

Analysis of the Research Objects and Application Scope of Criminal Execution Law

WANG Ren^{[a],*}

^[a] Jiangsu Pengcheng Law Firm, Practicing Lawyer, Xuzhou, Jiangsu, China.

*Corresponding author.

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Abstract

The research objects of criminal execution law mainly include the theories, institutions, and practices of criminal execution. Criminal execution law should be the discipline that studies the law of criminal execution, with its main focus being the examination of criminal law enforcement. On the other hand, the law of criminal execution refers to the legislation that regulates criminal execution. Therefore, the application scope of criminal execution law should encompass both the legal regulatory scope of the law of criminal execution and the corresponding practices of criminal execution. The research objects of criminal execution law define the boundaries of its application scope and determine its effectiveness. With societal development and changes in criminal justice practices, new issues and demands related to criminal execution continue to emerge. These developments, in turn, drive the expansion and renewal of the research objects of criminal execution law. The research objects and the application scope of criminal execution law share a relationship of mutual reinforcement and coordinated development. Analyzing the connotations and extensions of these research objects and their application scope helps promote their synergy, thereby further achieving the goals of criminal justice.

Key words: Research objects of criminal execution law; Application scope of criminal execution law; Judicial justice in criminal execution

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This paper takes the context of criminal execution within the framework of the comprehensive rule of law as its central focus. It first analyzes the connotation and extension of the research object and application scope of criminal enforcement law. On this basis, it analyzes the problems in criminal execution practice, such as the slow progress of criminal execution law research, which has led to delay in its effective application. The paper further explores effective paths to promote the coordinated advancement of the research objects of criminal execution and the scope of application of criminal execution law, with the aim of providing institutional guidance and theoretical support for more just judicial practice in criminal execution. Ultimately, this contributes to achieving more just judicial practice throughout the entire criminal procedure and boosting the practical effectiveness of building a rule-of-law China.

1. ELUCIDATING THE CONNOTATIONS AND EXTENSIONS OF THE RESEARCH OBJECTS AND APPLICATION SCOPE OF CRIMINAL EXECUTION LAW

1.1 The Connotations and Extensions of the Research Objects of Criminal Execution Law

The research objects of criminal execution law encompass its theories, institutions, and practices. Based on this, the author posits that the connotations and extensions of the research objects of criminal execution law should be deconstructed from the following three dimensions

1.1.1 The Theory of Criminal Execution

“Criminal execution theory is a systematic understanding of the regularities, characteristics, and mechanisms

within penalty execution work, developed through the summarization and generalization of such work. Its form can vary depending on its level of development, with the simplest form being the concept. A concept represents the understanding of the essence of a thing. In criminal execution law, concepts emerge from intellectual processes such as analyzing and generalizing criminal execution activities. They form the essential foundation that allows criminal execution law to become a discipline and serve as the fundamental building blocks for its structure. Subsequently, various concepts, theoretical perspectives, or hypotheses may be proposed. These reflect the people's relatively in-depth understanding of specific aspects of criminal execution work. When these theoretical perspectives or hypotheses are tested, found to align with the realities of criminal execution work, and are given more profound and comprehensive exposition and articulation, they gradually evolve into a systematic criminal execution theory." (Wu, 2019, p.11) The study of criminal execution theory can be regarded as the cornerstone of the research objects of criminal execution law. This is because the ongoing refinement and deepening of criminal execution theory provides the theoretical underpinning that guarantees the scientific nature of legislation in criminal execution law. Criminal execution theory can offer theoretical guidance for improving the institutions of criminal execution law by analyzing problems within criminal execution practice and proposing solutions. At the same time, when dilemmas arise in the legal application during criminal execution practice, it can provide effective legal theoretical guidance. This guidance helps bridge gaps in the legal application within the scope of criminal execution law.

