

## Death penalty: an alternative to reduce crime: analysis of its applicability in the Brazilian system<sup>1</sup>

*Death penalty: an alternative to reduce crime: analysis of applicability in the Brazilian system*

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### SUMMARY

This qualitative research study aims to analyze the death penalty from various perspectives, exploring its legal, historical, ethical, and economic aspects. Initially, the definition of the death penalty and the different methods of execution, such as firing squad, lethal injection, stoning, and decapitation, are presented, highlighting the variations between countries. Next, the historical evolution of the death penalty is addressed, from its first applications in ancient civilizations to its dissemination in the modern world, analyzing the social and political contexts that influenced its adoption. The current status of the death penalty is also discussed, with an emphasis on countries that still practice it and on international movements advocating its abolition. Brazilian legislation is addressed, highlighting the abolition of the death penalty under the 1988 Constitution, with exceptions in cases of war, and the Military Penal Code, which allows capital punishment in exceptional circumstances. The paper also explores the main arguments in favor of the death penalty, such as retributive justice, deterrence of crime, and protection of society, as well as the arguments against it, highlighting judicial errors, the conviction of innocent people, and the economic costs involved. It concludes that, while the death penalty may be justified in some contexts, its application must be carefully regulated and monitored, with rigorous safeguards to avoid injustice and judicial failures.

**Keywords:** Death penalty; Effectiveness; Reduction; Impunity.

### ABSTRACT

This study, conducted using a qualitative research method, aims to analyze the death penalty from various perspectives, exploring its legal, historical, ethical, and economic aspects. Initially, the definition of the death penalty and the different methods of execution, such as shooting, lethal injection, stoning, and decapitation, are presented, highlighting the variation across countries. The historical evolution of the death penalty is then addressed, from its earliest applications in ancient civilizations to its spread in the modern world, analyzing the social and political contexts that influenced its adoption. The current situation of the death penalty is also discussed, with an emphasis on the countries that still maintain the practice and on international movements advocating for its abolition. Brazilian legislation is examined, highlighting the abolition of the death penalty with the 1988 Constitution, except in cases of war, and the Military Penal Code, which allows capital punishment in exceptional situations. The paper also explores the main arguments in favor of the death penalty, such as retributive justice, deterrence of crimes, and public safety, and the arguments against, with a focus on judicial errors, wrongful convictions, and the economic costs involved. It is concluded that, although the death penalty may be justified in some contexts, its application must be carefully regulated and monitored, with strict safeguards to prevent injustices and judicial errors.

**Keywords:** Death penalty; efficiency; Reduction; Impunity.

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## 1 INTRODUCTION

The death penalty is a complex and controversial topic that sparks intense debates in various spheres of society. Its application involves legal, ethical, moral and economic, and their discussion is influenced by different judicial, historical and cultural around the world. This work aims to analyze the death penalty under various aspects, seeking to understand its foundations, execution methods, its application history, social implications and arguments that justify or criticize its adoption.

Initially, the definition and types of execution of the death penalty will be presented, addressing the different methods used worldwide, such as firing squad, lethal injection, stoning, among others. Understanding these variables is essential to understanding the diversity of practices adopted in countries that still maintain this penalty in their legislation.

The historical evolution of the death penalty will be discussed below, from its first manifestations in ancient civilizations until their application in modern times, considering the social and political context of each historical period. The current situation will also be analyzed of the death penalty in the world, highlighting the countries that still maintain its application and the international movements seeking its abolition.

Another relevant aspect addressed will be the situation of the death penalty in Brazil, with a focus particular in its abolition with the 1988 Constitution, but considering the exceptions provided for in the Military Penal Code, which still allows the death penalty in cases of war. This discussion will be important to understand how Brazilian legislation has evolved in relation to the capital punishment and the possible implications of this decision.

The paper will also present the arguments for and against the death penalty, with based on legal and philosophical theories of thinkers such as Immanuel Kant, Cesare Beccaria, Michel Foucault and Herbert Marcuse, who discuss the efficacy, morality and justice of punishment of death. The different perspectives that justify the application of this penalty will be addressed, such as retributive justice, deterrence of crimes and protection of society, as well as criticism related to judicial errors, the possibility of convicting innocent people and the costs economic involved.

Finally, the impact of the death penalty will be discussed, with a critical analysis of the social and economic implications, considering not only financial issues related to the prison system, but also the psychological and social impact on victims and their families. Reflection on the efficiency of the judicial system, public safety

and the need for safeguards to prevent miscarriages of justice will be central to completing the analysis of the death penalty, proposing a balanced and well-founded view of its application.

