

# Analyzing the Historical Evolution, Contemporary Debates, and Global Perspectives on the Death Penalty and its Abolition

Agung Zulfikri<sup>1</sup>, Supriandi<sup>2</sup>, Sabil Mokodenseho<sup>3</sup>

<sup>1</sup>Universitas Telkom

<sup>2</sup>Universitas Nusaputra

<sup>3</sup>Institute Agama Islam Muhammadiyah Kotamobagu

## Article Info

### Article history:

Received July 2023

Revised July 2023

Accepted July 2023

### Keywords:

Bibliometric Analysis

Death Penalty

Capital Punishment

Scholarly Literature

Historical Evolution

## ABSTRACT

This research method outlines a comprehensive bibliometric analysis of the scholarly literature on the historical evolution, contemporary debates, and global perspectives regarding the death penalty and its abolition. Using bibliometric techniques, this study aims to provide insights into trends, patterns, and influences within this field of research. The method includes selecting relevant databases, search terms, data extraction, and analysis. The results of this bibliometric analysis contribute to a better understanding of the scholarly landscape surrounding the death penalty, facilitating future research and policy decisions on this significant social issue.

*This is an open access article under the [CC BY-SA](#) license.*



## Corresponding Author:

Name: Agung Zulfikri

Institution: Universitas Telkom

e-mail: [agungzulfikri@student.telkomuniversity.ac.id](mailto:agungzulfikri@student.telkomuniversity.ac.id)

## 1. INTRODUCTION

The legal phenomenon surrounding the death penalty can be observed in various contexts and jurisdictions. In Indonesia, the death penalty is a legal and justifiable punishment for drug-related crimes because they are serious, and their nature and impact cause substantial social, economic, and resource losses to the state [1]. The death penalty has been a controversial issue in international law, with some countries abolishing it while others retain it for certain crimes.

In the context of infanticide, a gender-related crime, inconsistencies in sentencing have been observed, ranging from imprisonment to the death penalty [2]. The prosecution of infanticide perpetrators has led

to a debate on whether female perpetrators should be afforded better protection in the criminal justice system, especially when they are biological mothers who have suffered mental breakdowns after giving birth [2].

Financial crimes are sometimes treated like political crimes, leading to various overt or covert repressions, including the death penalty, imprisonment, and forced cooperation with the secret police [3]. This is due to the absence of a specific definition for financial crimes, allowing authorities to interpret events according to their whims and political needs.

The use of foreign and international law in constitutional interpretation has also been debated in the United States, especially in cases involving sensitive domestic

constitutional rights such as racial affirmative action, homosexuality, and the death penalty [4]. The role of foreign and international law in constitutional interpretation has been debated, with some arguing that there is an "interlocutory relationship with transnational sources of law" [4]. In the Islamic context, the practice of witchcraft (sihr) has been the subject of debate among Muslim jurists regarding the grounds for imposing the death penalty [5]. Sihr denotes a wide variety of supernatural phenomena and is generally considered accurate and reprehensible in Islamic circles, contrary to divine law [5].

In summary, legal phenomena relating to the death penalty can be observed in various contexts, jurisdictions, and types of crimes. The application of the death penalty often triggers debates about its justification, the role of international law, and the protection of specific groups within the criminal justice system.

The historical evolution of the death penalty can be traced back to the earliest human societies, where capital punishment was used as a means of punishment for serious offenses against the rules of society. Over time, the death penalty has undergone significant transformations in its application and methods and in the debates surrounding its use and abolition [6], [7].