1.1.2 The Institutions of Criminal Execution

"Criminal execution institutions are procedural rules and codes of conduct that are established and implemented according to law within the field of criminal execution. The criminal execution institutions examined by criminal execution law mainly cover the following aspects:

a) The system for executing imprisonment penalties. The imprisonment penalty execution system encompasses the legal and operational frameworks that govern the enforcement of custodial sentences.

b) The community corrections system... From the perspective of criminal execution law, the community corrections system mainly pertains to execution systems for non-custodial penalties that require community involvement and supervision.

c) Other penalty execution systems. Besides the systems for imprisonment and community corrections, other penalty execution systems also fall within the research purview of criminal execution law. In the current Chinese context, these include systems for executing property penalties and death penalties.

d) Systems related to criminal execution. Beyond the standard criminal execution systems, criminal execution law must also examine systems closely associated with criminal execution. These include systems such as pardons, post-release assistance, and the enforcement of non-penal adjudications. These systems have a significant impact on criminal execution work and its outcomes. Therefore, they should be included within the research scope of criminal execution law." (Wu, 2019, pp.12 & 13) "Criminal execution law must provide comprehensive, coherent, scientific, and reasonable interpretations of existing criminal execution legislation. It must also offer scientifically grounded suggestions and systematic justifications for improving and perfecting such legislation." (Zhao, 2014, pp.14 & 15)

1.1.3 The Practice of Criminal Execution

"Criminal execution practice mainly refers to the range of activities carried out by criminal enforcement authorities to execute penalties according to law. These activities constitute the crucial link through which the legal system of criminal execution generates actual legal effects. They also serve as the criterion for assessing the rationality of the criminal execution legal system. Studying criminal execution activities within criminal execution law involves examining whether these activities comply with legal provisions and align with the spirit of the modern rule of law. On the other hand, it requires identifying new situations and problems, summarizing the patterns of penalty execution, and proposing solutions to fully realize the role of theory in guiding practice." (Wu, 2019, p.13) In his work *Criminal Execution Law* (Third Edition), Wu Zongxian further elaborates that the study of criminal execution activities within criminal execution law is mainly reflected in "the process of transforming legal institutions into operational systems, the process of translating operational systems into concrete actions, and the distinctive problems that arise in the course of criminal execution activities." (Wu, 2019, p.13)

1.2 The Connotations and Extensions of the Application Scope of Criminal Execution Law

"Criminal execution law should be the discipline that studies the law of criminal execution." (Wu, 2019, p.3) Since criminal execution itself is the legal regulatory object of criminal execution law, examining the connotations and extensions of the application scope of criminal execution law requires distilling its essential meaning from three dimensions: criminal execution, the law of criminal execution, and the disciplinary system of criminal execution law.

1.2.1 The Trend in Textbook Titling as an Indicator of the Discipline's Scope

"In recent years, textbooks on penalty execution have largely been published under the title 'Criminal

Execution Law,' for example: Wang Shun'an: Criminal Execution Law, Masses Publishing House, 2001 edition; Han Yusheng et al.: Research on Criminal Execution Law, China Renmin University Press, 2007 edition; Wu Zongxian (editor-in-chief): Criminal Execution Law, China Renmin University Press, 2007 edition; and Wang Gongyi (editor-in-chief): Criminal Execution Law, Law Press, 2013 edition. This trend suggests that the application scope of criminal execution law can refer to the legal regulatory scope of the law of criminal execution." (Zhao, 2014, p. 9)

(1) Drawing on relevant theoretical perspectives, "currently, although China does not yet have a law formally named 'Criminal Execution Law,' the concept of 'Criminal Execution Law' has gained widespread recognition." (Zhao, 2014, p. 9) Furthermore, in their article "On the Legal Nature of the 'Prison Law' and the 'Community Corrections Law'—Also Discussing the Necessity of Compiling the 'Criminal Execution Code of the People's Republic of China,'" Wang Shun'an and Zhang Tianxiang state: "To improve the existing legal system of criminal execution, it is essential to formulate a specialized 'Criminal Execution Code.' Adopting a legislative model consisting of general provisions and specific provisions can clarify the procedural nature of criminal execution law, substantiate the constitutionality of criminal procedures, promote the integration of criminal law, and ultimately advance the rule of law in criminal execution, thereby contributing to the development of criminal rule of law." (Wang and Zhang, 2022) On this basis, studying the legal application scope of the law of criminal execution constitutes the primary pathway to interpreting its scope of applicability.