This study aims to contribute to an in-depth understanding of the topic, offering a critical and well-founded analysis of the various dimensions of the death penalty, and presenting, at the end, a reflection on its viability in the legal and social context contemporary.

To prepare this article, the qualitative research method will be used, seeking legal basis, references in books and websites related to the topic discussed.

## **2 DEATH PENALTY**

The death penalty, also known as capital punishment, is the legal punishment based on in the execution of the defendant as a form of punishment for having committed a crime for which the penalty is death. That is, it involves the death of an individual as a consequence of a conviction judicial. The justification for the practice of this penalty is general and specific prevention and protection of society.

The death penalty, also called capital punishment, is a process by which a person is killed as punishment for a crime committed. But it's not just any kind of death. She needs be carried out by the State after a court decision, which sentences a person to death. It is different from an execution, which consists of the death of a person without legal process that authorize.

### **2.1 Types of death penalty**

This penalty can have different forms of execution, being a punishment that is present in society for a long time, over the years it has historically brought about different types of application of the death penalty. The website Meu Valor Digital carried out a survey of the means of execution used in the current world scenario, which points out six ways of applying the sentence in question: shooting, stoning, hanging, electrocution, lethal injection and decapitation.

#### **2.1.1 Execution**

The convict is shot by several shooters positioned six meters away from the person who standing or sitting in front of a wall, the shots are fired synchronously.

This method has been used in several countries throughout history. Punishment used in the United States States, China, Taiwan, Guatemala, Vietnam and some other countries.

### **2.1.2 Electrocutation**

The convict is strapped into a specially designed electric chair and subjected to at least two high voltage electrical currents ranging from 500 to 2,000 Volts, with lasting approximately 30 seconds each and leading to the paralysis of vital functions of the individual, culminating in his death. This method is popularly known for being applied in the United States.

### **2.1.3 Hanging**

The condemned man has his neck tied with a rope and is suspended until his death, this process usually occurs on a gallows already designed for this function. This method was widely used in several countries and historically it is one of the best known and used as the death penalty. This penalty is currently provided for in the legislation of some US states, however it has not been applied since 1996, being applied in other countries such as China, Guatemala and Iraq.

### **2.1.4 Lethal injection**

The condemned man is strapped to a stretcher and two needles are inserted into the veins of his arms, one administers saline solution and then injects a combination of substances chemicals that lead to cardiac and respiratory arrest of the individual, the other needle serves as a backup plan in case the main system fails. Currently, it is the method for executing the death penalty most used in several countries and is the predominant penalty in the United States.

### **2.1.5 Stoning**

This type of sentence is usually carried out on women involved in crimes. considered against honor. The sentenced person is wrapped in a white cloth and placed in a kind of pit, medium-sized stones are thrown at various parts of the body and the impact to the head leads to intracranial hemorrhages that can lead to death. This punishment is used in some Middle Eastern and Asian countries, such as Iran, Saudi Arabia, and Pakistan.

### **2.1.6 Decapitation**

The head of the convict is separated from the body of the convict by means of a blade strike. A popular device in the history of humanity and still in practice in China, Iraq, Saudi Arabia and Guatemala.

### 3 DEATH PENALTY THROUGHOUT HUMANITY

The death penalty has always been present in society throughout history, being cited in various historical periods. Currently, some countries still use this type of punishment, such as the USA, where in some of its states this penalty is provided for some crimes.

In primitive tribes this type of punishment was very common since there was no punishment for imprisonment at the time, this penalty was used to avenge and punish offenses committed against groups and families. In the course of social development, kingdoms and divisions of classes, where the application of reparation penalties against criminal offenses began, with this gradually the capital punishment was being replaced.

With the Code of Hammurabi, the penalty of corporal punishment was instituted, decreeing that these would only be applied in cases that fulfilled the principle of the Law of Talion (an eye for an eye and a tooth for a tooth).

In the Roman Empire, treason against the homeland was punishable by death. Other cases that applied the penalty were false testimonies, homicides, rape of women and children among others. In the Middle Ages, there was the landmark of capital punishment through execution by bonfire, according to the Councils of Lateran (1215) and Toulouse (1229). In the French Revolution the penalty of beheading was established against enemies of the regime in 1789.

Throughout history, humanity has grown and with it, the spread of form of dispute resolution, with cultural development new forms were created of settlement of disputes other than the death penalty.