In the late Middle Ages, the death penalty was a common practice in Europe, with competing jurisdictions shaping its application and the evolution of legal institutions [7]. The death penalty was gradually removed from the public arena and went behind prison walls, with new execution methods introduced to reduce the risk of pain [6]. In the modern era, the death penalty has become a subject of global debate, with perspectives from different countries and regions being considered [8]. The international community has seen a growing movement towards the abolition of the death penalty, with nearly half of all countries supporting one or more treaties advocating the repeal of the death penalty [9]. The movement is driven by concerns over human rights, the right to life, and the risk of

wrongful conviction [9]–[11]. China, for example, has made significant reforms in recent decades to reduce the use of the death penalty and protect the human rights of the accused [10]. However, these reforms have been criticized for being more symbolic than adequate, with legal loopholes still allowing the death penalty for many non-violent crimes [10]. DNA evidence has significantly altered contemporary debates about the death penalty in the United States, highlighting the risks of wrongful convictions and driving calls for reform or abolition [11].

In Iran, the evolution of the death penalty has also seen a change in the method of execution and a shift from public to private executions [6].

Global perspectives on the death penalty and its abolition vary, with some countries continuing to use it while others have abolished it altogether [8], [12]. Debates surrounding the death penalty often focus on issues such as human rights, the right to life, the risk of wrongful conviction, and the effectiveness of the death penalty as a deterrent [9], [13], [14].

In conclusion, the historical evolution of the death penalty has seen significant changes in its application, methods, and debates surrounding its use and abolition. Global perspectives on the issue are diverse, with ongoing discussions focusing on human rights, the right to life, and the risk of wrongful conviction. As the international community grapples with the death penalty, it is important to consider historical, contemporary, and global perspectives to understand and address this complex issue better.

Analyzing the historical evolution, contemporary debates, and global perspectives on the death penalty and its abolition is complex. However, bibliometric analysis can help provide insights into research trends and critical points in this area. Although no specific bibliometric analysis was conducted on the death penalty, some studies and articles can provide valuable information.

The historical evolution of the abolition of the death penalty as a human right can be traced back to the Grand Duke of Tuscany, the first person in Europe to suppress the death penalty in 1786 [15]. The abolition of the death penalty finds its basis in human rights, with the right to life being the most important [15]. The history of the dissolution of the death penalty is considered a victory of man over himself, as it is a transformation of primitive instincts and the law of retribution [15]. The contemporary debate on the death penalty has been influenced by factors such as DNA evidence, which has changed the discourse on capital punishment [11]. DNA evidence has raised questions about the accuracy and fairness of the death penalty, leading to increased scrutiny and calls for reform or abolition. A global perspective on the death penalty can be found in various international treaties and conventions, such as the Second Optional Protocol to the International Covenant on Civil and Political Rights, Protocol No. 13 of the European Convention on Human Rights, and the American Convention on Human Rights Protocol to Abolish the Death Penalty [9]. These treaties emphasize the importance of the right to life and the need to abolish the death penalty to protect this fundamental right.

In recent years, the death penalty has been the subject of transnational legal citations and norm-spreading, with courts in democratic countries increasingly referring to foreign and international law in their judgments [14]. This global judicial dialogue has contributed to the globalization of constitutional law and the spread of human rights norms, including abolishing the death penalty. A book titled "The Death Penalty: Perspectives from India & Beyond" provides an overview of the current use, debate, and application of the death penalty in various regions, including Africa, the Americas, Asia Pacific, the Middle East, and Europe [8]. This book highlights the global context of the death penalty debate and offers valuable insights into the perspectives of different countries and regions. Although no specific

bibliometric analysis was conducted on the death penalty, the methodology used in other bibliometric studies, such as the analysis of PINs, is similar to that used in other bibliometric comments [9]. Cell death [16] and immunogenic cell death in cancer [17] can be applied to the death penalty study. This analysis can help identify research trends, key points, and future developments in the field of death penalty research.

In conclusion, the historical evolution, contemporary debates, and global perspectives on the death penalty and its abolition are multifaceted and complex. Bibliometric analysis can provide valuable insights into research trends and pivotal points in this field, helping to inform future studies and policy discussions on this issue.

