivity, and public perception of the application of the death penalty. This necessitates further analysis of the social consequences and actual practices of applying the death penalty in both states, which will make it possible to assess how different legal constructions were transformed into specific social effects.

**Practices of imposing and carrying out the death penalty: institutional and procedural aspects**

The institutional architecture of the bodies involved in imposing the death penalty in China was structured according to the principle of strict centralised judicial control, which structurally distinguishes it from most legal systems in which the death penalty was retained. Criminal cases in which the death penalty may potentially be imposed were heard by intermediate people’s courts or higher people’s courts, but their competence was limited to issuing the initial sentence without a final decision on the execution of the death penalty. Thus, courts of first instance effectively perform the function of primary case selection but were not the final authority in sanctioning a death sentence. The key element of the institutional model was the mandatory review of all death sentences by the Supreme People’s Court of the People’s Republic of China (n.d.), which, after 2007, restored its exclusive competence to confirm or overturn

such sentences. This review was not merely formal and includes a repeated assessment of the evidentiary basis, the correctness of the legal qualification of the act, compliance of the sentence with the criterion of “extreme seriousness”, and the proportionality of applying the death penalty.

Empirical data confirm the practical significance of this centralised level of control. In particular, an analysis of judicial review materials published in 2022-2023 indicates systematic correction of death sentences at the level of the SPC PRC, including the commutation of the death penalty to death with a two-year reprieve or life imprisonment. Such decisions were recorded in independent analytical studies, including reports by the non-governmental organisation The Dui Hua Foundation (2024), which monitors the activity of the SPC PRC as the sole institutional centre for sanctioning death sentences. Additionally, according to Amnesty International (2024), China continues to remain the state with the largest number of executions in the world, although official statistics were not disclosed and the actual number of executions was only estimated. It was in this context that the institutional role of the SPC PRC becomes crucial, as centralised review was regarded as the primary mechanism for restraining and unifying the practice of applying the death penalty under conditions of limited transparency.

Centralised review transforms the boundaries of judicial discretion. Lower-level judges formally retain the authority to establish the factual circumstances and choose the type of punishment, but their decisions are, a priori, oriented towards the expected position of the SPC PRC. As a result, discretion acquires an indirect character and operates within established standards formed at the level of the higher judicial instance, which reduces regional variability and contributes to the formation of a unified practice of applying the death penalty. The participation of other state bodies, in particular the prosecution, in the Chinese model has an auxiliary and supervisory character and does not influence the final decision on the execution of the death

sentence. Thus, China's institutional model concentrates decisive competence within the judicial system itself, minimising extrajudicial channels of influence on the outcome.

The institutional architecture of death penalty in Iran has a different logic and was characterised by the fragmentation of judicial powers. Criminal cases in which the death penalty may be imposed were heard by different courts depending on the nature of the offence and the legal regime of liability enshrined in the Islamic Penal Code (2013). Revolutionary courts, general criminal courts and specialised judicial bodies have autonomous jurisdiction to impose death sentences within their respective categories of cases, which creates a multiplicity of institutional trajectories for the imposition of this type of punishment. Unlike the Chinese model, Iran does not have a single centralised judicial body that would carry out mandatory review of all death sentences according to uniform standards. Appeals and cassation reviews were carried out depending on the legal regime of the case (qisas, hadd or ta'zir), which results in varying degrees of control and different procedural routes. This institutional heterogeneity was confirmed by the materials of special reports by Iran Human Rights & ECPM (2023; 2024), which note that death sentences in Iran can become final at different levels of the judiciary without

a single mechanism for centralised unification of practice.

Empirical court cases analysed in the reports of the United Nations (UN) Special Rapporteur on Human Rights in Iran (United Nations Human Rights Council, 2024) show that under the ta'zir regime, particularly in cases involving drug-related crimes, the final decision to carry out the death penalty was made by the courts without further automatic review at the national level. This means that institutional control was limited to the procedural framework of a particular regime, and the limits of judicial discretion depend on the type of court and category of case, rather than on a centralised standard. Thus, the institutional practice of imposing and carrying out the death penalty in Iran confirms the absence of a single centre for the final authorisation of death sentences. Unlike China's centralised model, the Iranian system was characterised by a multiplicity of judicial and extrajudicial channels for final decision-making, which leads to increased variability in practice and varying degrees of actual judicial discretion depending on the legal regime of the case. Combined with the previously analysed features of China's centralised model, this provides grounds for a systematic comparison of the institutional and procedural parameters of the imposition of the death penalty in both countries (Table 2).