(2) "The law of criminal execution refers to the totality of legal norms formulated and enacted by state legislative or administrative bodies, which are used to stipulate penalty execution systems, regulate criminal execution activities, and adjust various legal relationships that arise during the criminal execution process." (Zhao, 2014, pp.8-9) Therefore, based on the aforementioned theoretical doctrines, the application scope of criminal execution law should include provisions governing the establishment and implementation of penalty execution systems. It should also encompass the regulation of criminal execution activities and the adjustment of various legal relationships that emerge during the criminal execution process. Furthermore, supported by the gradual refinement of China's penalty system and the continuous innovation in penalty execution methods, the expansion and updating of the scope of criminal execution legal norms, alongside the real-time rule-of-law requirements of criminal execution practice, will drive the continuous expansion and enhancement of the application scope of criminal execution law.

1.2.2 Exploring the Application Scope of Criminal Execution Law from the Perspective of Its Disciplinary System

"Using the abstraction and completeness of the disciplinary system as criteria, it is reasonable to divide the disciplinary system of criminal execution law into two main parts: basic theory and applied theory. The basic theory of criminal execution law is relatively abstract and comprehensive. It provides a scientific summary of phenomena common across different types of penalty execution and constitutes the foundational knowledge for all penalty execution. On the other hand, the applied theory of criminal execution law focuses more on describing the execution processes of specific penalties, characterized by their uniqueness and particularity". (Zhao, 2014, p.18) According to the positioning of the disciplinary system of criminal execution law in Criminal Execution Law edited by Zhao Guoling, the general part of criminal execution law explains the fundamental concepts of multiple core elements within the framework of criminal execution law, the historical development of criminal execution, as well as the tasks, functions, and basic principles of criminal execution law. It also addresses the various subjects and criminal enforcement authorities within the legal domain of criminal execution law and the issue of criminal execution supervision. "The specific part of criminal execution law (the second to fourth sections of this book) elaborates on the practical execution issues of different penalties", (Zhao, 2014, p.18) covering prison executions, community corrections, and other penalties such as the death penalty, short-term detention, property penalty, and deprivation of political rights. Therefore, from the perspective of the disciplinary system of criminal execution law, it is evident that its application scope encompasses criminal execution supervision, prison execution, community corrections, and other penalties. It effectively covers the criminal execution issues and processes of all types of penalties.

1.2.3 Interpreting the Connotations and Extensions of the Application Scope of Criminal Execution Law from the Legal Concept of Criminal Execution

"Criminal execution refers to the work of criminal justice organs executing penalties and related adjudications in accordance with the law." (Wu, 2019, p.3) The conceptual scope and extension of criminal execution are broader than those of penalty execution. Penalty execution forms only a portion of criminal execution, since criminal execution refers to the execution of all effective judgments, rulings, and decisions. Therefore, criminal execution consists of two parts: penalty execution and non-penalty execution. Non-penalty execution encompasses the execution of non-penal measures, acquittals, and judgments exempting individuals from penalty. "It

should also include the restoration of the reputation of defendants in wrongful, false, and mishandled cases, state compensation for defendants wrongly subjected to criminal liability, and further offer assistance to crime victims.” (Wu, 2019, p.4) Based on a comparative study of criminal execution and penalty execution, criminal execution falls within the regulatory domain of criminal execution law. The connotations and extensions of the application scope of criminal execution law should include the regulation of both the connotation and extension of the concept of criminal execution. In other words, it encompasses the regulation of the entire process of penalty execution as well as the entire process of non-penalty execution.