### **Death Penalty**

#### *Historical Evolution of the Death Penalty*

The history of abolishing the death penalty is considered a victory of man over his primitive instincts. The law of retaliation, representing man's primitive instinct in the face of murder, has been a part of human history for centuries [15]. The Grand Duke of Tuscany was the first person in Europe to suppress the death penalty in 1786, coinciding with the philosophy of Enlightenment. This movement stated that human beings should have natural rights that no power can take away [15].

#### *Contemporary Debates on the Death Penalty*

Contemporary debates about the death penalty have been influenced by the emergence of DNA evidence, which has raised questions about the accuracy of convictions and the possibility of executing innocent individuals [18]. In addition, the cost of carrying out the death penalty has been an essential factor in the debate, with some arguing that the financial burden on the state is too high [19].

In some countries, the death penalty is still used for certain crimes, such as drug crimes [20]. However, there is a growing global movement towards abolishing the death penalty, with international law and

religious thought stating that the death penalty violates an individual's right to life [9].

### *Global Perspectives on the Death Penalty and its Abolition*

The global trend toward abolishing the death penalty is evident from the increasing number of countries that have passed treaties advocating for the dissolution of the death penalty [9]. For example, nearly half of all countries have ratified one or more of these treaties, such as the Protocol to the American Convention on Human Rights to Abolish the Death Penalty and the Second Optional Protocol to the International Covenant on Civil and Political Rights [9]. In countries like India, the debate on capital punishment revolves around the perspectives of human rights and social justice [21]. In contrast, countries like Indonesia still impose the death penalty for drug crimes, as it is deemed necessary to protect the sovereignty of the nation and state [22].

In Brazil, most of the population supports the death penalty, with factors such as the frequency of murders, insecurity, and perceived institutional legitimacy influencing this support [23]. Meanwhile, Russia faces political and legal challenges in fulfilling its international obligations regarding abolishing the death penalty [24]. Despite the global trend towards abolition, some countries, such as China, continue to struggle to implement reforms to their death penalty practices [12]. However, the growing global movement and increasing awareness of human rights issues may eventually lead to the abolition of the death penalty worldwide.

In conclusion, the historical evolution of the death penalty has seen a shift from primitive instincts towards a more enlightened approach that values human rights. Contemporary debates focus on the accuracy of sentences, the cost of carrying out the death penalty, and its impact on human rights. The global trend towards the abolition of the death penalty is evident from the increasing number of countries supporting treaties advocating for the abolition of the death penalty. However, challenges remain in

some countries, and continued advocacy and awareness-raising are essential to achieve the dissolution of the death penalty worldwide.

## 2. METHODS

This research methodology is significant in several ways. It provides a comprehensive overview of the scientific landscape on the death penalty, informing policymakers, researchers, and practitioners in making evidence-based decisions. The analysis also identifies research gaps, highlighting areas that require further investigation. Furthermore, this research method demonstrates the applicability of bibliometric techniques in understanding complex social issues and contributes to the ongoing discourse.

### *Database Selection*

#### *a. Identify Relevant Databases*

The researcher identified relevant databases containing scholarly articles on the death penalty and its abolition. Databases that may be considered include academic search engines (Web of Science, Scopus), discipline-specific databases (JSTOR, PubMed), and international databases (e.g., United Nations Publications).

#### *b. Database Selection Justification*

The rationale for selecting a particular database is given, considering factors such as coverage of relevant literature, accessibility, and reputation within the academic community. The researcher explains why the chosen database fits the research objectives.

#### *c. Explanation of Search and Filtering Capabilities*

The researcher explained the search capabilities and filters in the selected database, such as Boolean operators, advanced search options, and filters for publication date and document type. This explanation helped ensure a comprehensive and focused search strategy.

Researchers identified influential authors and publications within the field based on the number of citations and other bibliometric indicators. This identification

provides insight into specific authors' and publications' scholarly impact and influence.