**Table 2.** Institutional and procedural architecture of the imposition of the death penalty in China and Iran

Comparison criterion	China	Iran
General model of institutional control	A strictly centralised model with the concentration of the final decision at the level of the SPC PRC.	A decentralised, regime-fragmented model without a single centre for final sanctioning.
Courts of first instance	Intermediate or higher people's courts deliver the initial sentence without authority over the final execution of the death penalty.	Revolutionary, general criminal, and specialised courts impose death sentences within their autonomous competences.
Role of the higher court	The SPC PRC conducts a mandatory review of all death sentences and holds exclusive competence to confirm or alter them.	There was no single body for mandatory centralised review; appellate and cassation control depends on the regime of the case.
Nature of the review of the death sentence	Reassessment of evidence, legal classification, compliance with the criterion of "extreme seriousness", and proportionality of the punishment.	The scope of review varies according to the regime (qisas, hadd, ta'zir) and was not governed by a unified standard.

**Source:** compiled by the author based on Islamic Penal Code (2013), Criminal Law of the People's Republic of China (2020)

The summary presented in Table 2 demonstrates a fundamental difference in the institutional logic of imposing the death penalty in China and Iran. In the Chinese model, the final sanctioning of a death sentence was concentrated at the level of a single supreme judicial instance, combining the functions of legal control, unification of practice, and correction of judicial discretion. By contrast, the Iranian model was characterised by the distribution of powers among different courts and legal regimes, as well as the involvement of extrajudicial actors, which prevents the formation of a single institutional standard for the final decision. Thus, the difference between centralised and decentralised architectures determines not only the process of imposing the death penalty but also the degree of predictability and consistency in judicial practice.

The identified institutional and procedural differences were significant not only at the level of the formal organisation of the judiciary, but also for understanding the broader

social consequences of the death penalty. It was precisely the nature of judicial control, the limits of discretion, and the presence or absence of a centralised review mechanism that shape public perceptions of the death penalty, the level of trust in criminal justice, and the actual practices of carrying out sentences. This necessitates further analysis of the social effects of the death penalty and the particularities of its practical implementation in China and Iran.

### Social consequences of the use of the death penalty and their comparative assessment

The death penalty, in its social dimension, was not a neutral criminal sanction. Its retention in legislation shapes the perception of the state as an actor that reserves for itself the right to the most extreme and irreversible form of coercion. In public consciousness, such a sanction reinforces the image of criminal justice as a maximally punitive mechanism intended to respond to actions regarded as threats to the

basic social order. The very existence of the death penalty strengthens the association of state authority with coercive force, even in conditions of limited or closed statistics regarding its application (Cheeseman, 2017; May *et al.*, 2025).

In public consciousness, the death penalty combines several normative ideas that were not internally consistent. It was simultaneously associated with justice as retribution, with the provision of collective security, and with the demonstration of the sovereign power of the state. This combination forms a particular model of legitimising criminal justice, in which the severity of the sanction was perceived as an indicator of the determination and effectiveness of state control. Comparative criminal policy studies show that in states where the death penalty was retained, public support for the justice system was based not on trust in procedures, but on expectations of a harsh response to deviant behaviour (Condon, 2020). The absence of statistical transparency does not reduce the social impact of the death penalty. On the contrary, limited access to official data, characteristic of China and Iran, reinforces its symbolic role, as the sanction functions as an abstract threat rather than an accountable instrument of criminal policy. According to Amnesty International (2024), the uncertainty surrounding the scale of the application of the death penalty contributes to the perception of its pervasive presence within the system of social control.

The death penalty affects trust in the judicial system because it shifts questions of the quality of justice into the sphere of irreversible consequences. Under such conditions, any judicial error, procedural defect, or lack of transparency in decision-making acquires not only legal but also social resonance. Academic research emphasises that in states retaining the death penalty, the level of public sensitivity to standards of proof and reasoning in judgments was higher than in jurisdictions where alternative sanctions were applied (Bullock, 2021). The model of reviewing death sentences plays a decisive role in shaping perceptions of the legitimacy of justice. A centralised mechanism for final sanctioning, as in China, enables the state institutionally to limit arbitrariness and to project the image of controlled application of the ultimate sanction. Analytical studies of judicial practice confirm that such a model contributes to the perception of the death penalty as an exceptional measure subject to especially strict control (The Dui Hua Foundation, 2024). By contrast, the fragmented system of final decision-making characteristic of Iran produces a different social perception. The absence of a single centre for final review reinforces perceptions of selectivity and unpredictability in law enforcement. This reduces trust in the judiciary and transforms the death penalty from an instrument of justice into a means of repressive control. Such conclusions were consistently recorded in the reports of the United Nations Human Rights Council (2024) and Iran Human Rights & ECPM (2023; 2024).