At various points in history, the death penalty has been portrayed as a form of punishment for those who do not follow legal parameters. In Brazil there was a period of hunting witches, women were burned alive at the stake for being convicted of practicing witchcraft. The highest body at the time was the Catholic Inquisition, called the Tribunal of The Holy Office and local priests and leaders judged crimes. Witchcraft became a crime. from the mid-15th century, with the publication of the *Malleus Maleficarum*, or "Hammer of the Sorceresses", combat manual and inquisitors' guide with instructions on how to identify them and punish them, says Mary del Piore.

We can also mention the crucifixion, made famous by the Book "the Holy Bible" which brought the portrayal of a time when the penalty applied to the accused was death by means of of crucifixion, a method that became popular with the death of Jesus Christ, the son of God portrayed in the Book, among other moments that could be listed here.

Thus we see that the death penalty has always been present throughout humanity, being portrayed in books, films and other forms of art, but over the years these penalties became less cruel and were even abolished from some legislation.

### 3.1 Death penalty in today's world

The death penalty is defined as the maximum penalty someone can receive for a crime defined in the legislation of each country and has been part of the penal system for a long time.

Currently there are still nations that have legalized the death penalty in certain crimes. It is necessary to point out a list of countries that adopt the death penalty in their criminal execution systems , according to Amnesty International:

By 2022, 112 countries had completely abolished the death penalty and 87 still had not abolished it. Of the 87 countries without abolition, 55 retain the death penalty in their national law. The report stated that 55 countries provide for the death penalty for common crimes, namely: Afghanistan, Antigua and Barbuda, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Botswana, China, Comoros, Cuba, Democratic Republic of the Congo, Dominica, Egypt, Ethiopia, Gambia, Guyana, India, Indonesia, Iran, Iraq, Jamaica, Japan, Jordan, Kuwait, Lebanon, Lesotho, Libya, Malaysia, Myanmar, Nigeria, North Korea, Oman, Pakistan, Palestine, Qatar, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Saudi Arabia, Singapore, Somalia, South Sudan, Sudan, Syria, Taiwan, Thailand, Trinidad and Tobago, Uganda, United Arab Emirates, United States, Vietnam, Yemen, and Zimbabwe. Twenty-three countries provided for the death penalty for common crimes, but it had not been applied in recent years. 10 years or more, being considered abolitionist in practice, being: Algeria, Brunei, Cameroon, Eritrea, Eswatini, Ghana, Grenada, Kenya, Laos, Liberia, Malawi, Maldives, Mali, Mauritania, Morocco/Western Sahara, Niger, Russia, South Korea, Sri Lanka, Tajikistan, Tanzania, Tonga and Tunisia, another 9 countries maintained the death penalty for exceptional crimes and 112 countries do not provide for the death penalty.

The United States is a country popularly known for its application of the penalty capital, currently 33 of the 50 states maintain the penalty in their legal system, the law of each state defines which means of execution, as well as in which cases the penalty will be applied death, considering the legislative autonomy of each state.

In general, most states understand that the crimes punishable by this penalty are the following: of murder, where they take into account some specific aggravating factors so that it is applicable this penalty, as for example, in Alabama it is necessary that the crime be committed with 108 aggravating factors. In some states, it also provides for the death penalty in cases of pedophilia and rape.

All states that have this penalty in their legislation provide for lethal injection as the first means of execution, eight states still provide for the means by electrocution, the gas chamber

is applicable in 05 states, while hanging is applicable in 03 states and finally shooting is applicable in 03 states. provided for in 02 states.

For those sentenced to death, no type of educational programs are provided. nationals or employment, since they will not be resocialized. The method used for the application the penalty is hanging, the process is long and can last years until the time comes for effective application of the capital punishment.

Another country popularly known for capital punishment is Japan, the penalty is only applied each in murder cases, most being convicted of multiple homicides and criminal considered heinous. The method used to apply the sentence is hanging, the process is long and can last years until the time comes for the penalty to actually be applied capital.

Those sentenced to death do not have the title of prisoner under the system of justice, so they do not share the rights that are enjoyed by local prisoners, these individuals are confined in solitary confinement and cannot have contact with other convicts nor have access to television.

The notice of the sentence takes place only a few hours before and during this time the convicted person you can speak to your lawyers and family, to a priest and have your last meal in isolation.

### 3.2 Death penalty in Brazil

The death penalty has been present in the Brazilian legal system at various times throughout the country's history, however, the current Federal Constitution currently provides strict limitations on practice.