Table 1. Metrics Data

Publication years:	1952-2022
Citation years:	71 (1952-2022)
Papers:	50
Citations:	6072
Cites/year:	85.52
Cites/paper:	121.44
Authors/paper:	1.48
h-index:	30
g-index:	50
hI, norm:	29
Hi, annual:	0.41
hA-index:	9
Papers with ACC >= 1,2,5,10,20:	47,37,16,8,5

### 3. RESULTS AND DISCUSSION

To achieve the initial objective of this study, which focused on classifying articles on the historical evolution, contemporary debates, and global perspectives on the Death Penalty and its Abolition, the researchers used VosViewer software. By utilizing the title and abstract fields and applying a binary counting method, they managed to identify a total of 250 terms. In an attempt to analyze further, only 55 words were selected by setting a minimum occurrence threshold of 10 times. However, it should be considered that a relevance score will be calculated for each of the 55 terms. Assuming the default selection threshold of 60%, only the most relevant terms will be automatically selected, resulting in 33 corresponding words. However, manually verifying the words by removing unrelated terms, such as editorial, sample, abstract, and others, is essential. After verification, the number of words eligible for map generation eventually reached 30.

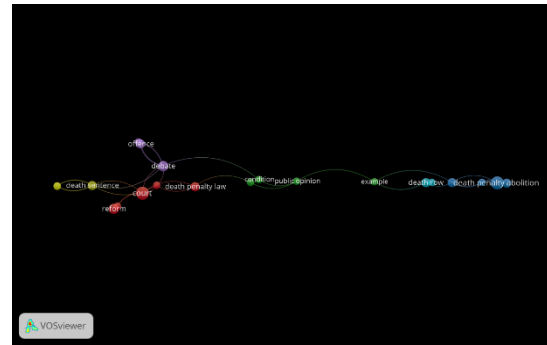


Figure 1. Mapping

Based on Figure 1 above, it is interesting to discuss the articles that have been classified where clusters one to six become overlapping and interconnected clusters.

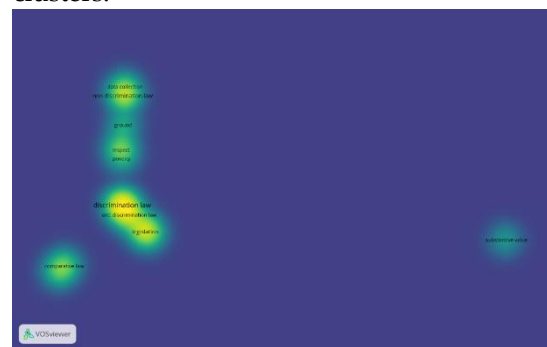


Figure 2. Mapping Destiny

The figure above shows how clusters form areas of interest, which will be explained in more detail in the Table below:

Occurrences in this study are described concisely below:

Table 3. Keywords Analysis

Cluster	Total Items	Most frequent keywords (occurrences)	Keyword
1	(5)	Constitutional regulation (15)	Abolitionist, constitutional regulation, court, death penalty law, reform
2	(4)	Public Opinion (1)	Condition, discretion, example. Public opinion
3	(4)	Death penalty abolition (15)	Death penalty abolition, life, process, strategy
4	(3)	Anti-terrorism (15)	Anti-terrorism, death sentence, the effective death penalty
5	(3)	Drug (20)	Debate, drug, offense
6	(2)	Communication (10)	Communication, death row

One cluster from this mapping appears at least in the keywords, namely clusters one to 6. These clusters include topics on the death penalty.

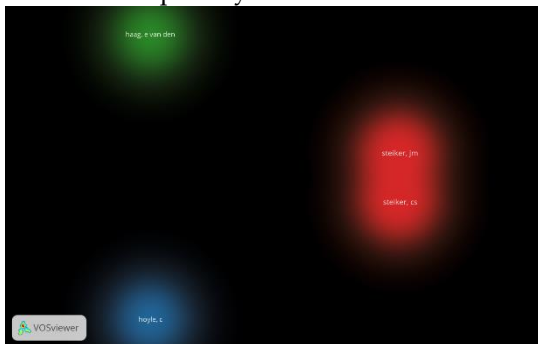


Figure 3. Author's Analysis

The figure above shows where there are several significant authors in the field of law with their citations, and the average article has been cited more than 1000 references.

