

Capital punishment should be abolished

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



Do you know that there were at least 5851 executions of death penalty carried out in the year of 2007? Malaysia is one of the 58 countries in the world that still have the death penalty. The death penalty in Malaysia is prescribed for several offences such as murder and waging war against the King as stated under the Penal Code, kidnapping for ransom which is an offence under The Kidnapping Act 1960 as opposed to simple kidnapping under the Penal Code, drug trafficking under the Dangerous Drugs Act 1952 and certain scheduled offences for activities in relation to possession of firearms and ammunition or explosives offences under the Firearms (Increased Penalties) Act 1971(FIPA). According to the Deputy Home Minister, Zainal Abidin Zin, between 1970 and October 2001, 359 death sentences were carried out. The majority were for trafficking in dangerous drugs. Recently, question arise whether we should abolish capital punishment or not. It is the right time for us to rethink the relevancy of death penalty in Malaysia. Capital punishment in Malaysia should be abolished for several reason. First and foremost because it is a denial of human rights. Malaysia is a democratic country and the right to life must be upheld. Far from enhancing the value of human life, the death penalty lowers it. It violates the belief in the human capacity to change and reinforces the idea that killing is a reasonable response to those who have wronged us. This right is absolute, universal and inalienable, irrespective of any crimes that may have been committed. Article 5 of Federal Constitution also stated that no human being must be deprived of his or her right to life. Hence, society has a moral obligation to protect human life and not to take it. Natural law is the law which is derived from nature. Cicero, the Roman orator defines

natural law as right reason in agreement with nature. Natural law is so immutable that it cannot be changed by any human being. Human's life is in God will and He is the one who has right to take human's life, but the premeditated killing of a human being by a state has go against the nature as it violates the right to life as proclaimed in Article 3 of The Universal Declaration Of Human Rights. Besides, the execution has failed as a deterrent. A July 2009 study titled " Do Executions Lower Homicides Rate? " by Michael L. Radelet and Traci L. LaCock strongly supports that the death penalty does not add deterrent effects to those already achieved by long imprisonment. Does the death penalty give increased protection against being murdered? It is not true that when the opponents feel " fear of death" will prevent one from committing murder. It is because most murders are done when a person cannot think rationally, so how can one even have time to think of fear in the heat of passion. One of the reason why it has failed as a deterrent is because time often takes for states to carry out executions are long. Therefore, it is hard to deter crime rates if it is done in a very long period. According to the National Human Rights Commission (Suhakam), 159 people are currently on death row pending appeal. There are also cases of prisoners being in jail for more than 10 years after being sentenced to death (Malaysian Human Rights Report 2001, SUARAM). In fact, drug-related offences and addiction have been arising in Malaysia since the 1983 amendment to the Dangerous Drugs Act 1952, which brought in the mandatory death penalty. Lastly, conviction of the innocent may occur. It is well-acknowledged that no legal system in the world is fool proof or error-free because they are ruled by judges and jurist whom are human being. The

opportunity to right a wrong is however, not available if the death sentence on a person has been carried out. In such event we, as a society, will be collectively responsible for having sent an innocent man or woman to the gallows. We should take no risks to subject a person to death, as the execution of the death sentence is irreversible. Over 100 individuals on death row in the United States were found not guilty after new evidence was discovered. Moreover, there are the chances that a manipulated jury will release a guilt person. It is because they are human being and sometimes, they may be bias. For example, people tend to save offender whose in the same race or religion with them. It is a nature of human being to do so. In conclusion, the idea of abolishment of capital punishment which is the death sentence stands with three main reason which is because it is a denial of human rights, it has failed as a deterrent and conviction of innocent may occur. We need to do our part in pushing the Malaysian Government and recommended them to rescind capital punishment altogether and give offenders the chance to repent and change their ways. With this way, we can live in a better harmony country.