During the colonial period, the death penalty was applied as a means of punishment serious crimes, such as treason, murder and crimes committed against the monarchy of the time. Soon after Brazil's independence in 1822, Brazilian Emperor D. Pedro II maintained capital punishment as one of the forms of punishment.

With the proclamation of the republic in 1889, the penalty was maintained in some cases, the 1891 Constitution provided for the application of the measure only in military crimes, in wartime, but soon after, in the year 1928 this possibility was removed.

With the arrival of the 1934 Constitution, during the government of Getúlio Vargas, the penalty now debated was abolished in times of peace. However, it was reintroduced in 1964,

during the military regime, where significant human rights violations occurred, including extrajudicial executions.

Finally, the 1988 Constitution, the current constitution in force, expressly prohibits death penalty, except in cases of declared war. After the Federal Constitution of 1988, the Brazil is also a signatory to international treaties that prohibit the practice, not providing for as a form of punishment.

In the Brazilian Federal Constitution, in its article 5, item XLVII, it is provided that there will be the death penalty, except in the case of declared war, under the terms of art. 84, XIX. With this is understood that the death penalty in our country is prohibited, but there is still the possibility of being applied in cases described in the Military Penal Code in times of war declared the death penalty may be used.

Among the crimes that carry the death penalty are: (i) treason in which, for example, the national taken up in arms against Brazil or an allied State (art. 355 of the CPM); (ii) cowardice in which the soldier, out of fear, in the presence of the enemy, causes the rout of troops or garrisons (art. 364 of the CPM); (iii) desertion of a military officer in the presence of the enemy (art. 392 of the CPM); (iv) practice of genocide in a militarily occupied zone (art. 401 of the CPM); (v) the crime of robbery in militarily occupied territory or in a military operations zone (art. 405 of the CPM), among others.

#### **4 CRIME IN BRAZIL**

Crime in Brazil is a complex and multifaceted problem that affects profoundly impact the safety and quality of life of the population. Brazil faces high rates of crime, with a significant prevalence of homicides, robberies and thefts. Statistics released in 2023 by the UN indicate that Brazil has one of the largest homicide rates in the world, with an average of 22.38 homicides per 100,000 inhabitants, being the global average of 5.8 per 100 thousand inhabitants, thus reaching 11th position in the global ranking.

This year, according to data released by CNN, the state of São Paulo registered increase in cases of robberies followed by death, rising from 64 cases in first five months of 2023 to 79 in the same period of 2024, an increase of 23%, and in homicide cases in the same period the increase was 22%, rising from 67 to 82 cases. In cases of bodily injuries in analysis carried out in the same period in 2023, there were approximately 87 thousand cases were recorded, rising to 94 thousand in 2024, an increase of around 7%.

Brazil also has a high rate of criminal recidivism, there are no figures officials, but studies reveal that about 1/3 of prisoners end up being arrested again in another opportunity.

## 5 COMPARISON OF ARGUMENTS

### 5.1 Arguments for the death penalty

Some legal scholars and philosophers argue in favor of applying the penalty of death under certain conditions. These are:

Immanuel Kant in his work "The Metaphysics of Morals" (1797), Kant argues that the the death penalty was a proportionate response to serious crimes, being justified as a means of ensuring that justice was served in serious crimes such as homicide, he believed in principle that the criminal must receive the same treatment he inflicted on the victim.

HLA Hart in his work "Punishment and Responsibility" (1968) did not advocate explicitly the death penalty, but analyzed the role of severe penalties and the possibility of justify the death penalty in certain contexts, emphasizing the importance of a well-regulated legal system for the application of any harsher penalty to avoid possible errors.

Michael Davis in his work "Justice, Law, and the Death Penalty" (1981) argues that the death penalty may be justified in serious crimes and under certain conditions may come to be an adequate means of justice.

Richard Posner in his work "The Economics of Justice" (1981), analyzed the punishment of death from the perspective of the economic theory of law and argued that capital punishment can be justified on the basis of cost-benefit and effectiveness in deterring serious crimes.

### 5.2 Arguments against the death penalty

Some legal scholars and philosophers are known for their opposing positions the death penalty, with the main relevant authors being:

Cesare Beccaria being one of the most influential critics of the death penalty, in his work "Of Crimes and Punishments" (1764), argues about the ineffectiveness of deterring crimes and that punishment must be proportionate and aimed at rehabilitation, not revenge.

Immanuel Kant in his work "The Metaphysics of Morals" (1797), although he is a defender of capital punishment, also recognizes the problems associated with it, such as the risk of judicial errors and the difficulty of ensuring fair application.