Table 3. Authors with the Most Citations

Citation	Author & Years	Title
1083	[25]	Equal justice and the death penalty: A legal and empirical analysis
821	[26]	The death penalty in America
504	[27]	The abolition of the death penalty in international law
326	[28]	Public opinion and the death penalty
281	[29]	Death penalty for keratinocytes: apoptosis versus cornification
164	[30]	The changing nature of death penalty debates
133	[31]	The death penalty: A Debate
128	[32]	State, be not proud: A retributivist defense of the commutation of death row and the abolition of the death penalty.
124	[33]	Revisiting Beccaria's Vision: The Enlightenment, America's Death Penalty, and the Abolition Movement
39	[34]	Peace resolution in education and application on information and

		communication technology
29	[35]	Religious Teaching and Learning in Minority Muslim of Manado Indonesia BT - Proceedings of the 2nd International Conference on Education, Science, and Technology (ICEST 2017)
1	[36]	Indonesia's Foreign Policy in Promoting a Moderate Islamic Identity after the Reform

From 1952 to 2022, it appears that documents on the death penalty are the most explicitly cited source of reference. However, the trend shows that more recent material tends to be cited less frequently, except by authors who have delved into the field previously. Alternatively, we can refer to the Table below to see the research topics that have been the subject of more publications in the period.

Table 5. 9 Most and least occurring terms

Most occurrences		Fewer occurrences	
Occurrences	Term	Occurrences	Term
6	Death penalty abolition	2	Strategy
5	Court	2	Anti-Terrorism
4	Reform	2	Effective death penalty act
4	Debate	2	Family death penalty
3	Process	2	Discretion
2	Death Penalty Law	2	Public Opinion
2	Death Row	2	Communication
2	Offense	2	Drug
2	Death Sentence	2	Abolitionist

In addition to illustrating the most frequently occurring topics in the publications, Table 6 also shows the ultimate goal of this research, which is future equality and discrimination topics that provide opportunities for further analysis. The issues that could be opportunities for further exploration are more specific and lead to implications for the research suggestions. The results of this research provide valuable

insights into discrimination and equality. The findings highlight the importance of robust legal frameworks, technological advancements, and ethical considerations in ensuring adequate and responsible protection of national security in the digital age. The implications and recommendations derived from the results of this study can inform individuals, businesses, and policymakers in their efforts to improve data protection practices and regulations. In addition, the occurrence generated in this research shows a low number, meaning that the potential for further research is very high.

## CONCLUSION

The bibliometric analysis conducted in this research method offers valuable insights into the historical evolution, contemporary debates, and global perspectives on the death penalty and its abolition. This study identifies trends, research gaps, and emerging themes by systematically analyzing the scholarly literature.

This analysis reveals a significant increase in publications on the death penalty in recent decades, reflecting a growing interest and engagement with the topic. Early research focused mainly on legal aspects and case studies, while contemporary literature covers broader dimensions, including ethics, human rights, and social justice. The analysis also highlights the diverse global perspectives, which are influenced by cultural, political, and religious factors, with some countries continuing to practice the death penalty while others are moving towards its abolition.

The research gaps identified in this analysis provide valuable directions for future research. Comparative studies that explore the impact of the death penalty across different legal systems, cultures, and socioeconomic contexts are urgently needed. In addition, research focusing on the perspectives of victims and their families, the role of international law and human rights,

and the influence of public opinion on policy decisions are areas for further investigation.

The findings of this bibliometric analysis contribute to the ongoing discourse on the death penalty and its abolition. The results inform policymakers, researchers, and practitioners in making evidence-based decisions, encourage informed debate, and foster international dialogue. This analysis lays the foundation for future research, policy formulation, and public understanding of this complex issue by highlighting trends, research gaps, and emerging themes.