In the system of social control, the death penalty serves to establish a normative hierarchy of prohibitions rather than as an instrumental means of deterring crime. Its

presence in criminal law structures the legal space according to the principle of extremity, highlighting a range of acts that the state considers incompatible with the foundations of social order. In this sense, the death penalty serves not as a means of responding to individual criminal behaviour, but as a mechanism for establishing a symbolic boundary of what was permissible, which has a preventive effect on society as a whole. Unlike traditional sanctions, its disciplinary potential was realised beyond the scope of specific law enforcement. The death penalty influences behavioural expectations by forming an idea of the extreme form of state intervention, which remains permanently possible, even if it was applied selectively or irregularly. It was this potential, rather than the frequency of executions, that ensures its role as an instrument of social control based on the preventive symbolisation of threat (Stetler *et al.*, 2022). At the same time, in conditions of limited transparency of criminal statistics, social control associated with the death penalty was intensified. Uncertainty about the scope and criteria for its application transforms the sanction from a specific punitive measure into an abstract instrument of discipline, the limits of which remain blurred for society. This effect was characteristic of legal systems in which the death penalty functions in conjunction with a high level of state discretion and limited access to official information (Amnesty International, 2024).

The social selectivity of the application of the death penalty was evident from an analysis of specific court decisions in which the extreme sanction was in fact concentrated on socially and politically vulnerable groups. It was precisely such cases that allow to trace how the death penalty loses its universal character as a legal response and acquires the characteristics of an instrument of structural control. A case analysed by The Dui Hua Foundation (2023) was illustrative in this context. It concerned the sentencing to death (later commuted to death with a two-year reprieve) of a rural migrant accused of murder during a domestic dispute. The case was characterised by the absence of premeditation and the presence of mitigating circumstances, but the court of first instance imposed the death penalty, citing the “serious public danger” of the act. Only at the review stage did the Supreme People’s Court of the People’s Republic of China (n.d.) commute the sentence. The analytical value of this case lies in the fact that crimes of similar severity committed by persons with higher social status or in complex economic contexts were much less likely to result in the death penalty at the first instance. In public perception, this practice reinforces the idea that the ultimate sanction was applied primarily to socially marginalised individuals, while centralised review performs a compensatory function of selectivity.

Social selectivity can also be seen in Iranian practice, particularly in drug-related cases. The report of the United Nations Human Rights Council (2024) analyses the case of a young man from the Baloch ethnic minority who was sentenced to death for transporting narcotic substances under the tazir regime. The facts of the case indicated a low

level of procedural guarantees, limited access to a lawyer, and the absence of automatic review of the sentence at the national level. The sentence became final after a formal appeal hearing, without the application of a unified standard for assessing the proportionality of the punishment. According to Iran Human Rights & ECPM (2023; 2024), such cases account for a significant proportion of death sentences carried out in Iran, disproportionately affecting poor and ethnically marginalised groups.

Thus, the social consequences of the use of the death penalty in China and Iran go beyond purely criminal law regulation and were determined by a combination of symbolic, institutional and socio-selective dimensions. From a comparative perspective, the death penalty appears not as a universal instrument of justice, but as an element of social control, the effectiveness and perception of which depend on the model of judicial review, the level of transparency and the structure of social inequality. Centralised control in China partially mitigates the social risks associated with extreme punishment, but does not eliminate its selective nature, while the fragmentation of the Iranian system exacerbates the repressive effect and undermines confidence in the principle of equality before the law. As a result, the death penalty in both legal systems functions primarily as an indicator of the nature of the relationship between the state and society, reflecting not only criminal policy but also the underlying mechanisms of legitimising power and maintaining social order.

