

The death penalty in thailand

[Law](#), [Capital Punishment](#)



The Death Penalty in Thailand Throughout the history of man, the penalty of death was given to criminals who broke the law. Capital Punishment is the extreme penalty for crime and is still in use today in many countries even in Thailand. According to the history, the death penalty in Thailand obviously appeared in Ayutthaya Empire and it has been used in the country until these days. There have been many debates on abolishing the death penalty for a long time in the country. The supporters of capital punishment often cite its roles as deterrent and retribution as reasons for their support of the death penalty. On the other hand, the opponents of capital punishment cite its arbitrariness as reasons for their opposition against the death penalty, it is said that this kind of action is barbaric and uncivilized. The existence of the capital punishment also brutalizes the community. Because the penalty of death can lead to an unequal application of justice so that Thailand should abolish this penalty. Capital punishment, also referred to as the death penalty, is the judicially ordered execution of a prisoner as a punishment for a serious crime, often called a capital offence or a capital crime. In those jurisdictions that practice capital punishment, its use is usually restricted to a small number of criminal offences, principally, treason and murder, that is, the deliberate premeditated killing of another person. Since the capital punishment has been brought to use, people think that it should reduce the crime rate in the society. It is stated that the use of this punishment deters murder and other serious crime. This is what the supporters of the capital punishment believe. This view has been held for thousands of years. In the book *The Penalty of Death*, Thorsten Sellin states that as to the end or final cause of punishment, this is not by way of atonement but as prevention

against future offenses of the same kind. In Thailand, although the death penalty is in use within the country, the crime rate is still relatively constant and it seems to be higher in the near future. This obviously shows in daily-newspapers which the criminal news appears very frequently. According to this consequence, it shows that even the capital punishment is used; it does not deter people from committing the crimes. Therefore, the use of this kind of punishment in Thailand is quite arbitrary; it does not have any effect on crime within the society. A punishment, to be justifiable, should only have a degree of severity which is sufficient to deter others from committing a crime. The death penalty is a less effective method of deterring others as opposed to deprivation of a person's liberty. On the other hand, Life imprisonment also achieves the same objectives that execution does by isolating the offender from society and depriving them of further opportunities to inflict harm on innocent citizens. Furthermore, the supporters of capital punishment also argue that society must retaliate against criminals. They conclude that the best possible retribution against a murderer is capital punishment. Many people in Thailand believe the statement, 'an eye for an eye'. They think that when someone may have killed a loved one that the best thing for that person is to die also. People, nowadays, do not realize that they are putting the blood of another person life on their hands. This makes them just as guilty as the person who committed the crime, the only difference is that they do not use weapon except their mouth to kill them. For those who support the death penalty, they think that the penalty of death is required for an imaginary society. This thought is completely incorrect; this kind of punishment can never be

justified, it is destructive to society through its example of barbarity towards man. The death penalty has a brutalizing effect on the community, actually inspiring acts of violence or copycat crimes and thereby diminishing rather than increasing the deterrent effect of capital punishment. Beside, it may be argued that capital punishment is a means of achieving justice for the pain caused to the victim. Those who support the death penalty believe that, by allowing mass murders to live, the lives of all victims are devalued. In Thai society, the capital punishment has been allowed for a long time. Many Thai people are brutalized by this existence. Thai people are used to this barbaric action, they think that pain should be paid by pain and death is also paid by death. This thought is very strong and has been deeply rooted in Thai society. Like Phelps states in his book that people these days want revenge. In a civilized country, however, it is also unreasonable to engage in deliberate killing. Revenge should not be condoned by a civilized society. It cannot be legally or morally justifiable for the State to sanction and carry out vengeance killings. The most compelling argument against capital punishment is the risk of killing an innocent person. The supporters of the death penalty often argue that improvements in the criminal justice system, together with the multiple levels of appeals available to defendants, ensure that innocent people will not be executed. This argument fails to acknowledge that, as a result of inherent human moral and perceptual imperfections, the process of determining guilt in courts will always be plagued by perjured testimonies, false confessions, withheld or missing information, mistaken eyewitness identification, laboratory errors and confused or biased jurors. Ernest van den Haag notes in his book *The Death*

Penalty: A Debate that all human activities cause innocent people to suffer wrongful death. Thailand is also a place; dozens of Thai people are put to death every year like stray animals without knowing whether they are all the real prisoners or not. Thus, the capital punishment should be abolished in Thailand as there is always a chance that an innocent person may be executed. In addition, the death penalty is also contradictory with the human rights to live. Some capital punishment supporters believe that death is the only retribution for people who commit serious crime but, on the other hand, the destruction of human life is a violation of natural law. These people are mentally quite able to appreciate what they are doing and quite able to appreciate the threatened punishment of the law and the wrongness of their acts." These people should be held accountable for their actions, but rather than disposing of them, curative treatment or therapy should be encouraged to send a message to the community that the cycle of violence can be broken. This upholds the unique worth and dignity of each person. Every human has the right to live. Therefore, the capital punishment is inconsistent with protection of human rights. Moreover, the death penalty does not only show unequal rights, but it also punishes the poor. It shows in some studies that if an inmate can afford good legal representation, they might be able to get a lesser charge than death row. It also shows that ninety percent of defendants cannot afford to hire an experienced criminal defense lawyer. Since they cannot afford to hire one, they are forced to use inexperienced court-appointed attorneys that are being underpaid for their services. The less the court-appointed attorneys make, the less they want to make their defense so that they can get rid of this case, and start back making their

usual amount of money. In conclusion, the death penalty is barbaric and inhumane and should be abolished in Thailand. There are no compelling arguments to justify the capital punishment in the country. Although the death penalty removes dangerous people from society permanently and protects citizens, life imprisonment achieves the same objective. Capital punishment is an ineffective deterrent and it does not provide for clemency and rehabilitation. With the risk of killing an innocent person, it contradicts the international laws of human rights. As a civilized society that promotes the worth of each citizen, the death penalty would not be an appropriate action. Therefore, in the best interest of both the community and the offender, capital punishment should not be recognized within the Criminal Code as a form of punishment.

References

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