## REFERENCE

- [1] O. Rafsanjani and A. Mustaffa, "Why Should The Death Penalty Not Be Abolish For Narcotics Crimes? A Case Study In Indonesia," *JIP-Jurnal Ilm. Ilmu Pendidik.*, vol. 5, no. 8, pp. 3104–3110, 2022.
- [2] C. Babat and Z. Hamin, "When Mothers Kill: Lessons From The English Law For Malaysia," *Eur. Proc. Soc. Behav. Sci.*, vol. 52.
- [3] R. Klementowski, "Financial Crime in the Operational Work of the State Security Service Until 1956–Lower Silesian Perspective," *Stud. Hist. Oeconomicae*, vol. 34, no. 1, pp. 129–148, 2016.
- [4] I. de la R. del Moral, "The Dilemma of the Three Wise Monkeys? Transnational Law as a Tool of Constitutional Interpretation and the US Supreme Court," *Transnatl. Leg. Theory*, vol. 4, no. 2, pp. 227–257, 2013.
- [5] E. Sibly, *A Key to Physic, and the Occult Sciences*. Cambridge University Press, 2012.
- [6] M. S. Esfandiari Bahrasman and A. Javan Jafari Bojnordi, "A Sociological Study of the Evolution of the Death Penalty in Iran and America," *Comp. Law Rev.*, vol. 11, no. 1, pp. 1–20, 2020.
- [7] R. R. Tostes, "Death penalty in late-medieval Catalonia. Evidence and significations: by Flocel Sabaté, London, Routledge, 2019, 400 pp, \$180 (hbk), ISBN 978-0367188634." Taylor & Francis, 2021.
- [8] E. Viano, "Book Review: The Death Penalty: Perspectives from India & Beyond," *Glob. Adv. Vict. Psychol. Stud.*, pp. 49–52, 2022.
- [9] B. Jones, "Death Penalty Abolition, the Right to Life, and Necessity," *Hum. Rights Rev.*, vol. 24, no. 1, pp. 77–95, 2023.
- [10] K. Scott, "Why did China reform its death penalty?," *Pac. Rim L. Pol'y J.*, vol. 19, p. 63, 2010.
- [11] J. S. Liebman, "New Death Penalty Debate: What's DNA Got to Do with It," *Colum. Hum. Rts. L. Rev.*, vol. 33, p. 527, 2001.
- [12] B. Liang, "China's death penalty practice: Working progress, struggle, and challenges within the global abolition movement," in *The death penalty in China: Policy, practice, and reform*, Columbia University Press, 2015, pp. 1–30.
- [13] J. Derrida, *The death penalty, volume II*. University of Chicago Press, 2020.
- [14] A. N. Gavrilš, "SHOULD THE DEATH PENALTY BE ABOLISHED? ARGUMENTS FOR AND AGAINST THE CENTURIES-OLD PUNISHMENT.," *J. Commun. Cult.*, vol. 1, no. 2, 2011.
- [15] I. Nicolau, "Historical evolution of the death penalty abolition as a fundamental human right," *Contemp. Readings Law Soc. Justice*, no. 2, pp. 278–283, 2013.
- [16] J.-H. Zhang, S.-Y. Ni, Y.-T. Tan, J. Luo, and S.-C. Wang, "A bibliometric analysis of PIN1 and cell death," *Front. Cell Dev. Biol.*, vol. 10, p. 1043725, 2022.
- [17] Y. Zhou, F. Hu, Y. Cui, H. Wu, S. Hu, and W. Wei, "Bibliometric analysis of research on immunogenic cell death in cancer," *Front. Pharmacol.*, vol. 13, p. 1029020, 2022.
- [18] J. D. Aronson and S. A. Cole, "Science and the death penalty: DNA, innocence, and the debate over capital punishment in the United States," *Law Soc. Inq.*, vol. 34, no. 3, pp. 603–633, 2009.
- [19] G. Sween, "Texas Ain't Tuscany: How a Truism Might Further Invigorate Contemporary Cost Arguments for Death-Penalty Abolition," *Am. J. Crim. L.*, vol. 41, p. 151, 2013.
- [20] S. Perseil, "From Prison to the Death Penalty: Human Rights Violations in the War on Drugs," in *Living with Drugs*, Elsevier, 2020, pp. 157–164.
- [21] L. Sina, "Implementation of the Death Penalty in the Perspective of Human Rights in Indonesia," *Hasanuddin Law Rev.*, vol. 2, no. 3, pp. 385–397, 2016.
- [22] M. N. Sitompul and A. Sitompul, "Execution Of Death Penalty In Narcotics Crime In The Perspective Of National Law In Indonesia," *Int. Asia Law Money Laund.*, vol. 1, no. 2, pp. 107–112, 2022.
- [23] F. D. Boateng and M. K. Dzordzormenyoh, "Capital punishment in Brazil: Exploring factors that predict public support for the death penalty," *J. Contemp. Crim. Justice*, vol. 38, no. 1, pp. 56–71, 2022.
- [24] S. I. Kuzina, T. P. Cherkasova, O. A. Artyukhin, N. V Saraev, and D. S. Comartov, "Political-legal issues of fulfillment of russia's international obligations on death penalty abolition in the country," *Rev. Gênero e Direito*, vol. 9, no. S3, pp. 178–200, 2020.
- [25] D. C. Baldus, G. Woodworth, and C. A. Pulaski, *Equal justice and the death penalty: A legal and empirical analysis*. Upne, 1990.
- [26] H. A. Bedau, *The death penalty in America*. Oxford University Press, 1998.
- [27] W. Schabas, *The abolition of the death penalty in international law*. Cambridge University Press, 2002.
- [28] N. Vidmar and P. Ellsworth, "Public opinion and the death penalty," *Stan. L. Rev.*, vol. 26, p. 1245, 1973.
- [29] S. Lippens, G. Denecker, P. Ovaere, P. Vandenabeele, and W. Declercq, "Death penalty for keratinocytes: apoptosis versus cornification," *Cell Death Differ.*, vol. 12, no. 2, pp. 1497–1508, 2005.