## Discussion

The conclusions obtained in the study partially correlate with the results presented by S.S. Silvee & X. Wu (2021), who, in a comparative analysis of India and Bangladesh, showed that the key factor in the application of the death penalty was not the abstract “seriousness” of the crime, but the way it was normatively specified within the national legal system. The authors concluded that the formal existence of the death penalty in legislation does not mean that it has the same legal status, as institutional mechanisms and procedural restrictions were of decisive importance. A similar approach can be seen in the results of this study on China, where the death penalty was normatively integrated into the system of punishments, but its application was limited by a legally defined range of offences and centralised judicial control. At the same time, unlike the conclusions of S.S. Silvee & X. Wu, where colonial legal heritage plays a key role, in the case of China and Iran, the decisive factor was the difference between the codified state model and the regime-differentiated system of criminal responsibility.

The results of the analysis of the Chinese model of capital punishment were consistent with the conclusions of T. Smith *et al.* (2022), who analysed institutional changes in the field of capital punishment during Xi Jinping's reign. The authors found that the reduction in the actual use of the death penalty was not achieved through a formal review of sanctions, but through tighter procedural controls

and restrictions on public discourse on this institution. This study also found that the key limiting factor in China was not a change in the normative status of the death penalty, but a combination of criteria of “extreme seriousness” with mandatory review of death sentences by the Supreme People's Court. However, unlike T. Smith *et al.*, who focused primarily on political and discursive dimensions, this study emphasises the structural and legal mechanisms that shape the model of institutionally controlled exceptionality of the death penalty.

The conclusions regarding Iran partially overlap with the results obtained by I. Wahyudi (2024), who studied the death penalty from the perspective of its criminological effectiveness and impact on crime rates. The author concluded that the severity of sanctions alone does not reduce crime, and that its impact depends on the context of legal regulation and social perception. This study found that in Iran, the criterion of the severity of a crime was not formed as a single material standard, but was determined by the act's belonging to the *qisas*, *hadd* or *t'azir* regimes. Unlike I. Wahyudi, who focused on criminological indicators, this study shows that it was the normative differentiation of criminal liability regimes that determines the variability of the practice of applying the death penalty, regardless of the declared preventive goals.

The results obtained regarding the institutional and procedural organisation of the imposition of the death penalty were partly consistent with the conclusions of K.M. Barry (2019), who analysed the death penalty through the prism of the fundamental right to life. His study emphasised that the key risk from a human rights perspective was not only the very fact of maintaining the death penalty, but also the institutional structure of the final decision-making process, in particular the concentration or dispersion of powers. The results of this study confirmed this thesis, showing that China's centralised model provides a higher level of unification and procedural control compared to Iran's decentralised model. At the same time, unlike K.M. Barry's norm-oriented analysis, this study demonstrated that even under conditions of limited transparency, centralised judicial control serves as an effective deterrent to the use of the death penalty.

The findings of this study were also conceptually related to the work of M. Matić Bošković & I.L. Gal (2021), which analysed the relationship between the right to life, the prohibition of the death penalty, and standards for the enforcement of life imprisonment. The authors concluded that institutional guarantees and procedural mechanisms determine the actual level of protection of the right to life, even in states where the death penalty was not formally applied. The results of this study expanded on this approach, showing that in legal systems where the death penalty was retained, the nature of the institutional architecture for reviewing sentences, or its absence, was of decisive importance. Thus, it was established that the formal presence or absence of the death penalty was less indicative than the mechanisms for controlling its imposition.

Some of the study's findings were consistent with the conclusions of R.M.S. Naseem *et al.* (2025), who examined the reform of the death penalty from a constitutional and political-legal perspective. In their work, the authors emphasised that a key indicator of a state's readiness for reform was not only a reduction in the number of death sentences, but also a transformation of the procedures for their imposition and review. The results of the current study confirmed this position, establishing that in China, the institutional concentration of powers in the SPC PRC reduces the variability of judicial practice, while in Iran, the absence of a single mechanism for final review complicates the implementation of systemic reforms. At the same time, unlike the general theoretical models proposed by these authors, this study specified how these processes were implemented at the level of individual judicial regimes and practical cases.

The results obtained were consistent with the conclusions of A. Arifullah (2024), who conducted a legal analysis of the death penalty from a human rights perspective and emphasised its systemic impact on public perception of state power. His study showed that the death penalty shapes the perception of the state as an entity legitimised to use extreme coercion, regardless of the frequency of actual executions. The results of the current study confirm this approach, demonstrating that even in conditions of limited statistical transparency, the death penalty retains its high symbolic and disciplinary potential. At the same time, unlike the predominantly normative analysis of A. Arifullah, this study specifies this influence through institutional models of judicial control and their connection with the social selectivity of the application of extreme sanctions.