Herbert Marcuse in “Man and Society” (1991) points out that the death penalty is a form of repression that perpetuates social inequalities and oppression. As well as defending that does not solve social problems and that society must seek alternatives to punishment extreme.

Michel Foucault in his work “Discipline and Punish: The Birth of the Prison” (1975) argues that the death penalty and other severe punishments are tools of oppression and do not contribute for social reform or justice.

## 6 JUDICIAL ERRORS AND INJUSTICES

Brazilian courts have accumulated more than 40 million cases with errors, according to a survey carried out by the newspaper O Estado de S. Paulo, based on data from National Database of the Judiciary, maintained by the National Council of Justice (CNJ). Among the most frequent errors are incorrect or false information about the parties involved, lack of essential data and incorrect registration of legal issues in the processes. These 40 million failed cases represent 20% of the total of 195 million actions analyzed by the CNJ. The CNJ began compiling this data in 2020, with the aim to assist the courts in correcting errors and improving registration processes procedural information.

The main causes of miscarriages of justice include false accusations, recognition inadequate information from the perpetrator, inaccurate expert reports, abuses by state agents and forced confessions, often obtained under torture. This analysis was presented by criminalists Maíra Fernandes and Dora Cavalcanti during the 24th International Seminar on Criminal Sciences, held in São Paulo by the Brazilian Institute of Criminal Sciences (IBCCrim), on August 29, 2018

Furthermore, Maíra highlighted that, on several occasions, police officers pressure the victim to identify someone on the list of suspects as the perpetrator of the crime. She also emphasized that definition of who is considered suspicious often follows racist and classist filters, citing as an example the case of the actor Vinícius Romão de Souza.

## 7 ECONOMIC IMPACT

According to an analysis carried out by the National Council of Justice in 2022, the cost average for each prisoner is R\$1,800 per month for each state, the study indicates that this expense can vary by up to 340% among the 22 federative units analyzed. Pernambuco, for example, it has the lowest monthly cost per weight, at R\$955, while Tocantins has the highest

monthly expense, amounting to R\$4,200 per month, which is equivalent to more than four times compared to the state of Pernambuco.

“Qualifying intramural spending represents an investment in development human, both of prisoners and of the staff who work there”, says Luís Lanfredi, from the CNJ.

The latest survey carried out by the Violence Monitor shows that the number of prisoners, counting those in open regime and in Civil Police cells, exceeds 750 thousand in Brazil, therefore, it is a billion-dollar expense.

In the same report, it points out that the amounts allocated to the administration of penitentiaries increased by 27.5% in the last 10 years, while projects aimed at young people had a drop in investments, a month of provisional imprisonment for all young people in the state costs more than the state government invested in one year in the 'Ação Jovem' program.

The monthly costs of maintaining a federal penitentiary exceed R\$35,000, analysis was prepared by the National Council of Justice (CNJ) in partnership with the Department National Penitentiary (Depen) and the United Nations Development Programme (UNDP).

There are five maximum security federal prisons in Brazil, within which are heads of more than 30 criminal groups, such as the case of Fernandinho Beira-Mar, Marcinho VP and Nem of Rocinha. These prisons are in four different regions of the country. The prisons are located in four different regions of the country: one in the South, in Catanduvas (PR); two in the Center-West, in Campo Grande (MS) and in Brasília (DF); one in the Northeast, in Mossoró (RN); and one in the North region, in Porto Velho (RO).

The study reveals that 82% of the R\$35,215.60 spent monthly per prisoner is allocated to the payment of civil servants' salaries. The second largest expense, worth R\$2,034, refers to if the transportation of detainees (such as travel between prison and a court for hearings, for example). In addition, the monthly cost of food for each prisoner is R\$1,028.

According to De Vitto, instead of spending more than R\$35,000 per month on each inmate in the custody of the Federal Penitentiary System (SPF), a more effective measure would be to direct part of these resources for crime prevention programs, with the aim of reducing recidivism.

### 7.1 Capital punishment

The question of the financial viability of the death penalty is complex and involves a detailed analysis of the direct and indirect costs related to its application. In a study



carried out in Washington, indicates that the cost of executing a prisoner can reach US\$ 30 million.

When inmates are sentenced to death, they go to death row, which is a special prison where convicts are held until the sentence is carried out. Keeping prisoners on death row involves high costs due to the need for a constant supervision.

Death row inmates are generally subject to a security regime much stricter, with constant surveillance and often in individual cells. This requires more resources in terms of security personnel and infrastructure.