- [30] M. L. Radelet and M. J. Borg, "The changing nature of death penalty debates," *Annu. Rev. Sociol.*, vol. 26, no. 1, pp. 43–61, 2000.
- [31] E. Van den Haag and J. P. Conrad, *The death penalty: A debate*. Springer Science & Business Media, 2013.
- [32] D. Markel, "State, be not proud: A retributivist defense of the commutation of death row and the abolition of the death penalty," *Harv. CR-CLL Rev.*, vol. 40, p. 407, 2005.
- [33] J. D. Bessler, "Revisiting Beccaria's Vision: The Enlightenment, America's Death Penalty, and the Abolition Movement," *Nw. JL Soc. Pol'y*, vol. 4, p. 195, 2009.
- [34] M. Idris, E. Willya, I. Wekke, and S. Mokodenseho, "Peace resolution in education and application on information and communication technology," *Int. J. Adv. Sci. Technol.*, vol. 29, no. 6, 2021.
- [35] I. S. Wekke and S. Mokodenseho, "Religious Teaching and Learning in Minority Muslim of Manado Indonesia BT - Proceedings of the 2nd International Conference on Education, Science, and Technology (ICEST 2017)," Sep. 2017, pp. 187–189. doi: 10.2991/icest-17.2017.62.
- [36] S. Naim and S. Mokodenseho, "Indonesia's Foreign Policy in Promoting a Moderate Islamic Identity after the Reform," *AT-TURAS J. Stud. Keislam.*, vol. 10, no. 1, pp. 1–22, 2023.