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Reconstruction of the Jurisprudential Basis for the Expression of Public Opinion in the Application of the Death Penalty—A Reasonable Transformation from "Emotional Venting" to "Rights Discourse"

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Abstract. In the judicial field of death penalty application, the expression of public opinion often falls into a theoretical dilemma due to being accused of "emotionality" and "irrationality". Its tension with the principle of judicial independence is also regarded as the core crux inducing the risk of "trial by public opinion". Existing studies mostly attribute the public's support for the death penalty to deep-rooted retributive concepts or irrational obsession with punishment, but fail to explore its structural roots. Taking landmark death penalty cases in the Chinese context (such as the Liu Yong case and the Li Changkui case) as analytical samples, this paper attempts to reveal that the opinions expressed by the public on the death penalty are, in essence, an externalized and concrete reflection of the inadequacies in the rationality of the current institutional arrangements and judicial procedures. The study argues that we should go beyond simple moral judgments or emotional attribution of the superficial aspects of public opinion, and shift the focus of examination from disputes over specific judicial decisions to more fundamental political institutional frameworks and spaces for procedural justice. Through this path, the aim is to reconstruct the jurisprudential basis for the expression of public opinion—transforming it from an irrational product regarded as "emotional venting" to rational communication and institutional response based on "rights discourse", thereby providing a more constructive theoretical framework and practical approach for reconciling the tension between judicial independence and public concern.

Keywords: Application of the death penalty, Expression of public opinion, Jurisprudence, Rights discourse

1. Introduction

As a core principle of modern rule of law, judicial independence faces a profound paradox in the special field of death penalty adjudication involving the deprivation of the right to life: judges, as actors in social networks, cannot isolate the penetration of public opinion, which is a concrete manifestation of collective will, into the adjudication process, thus forming a continuous tension

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between the ideal of judicial independence and the reality of penetration. There are significant differences in academic circles: some advocate that the judiciary should actively channel public opinion to strengthen democratic legitimacy, while others insist that the judiciary must resist the “irrational” interference of public opinion to maintain professional authority. However, paradoxically, the legitimacy of judicial authority is precisely rooted in public recognition—the "metaphor of water and boat" between public opinion and the judiciary reveals their dialectical relationship of both coexistence and opposition: public opinion not only carries the supporting force that endows the judiciary with legitimacy but also harbors the risk of subverting procedural rationality. How to rationally accommodate the expression of public opinion in this sensitive field has become a key issue in reconciling the tension between judicial professionalism and democratic legitimacy.

Although existing studies have laid a foundation through the analysis of landmark cases, discussion of mechanisms, and criticism of institutional channels, they have three limitations: presupposing public opinion as an "irrational" impact variable external to the legal order; ignoring its substantive questioning of institutional defects beneath the surface; and lacking a constructive plan to integrate public opinion into the rule of law framework for reconstruction. Based on this criticism, this paper selects the Liu Yong case and the Li Changkui case as key samples. Their distinct adjudication results and social responses form a theoretical prism for observing the interaction between public opinion and the judiciary. Through case analysis to deconstruct the content, communication paths, and mechanisms of public opinion expression in the two cases, this study reveals that the intense public opinion in death penalty cases is a concrete manifestation of the public's rights claims regarding the defects of the criminal justice system (doubts about substantive justice, insufficient procedural transparency), rather than mere emotional venting. The study advocates shifting the focus from disputes over adjudication results to the improvement of fundamental institutional frameworks and promoting the cognition of public opinion from “preventing emotional venting” to a rational communication paradigm based on the right to know, the right to participate, and the right to a fair trial. This reconstruction not only provides a path to solve the dual dilemmas of “public opinion interfering with the judiciary” and “the judiciary being alienated from the public” but also points to the core issue of governance in transitional China—achieving a dynamic balance between governance effectiveness and legitimacy supply by constructing a communication mechanism between the state and society, thus providing an institutional reference for the judicial transformation of major countries.

2. Current situation and dilemmas of public opinion expression in the application of the death penalty

2.1. Analysis of the impact of public opinion on death penalty cases and related academic analysis

The iteration of information technology and the rise of citizens’ rights awareness have jointly shaped a special public opinion ecology in contemporary China’s death penalty adjudication: violent crimes are prone to trigger collective emotional resonance with “moral indignation” as the core in the online field. Individual cases focused by the media often evolve into public events involving the will of national trial, forming a judicial dilemma of “public opinion encirclement—pressure transmission—adjudication under pressure”. “Public anger” is constructed as a signal of governance crisis, it may induce unconventional intervention of administrative power in the judicial field, leading to the systematic erosion of the defendant’s litigation rights. Judicial history in the past two decades