1.3 The Relationship Between the Research Objects and the Application Scope of Criminal Execution Law: Complementary and Coordinated Development

The research objects of criminal execution law encompass its theory, institutions, and practice. It can be said that these research objects provide a solid theoretical foundation, institutional supply, and practical guidance for the application scope of criminal execution law. The research logic is closely connected and thoroughly detailed. The study of criminal execution theory provides a scientific assurance and a theoretical source for the formulation of criminal execution institutions. Research on criminal execution institutions offers legally established procedural rules and codes of conduct for criminal execution practice in the field of criminal execution. The study of criminal execution practices offers three aspects of practical guidance for criminal execution activities. These include the process of transforming legal institutions into operational systems, the process of translating operational systems into concrete actions, and offering guidance based on regularities and solutions for new and unique problems that arise during criminal execution activities. As a result, the research objects of criminal execution law provide comprehensive safeguards—from theory to institutions and then to applicable practice—for the effective regulation of criminal execution law within its application scope. This facilitates the precise and effective application of criminal execution law within its scope and ensures the effective regulation of various criminal execution activities and subjects within that scope. However, driven by factors such as social development and the evolution of criminal justice practices, the application scope of criminal execution law will expand and deepen. Emerging and unique challenges emerging from judicial practice within criminal execution activities will, in turn, stimulate the continuous expansion and updating of the research objects of criminal execution law. The in-depth research,

theoretical innovation, institutional innovation, and guidance for institutional implementation related to the research objects of criminal execution law provide a solid theoretical foundation and institutional support for the expansion of its application scope. Conversely, the ongoing expansion of the application scope of criminal execution law and the feedback from practice supply new problems and directions for research on its objects, fueling the continual development and refinement of criminal execution law. The two mutually promote and develop in coordination, jointly advancing the construction and development of the discipline of criminal execution law and fostering judicial fairness in criminal execution, extending even across the entire criminal process.

2. EXPLORING THE COORDINATED AND MUTUAL DEVELOPMENT OF THE RESEARCH OBJECTS AND APPLICATION SCOPE OF CRIMINAL EXECUTION LAW TO PROMOTE GREATER JUDICIAL FAIRNESS IN CRIMINAL EXECUTION

2.1 Integrating and Consolidating the Theoretical Strength of the Research Objects of Criminal Execution Law with the Practical Strength of Its Application Scope to Achieve Coordinated and Mutual Development

Conduct research on criminal execution theory and apply theoretical research to guide institutional studies, thereby providing both institutional and theoretical support for the high quality and efficiency of criminal execution practice. Additionally, provide effective guidance for criminal execution practice by transforming legal institutions into operational systems and operational systems into concrete actions. Offer theoretical supplementation for new problems encountered in criminal execution practice. Use the expansion of the research objects of criminal execution law to promote its adaptability to the application scope, enhance the effective legal regulation of criminal execution law over its application scope, and resolve new problems within that scope. Achieve the effective advancement of criminal execution practice within the application scope. For example, given the significant demand for governing minor offenses in the new era of the rule of law within criminal execution practice and the urgent need to empower community corrections with the power of societal forces as mandated by the rule of law, it is advisable to clearly define specific forms of societal forces through legal provisions or guiding opinions. Furthermore, mechanisms for incorporating key societal

forces should be carefully formulated and detailed, defining their roles, positions, and functional impact within community corrections work. The “Academic Seminar on Criminal Execution Systems” held by the China Criminal Procedure Law Society on July 11, 2025, actively addresses emerging and core issues in criminal execution practice as well as the application scope of criminal execution law. The seminar responds directly to the new demands placed on the legal system by China’s modernization, offering comprehensive and in-depth discussions on both theoretical and practical issues of the criminal execution legal system. These discussions cover key areas such as the contemporary positioning and development pathways of criminal execution systems, breakthroughs and reconstruction in the basic theory of criminal execution, dilemmas and institutional breakthroughs in the execution of imprisonment penalties, paradigm shifts in community corrections and other penalty execution systems, and the systematic establishment of prosecutorial supervision over penalty execution. This serves as an exemplary model for the coordinated and mutual development of the research objects and application scope of criminal execution law.

