

观点：如何理解“赔钱获减刑死缓” PDF转换可能丢失图片或格式，建议阅读原文

https://www.100test.com/kao_ti2020/491/2021_2022__E8_A7_82_E7_82_B9_EF_BC_9A_E5_c67_491967.htm 针对广东东莞尝试“赔钱减刑”一案，律师称这符合慎杀少杀的趋势，百姓则质疑这是否表示富人犯罪受到的处罚会比穷人轻？目前，东莞两级法院在多宗刑事附带民事赔偿的案件中，提倡对民事部分进行调解，并对作出经济赔偿的被告人给予从轻处罚。对此，东莞中院刑一庭庭长梁聪解释说，东莞两级法院是从维护被害人的合法利益角度出发的。个别媒体认为的“赔钱减刑”不符合法律规定，是片面的。 Is commuting a sentence in exchange for cash an insult to the rule of law and poor victims?

Public opinion seems to be divided. The Second Intermediate Court of Dongguan in South Chinas Guangdong Province has reduced more than 30 criminals sentences and commuted the capital punishment of many to life sentence in exchange for cash. The criminals are offered the choice with the consent of the victims families, who are paid the money as compensation. Defending the move, the Dongguan courts deputy director Chen Si showed a letter of thanks from a victims family who had consented to commuting the death sentence of the guilty to life imprisonment if they were paid 50,000 yuan (\$6,400) as compensation. "The court, after serious consideration, decided to reduce his sentence within the provisions of law," he said. "And the money helped the family of the victim out of abject poverty." To be honest, Dongguan Second Intermediate Court didnt pioneer the cash-for-amnesty move, professor of

Political Science and Law in Beijings China University Hong Daode said. A Supreme Peoples Court regulation issued in late 2000 stipulated that courts could consider the compensation if defendants were ready to pay the victims or their families while handing down sentences. "Strictly based on the law, the Supreme Court took a great step forward in putting judicial explanation into practice." Hong said. Chinas famed law expert He Jiahong corroborated Hong, and said: "In essence, the law punishes the crime rather than the criminal. And the guiding principle of Chinas criminal law requires extreme caution while passing the death penalty." The Supreme Court took back the right of final review of a death sentence from the provincial courts from January 1 to tighten control over handing down capital punishment. But commuting the death penalty after a defendant pays compensation to the victims family does not tantamount to "redeeming crime with money", he said. "The money can help the family, especially if its poor, and more importantly, only after its consent can the sentence be lightened, he said. But, many disagree with the law experts. An online writer calling himself "Rule of Law" termed it a "hard sell" on Sina.com, one of Chinas major news portals. "Why not have a second opinion on the so-called consent," wrote "Rule of Law." "The poor sufferers have no option but to accept the money. They are, to some extent coerced into compromise." Liu Xiao, a third-year law student in Renmin University of China, appealed to the judiciary on "behalf of all the victims" to set up a "sufferer-compensation system" to enable victims families, especially the very poor ones, to take the right decision in a

case. Vocabulary: commuting a sentence : 减刑life imprisonment :
无期徒刑capital punishment : 死刑portal : 门户网站 100Test 下
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