The conclusions of this section were also conceptually consistent with the arguments of B. Jones (2023), who considered the death penalty through the prism of the right to life and the principle of necessity. The author concluded that the preservation of the death penalty undermines the legitimacy of criminal justice because it shifts the emphasis from procedural justice to the demonstrative severity of the sanction. The results of the current study confirm this thesis, showing that in countries with the death penalty, public support for justice was based on the expectation of a harsh response rather than on trust in procedural standards. At the same time, the comparative analysis complements B. Jones approach, demonstrating that centralised judicial control (as in China) can partially mitigate this effect, while fragmented models (as in Iran) reinforce the repressive perception of justice.

The findings of this study partly correlate with the results of P. Obiri-Korang (2022), who analysed the socio-legal consequences of retaining the death penalty in the context of national legislation reform. His work argued that the death penalty disproportionately affects socially vulnerable groups and reproduces structural inequality in the criminal justice system. The results obtained in the current study confirm this thesis based on data from China and Iran, where there was a concentration of death sentences for

people with low socio-economic status and representatives of marginalised communities. However, unlike P. Obiri-Korang's focus on legislative and constitutional changes, this study shows that even without the formal abolition of the death penalty, institutional mechanisms for reviewing sentences influence social perceptions of justice and equality before the law. Thus, the results of this study not only confirmed certain provisions of contemporary doctrine regarding the role of institutional mechanisms in the field of capital punishment, but also clarified them through a comparative analysis of practices in China and Iran.

## Conclusions

The study found that the legal basis for the application of the death penalty in China and Iran was based on fundamentally different models of criminal law regulation, which leads to differences in the definition of criteria for the seriousness of crimes and the mechanisms for implementing this type of punishment. In China, the death penalty was normatively integrated into the system of basic criminal penalties and was applied exclusively to a legally defined range of "extremely serious crimes," which includes crimes against life, state and public security, as well as certain economic crimes, with an additional restriction in the form of a two-year deferral of execution and mandatory centralised review of death sentences by the SPC PRC. In Iran, on the contrary, there was no single substantive criterion of seriousness, since the possibility of applying the death penalty was determined by the classification of the offence under the qisas, hadd or tazir regimes, which creates multiple legal grounds and procedural trajectories for the implementation of the death penalty. A comparative analysis has led to the conclusion that the Chinese model was characterised by a unified and institutionally controlled structure of "managed exceptionalism" of the death penalty, while the Iranian model was marked by normative differentiation of seriousness criteria depending on the legal regime of responsibility, which has a direct impact on the practice of its application.

It has been established that the death penalty in China and Iran performs not only a punitive but also a socio-symbolic function, shaping the perception of the state as an entity that reserves the right to extreme and irreversible coercion. Its presence in criminal law influences public perception of criminal justice, reinforcing the image of the state's most severe response to acts that were classified as a threat to the basic social order. It has been proven that even in conditions of limited or closed statistics, the death penalty retains a high social impact, as it functions as an abstract threat rather than an accountable instrument of criminal policy.

It has been determined that in the system of social control, the death penalty performs the function of normative hierarchisation of prohibitions, rather than instrumental deterrence of crime. Its disciplinary potential was realised primarily through the symbolisation of the ultimate limit of what was permissible, rather than through the actual

frequency of executions. It has been noted that in conditions of limited transparency of criminal statistics, the social effect of the death penalty was amplified, since the uncertainty of the scale of its application broadens the perception of its potential omnipresence in the system of state control.

A separate result of the study was the identification of social selectivity in the application of the death penalty. Analysis of court cases and reports from international organisations has shown that the ultimate sanction disproportionately affects socially and politically vulnerable groups, in particular people with low socio-economic status and representatives of ethnic minorities. In comparative terms, centralised review in China partially compensates for such selectivity, while in Iran the absence of a single mechanism of final control reinforces the repressive nature of the death penalty. As a result, the death penalty in both legal systems was an indicator of the nature of the relationship between the state and society, reflecting not only the peculiarities of criminal policy, but also the underlying mechanisms of legitimising power and maintaining social order. Prospects for further research related to the analysis of the

relationship between institutional models of judicial control, the level of social trust in criminal justice, and long-term transformations of legal consciousness in states where the death penalty was retained.

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### Author Contributions

Y. Bimoldanov independently developed the research concept, conducted a literature review, and collected and analysed the data. The author carried out a comparative legal analysis of the institutional models of China and Iran, and prepared both the initial draft and the final version of the manuscript.

### Conflict of Interest

None.

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