2.2 It is recommended to deeply cultivate the functional systems and theoretical research of prosecutorial supervision over criminal execution within the field of research objects of criminal execution law, providing theoretical and institutional support for exploring and perfecting the “stationed + circuit + technology” supervision mechanism.

Based on existing high-quality research findings on prosecutorial supervision over criminal execution in China, the theoretical research in criminal execution law grounded in such supervision has formed a virtuous cycle of mutual interaction and reinforcement with the judicial practice of high-quality development in prosecutorial supervision over criminal execution. Building on this foundation, it is advisable to further strengthen theoretical research and institutional development aimed at clearly delineating the responsibilities of criminal execution supervision versus regulatory duties. Prosecutorial supervision over criminal execution plays a vital role in enhancing both the punitive and educational functions of criminal execution. To broaden its functional scope and reinforce its rule-of-law value, it is necessary to clearly distinguish the duties of criminal execution supervision from regulatory duties. Theoretical and institutional research should define the boundaries of authority and responsibility, the boundaries of subjects, and the positioning of duties between criminal execution and prosecutorial supervision over criminal execution. This will facilitate the modernization development of criminal execution systems and mechanisms by incorporating

the functional mechanisms of prosecutorial supervision. The original mechanism of prosecutorial supervision over criminal execution originates from supervision over prisons and detention centers, inherently combining law enforcement with oversight efficacy. Constructing theoretical research and institutional creation around prosecutorial supervision over criminal execution to explore and perfect the Chinese modern supervision mechanism of “stationed + circuit + technology” should be grounded in the physical layers of stationed and circuit prosecutorial work. By leveraging technology to enhance the mechanisms of prosecutorial supervision over criminal execution, it is possible to achieve a synergistic integration of stationed prosecution, circuit prosecution, and digital prosecution. This coordinated approach enables the precise identification of key issues in penalty execution and law enforcement, strengthens the penetrating force and precision of prosecutorial supervision, and maximizes the efficacy of prosecutorial supervision over criminal execution in the new era.

2.3 Guiding the resolution of rights protection issues in community corrections through research on criminal execution theory.

Based on research in criminal execution theory, a thorough understanding of the importance of promoting seamless connection within the criminal execution judicial chain can enhance the fairness of criminal execution judicial activities, improve judicial efficiency, and thus better maintain judicial fairness and the legitimate rights and interests of all legal subjects, particularly prisoners, within the regulatory framework of the *Prison Law*. Lawyers and the legal community within the public security, procurator, and judicial systems share a common goal of achieving judicial fairness and transparency. The professional rights and legal value of lawyers are clearly demonstrated across three stages of criminal justice activities - criminal investigation, prosecution, and trial - through explicit legal provisions. The author believes that, considering the legal value of lawyers’ professional rights in criminal execution judicial activities, legislation should adhere to systematic, holistic, coordinated, and timely principles. By drawing on the theoretical foundations of criminal execution law research to better address rights protection issues in community corrections, the scope and pathways for lawyers to provide legal services to protect the legitimate rights of offenders during the criminal execution stage can be expanded. This can be directly and clearly defined through legal provisions or opinions, thereby establishing a tight chain of criminal execution judicial connections. Throughout the criminal execution stage, lawyers can effectively protect the legitimate rights of offenders from custodial and non-custodial sentencing to reintegration into society through legal services.

2.4 Further improving the execution supervision mechanism through institutional research on criminal execution to ensure judicial fairness.