Many countries that apply the death penalty require inmates to remain in isolation while awaiting their execution, which entails additional costs for food, care doctors and prison staff.

## 8 CONCLUSION

This article analyzed the death penalty from several aspects, addressing its definition, types of execution, history, current application in different countries and their ethical implications, economic and legal. First, the definition of the death penalty was presented as an extreme punishment, where the defendant is executed as a consequence of serious crimes, with the aim to protect society and deter crime.

The study then detailed the types of execution, such as firing squad, electrocution, hanging, lethal injection, stoning and beheading, highlighting the differences between the methods used globally and the variation in their application in different contexts historical and legal.

The historical evolution of the death penalty was briefly analyzed, from its first applications in ancient societies, through the evolution of civilizations to the more modern periods.

He also discussed the current situation of the death penalty in the world, highlighting that, despite of abolition in many countries still maintain the practice in their legislation, with the States States and Middle Eastern countries are notable examples of nations where capital punishment continues in force.

In Brazil, the death penalty has been addressed throughout its history, highlighting the period of its application, its abolition with the 1988 Constitution, with the exception of cases of war, and the current situation, where the Military Penal Code still provides for its application in situations exceptional.

The arguments for and against the death penalty were presented, based on legal and philosophical theories of important thinkers, such as Immanuel Kant, Cesare Beccaria, Michel Foucault and Herbert Marcuse, addressing the different perspectives on their effectiveness, justice and morality.

The analysis also included the judicial errors and injustices that can occur, highlighting the risk of convicting innocent people, especially in flawed judicial systems or corrupted. In addition, the work addressed the economic impact of the death penalty, highlighting the high costs involved in maintaining prisoners on "death row" and comparisons with the costs of alternative penalties.

The death penalty is a much debated and complex topic that generates much controversy about its application. In a legal world where there are so many errors that occur during the course of process, penalties whose effects are irreversible are dangerous, running the risk of condemning a innocent must be done with great caution. After an analysis of the arguments for and unfavorable to its application, we understand that the death penalty can be defended based on some important principles and objectives for justice and public safety.

Firstly, the penalty currently being discussed can be justified under the principle of justice retributive, which argues that the severity of the penalty must correspond to the severity of the crime committed. Cruel, extremely violent and premeditated crimes are subject to the death penalty. a form of proportional retribution that reflects the irreparable harm caused to the victim and their family members, bringing them the feeling that justice was done and honors the dignity of victim.

Furthermore, the death penalty can, in theory, demotivate potential criminals from commit extremely violent acts as it may have the maximum punishment, although data on the deterrent effectiveness of capital punishment are debated, the concept that certainty and severity of punishment can discourage criminal behavior remains relevant in the argument for capital punishment.

Another point in favor of capital punishment is that the application of the measure can ensure that extremely dangerous criminals who have no possibility of rehabilitation are permanently removed from society. In addition to protecting the population from new crimes committed by the individual, reduces the burden within the prison system and saves government costs.

The death penalty can also be seen as a means of maintaining social trust in justice system, the absence of a harsher penalty often leaves the victim with a feeling of impunity, which leads to social questioning about the effectiveness of the system



jurisdictional. The application of the penalty may reinforce the belief that the system is capable of dealing with and adequately punish the most atrocious crimes.

Within the system there are many errors that can lead to the conviction of innocent people, which has become a reason for criticism of the system presented. However, the possibility of failures should not in themselves be an impediment to the application of the death penalty, provided that the judicial systems are continually improved. Therefore, for the application of punishment in a fair and effective manner, caution is necessary when sentencing defendants, and it is essential that there are strict safeguards to prevent miscarriages of justice and ensure impartiality in process. As well as it is necessary to carry out reforms and robust judicial practices to ensure that the death penalty be applied equitably and based on clear and conclusive evidence. indisputable.

The use of advanced technology, such as DNA analysis, and the implementation of systems more rigorous judicial procedures, with processes of verification and careful evaluation of evidence, can significantly minimize the risk of error. Although it is undeniable that, in any justice system, there is always some level of error, this does not invalidate the application of justice as a whole. Just as in other areas of human life, where failures can occur, The presence of errors should not be a justification for system paralysis. On the contrary, The search for a more efficient and fair process must be constant, with appeal mechanisms well established, to correct possible injustices and ensure that the death penalty is applied correctly and fairly.

In short, the death penalty, when applied fairly and in compliance with due protective mechanisms can be defended as a form of proportional justice against serious crimes, protecting social trust in the judicial system.

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