Guided by institutional research on criminal execution, and within the broader context of big data-enabled community corrections, this study aims to establish legal systems or implementation rules that enable lawyers, as high-quality legal entities, to participate throughout the entire process of community corrections. This would provide direct and clear institutional support along with specific, coherent operational guidelines for implementation, fully harnessing the legal value of lawyers in restoring social relationships. The author believes that the rights of lawyers to participate in community corrections as a judicial force and to protect the reintegration rights of offenders should be integrated into the improvement and revision of the *Resettlement and Assistance Law*, *Criminal Law*, *Community Correction Law*, and *Prison Law*. This integration would enhance the tightness, synergy, and systematic nature of the criminal law system, optimize the structure of penal power through legislation, and promote the achievement penal objectives. It would also strengthen and improve enforcement supervision forces and mechanisms, thereby facilitating the effective connection between the legislative objectives of the *Prison Law* and the *Community Correction Law* and the protection of the social reintegration rights of offenders, further promoting judicial fairness.

3. CODIFYING A CRIMINAL EXECUTION CODE TO INTEGRATE PENAL ENFORCEMENT AND STRENGTHEN ITS LEGAL AUTHORITY

Strengthening Legal Institutional Research on the Research Objects of Criminal Execution Law and Attempting to Codify a “Criminal Execution Law” Based on the Prison Law and the Community Corrections Law to Achieve Criminal Integration and Further Enhance the Legal Coerciveness and Authority of Criminal Execution.

“The realization of the criminal rule of law requires the coordinated application of substantive criminal law, criminal procedure law, and criminal execution law. In this process, a Criminal Execution Code serves multiple functions. Functionally, it enhances the content of existing criminal law and criminal procedure law, promoting the construction of criminal integration. From a policy perspective, it supports the implementation of a balanced approach between leniency and severity, fostering a combination of individual prevention and special measures to reduce crime. At the level of legal

order, it improves existing execution relationships and enhances the overall constitutionality of the criminal law system.” (Wang and Zhang, 2022) “The author believes that among existing perspectives, neither the model of separate special legislation nor the model combining general provisions with special provisions is advisable. Given the significant absence of a comprehensive basic law in China’s field of criminal execution, the codification process of the ‘Criminal Execution Code’ should adopt a model of general provisions plus specific provisions. This model should define the nature and functions of criminal execution, integrate the norms of existing basic laws on criminal execution, supplement the deficiencies in content regarding prison penalty execution, and ultimately formulate a truly complete Criminal Execution Code that is systematic, comprehensive, and overarching.” (Wang and Zhang, 2022)

CONCLUSION

By examining the connotations and extensions of the research objects and the application scope of criminal execution law, and understanding the logical relationship of mutual promotion and reciprocal nourishment between them, this paper explores effective pathways for their coordinated and mutually reinforcing development to foster greater judicial fairness in criminal execution. This endeavor carries substantial significance for the rule of law in our era, as advancing criminal execution law is a crucial means of promoting greater fairness in criminal justice. This study offers some suggestions for promoting the legislation of the Criminal Execution Law. The emphasizes the importance of integrating criminal and judicial processes to further strengthen the legal enforceability and authority of criminal execution. Based on the study of criminal execution law theory and system, this paper argues that optimizing judicial practice requires strengthening the research on the system and theory of criminal execution prosecutorial supervision functions within the field of criminal execution law research. This would provide both theoretical and institutional support for exploring and improving the supervisory mechanism combining “stationing, roving + technology”. Furthermore, extending the legal status of lawyers as judicial subjects during the criminal execution stage is of legal significance in safeguarding the fairness of criminal justice, protecting the multidimensional legal rights of criminals, and ensuring a rigorous connection between custodial and non-custodial criminal execution and the rights of criminals to reintegrate into society. It further bridges the legal rights of criminals from criminal proceedings to criminal execution, from custodial to non-custodial measures, and from criminal execution to reintegration into society.

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