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(typified by the Liu Yong case in 2003, the Zhang Jinzhu case in 1997, the Yao Jiaxin case in 2011, and the Li Changkui case in 2011) shows that public opinion has always been deeply embedded in the adjudication logic in a paradoxical manner: it may promote the application of the death penalty (heavier sentencing under public opinion pressure) or block the execution of the death penalty (commutation to non-death penalty due to a wave of sympathy) [1]. There are three cognitive limitations in current academic interpretations: mainstream discourses are accustomed to labeling public opinion as an "irrational" and "pre-modern" interference factor in the legal order, emphasizing its susceptibility to distortion by media's inciting narratives, and thus advocating "disciplining public opinion" to realize the one-way governance of society by the judiciary. Such a paradigm has three defects: first, falling into the apriorism of moral criticism, simplifying complex social psychology into a binary opposition of "ignorance/civilization"; second, falling into the myth of media determinism, ignoring the social structural factors in the formation of public opinion; third, and most fundamentally, avoiding the jurisprudential tracing of the formation mechanism of public opinion—neither analyzing its essential attribute as institutional feedback nor deconstructing the mutual construction relationship among power, media, and the public in meaning production [2]. This study will take the Liu Yong case (highlighting the questioning of legitimacy triggered by procedural irregularities) and the Zhang Jinzhu case (showing the crisis of credibility triggered by power corruption) as key analysis objects, penetrate the superficial narrative of "emotional venting", and reveal that the expression of public opinion is actually a concrete response of citizens to the absence of judicial procedural justice and the failure of institutional rights protection. This reconstruction aims to go beyond the cognitive stereotypes of existing studies and provide a sociological explanation framework for understanding public opinion.

2.2. Institutional issues in the expression of public opinion in death penalty cases

The main institutionalized channel for the expression of public opinion in China's death penalty trials is the people's assessor system. This system, drawing on the jury system of common law, aims to absorb ordinary citizens into the trial of major cases. In the Western judicial system, the jury system is a fundamental system for capital crimes and other serious offenses, whose core value lies in ensuring public participation in justice and realizing judicial democratization. China's people's assessor system has both judicial and democratic attributes, which can theoretically coordinate public opinion and judicial independence, and is in line with the Confucian concept in the traditional "prudent punishment" thought that "public will serves as the basis for death penalty discretion" (such as the decision-making logic recorded in Mencius King Hui of Liang II: "If all the people say he should be killed, then investigate it"). The original intention of the system design is to bridge the conflict between formal rationality and substantive rationality through citizens' direct participation in trials, and construct a buffer mechanism between public opinion and judicial decisions.

2.2.1. Problems at the institutional design level

In China, the people's assessor system is adopted. People's assessors are non-judicial personnel selected and absorbed by people's courts at all levels in accordance with the Decision of the Standing Committee of the National People's Congress on Improving the People's Assessor System to participate in the trial and execution of lawsuits. They are people who participate in management, exercise judicial power, and supervise judicial work. However, this system faces dual dilemmas:

First, empirical studies show that assessors generally have insufficient substantive participation. In practice, judges dominate the trial process, and assessors often become procedural existences:

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they do not review files before the trial, do not cross-examine during the trial, and do not speak during deliberation. Their lack of cognition of case facts and social public opinion leads to the failure of the public opinion input mechanism.

Second, the individual cognition of assessors is susceptible to subjective emotions, making it difficult to objectively condense group will. Public opinion is essentially a reflection of social structural contradictions, and its accurate expression requires assessors to have both theoretical height and grassroots insight (such as the methodology of going deep into the masses advocated in Mao Zedong's Report on an Investigation of the Peasant Movement in Hunan). Under the current system, assessors have long been immersed in the judicial field, disconnected from the cognitive logic of the public, and unable to undertake the function of transmitting real public opinion.

2.3. Non-institutional channels and problems of public opinion expression

The innovation of Internet technology and the transformation of communication modes are the main drivers of the heated online discussions on death penalty cases in recent years. The core is not the sudden improvement of citizens' legal awareness (although the latter continues to strengthen with economic and social development), but that social media empowers individuals to become producers and disseminators of information, enabling the public to directly express their positions on specific events. Given that the application of the death penalty involves the deprivation of the right to life and requires extreme prudence, judges in judicial practice do need to consider public opinion. However, China's institutionalized mechanism for absorbing public opinion is still imperfect, and courts are often forced to rely on online channels to passively pay attention to public opinion (such as observing public reactions) or actively conduct surveys (such as online questionnaires in the Yao Jiaxin case). This mode of public opinion expression relying on non-institutional online channels has derived the following key problems.

2.3.1. Dilemma in distinguishing between real public opinion and distorted information

The formation of public opinion needs to be based on facts. When media reports are exaggerated, inflated, or distorted, public cognition is misled, making it difficult to reflect real demands. Since the public mostly obtains case information from the media, while judicial organs disclose limited information, it is easy to breed suspicion and conspiracy theories—the public tends to make malicious presumptions, leading to discussions deviating from the facts themselves [3]. The theory of "paranoid style" proposed by American historian Richard Hofstadter can explain such phenomena: such as the widespread speculation about "power interfering with the judiciary" in the Liu Yong case. If such distorted remarks dominate, dissenting voices will be suppressed, and the "public opinion" finally presented is actually a distorted aggregate.

2.3.2. Cognitive blind spot of the "silent majority"

By 2024, the number of Internet users in China exceeds 1.1 billion, but the proportion of those who actively pay attention to death penalty cases and publicly express their views is unknown. A large number of people choose to remain silent due to fear of online violence, self-perceived lack of professionalism (worrying about being questioned for misjudgment), the risk of their expressions not being understood, consideration of time costs, or the perception of weak individual influence (the mentality of "a mayfly trying to shake a tree"). The positions of this unvoiced group constitute a structural deficiency in the cognition of public opinion.

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2.3.3. Geometric diffusion of irrational emotions

Gustave Le Bon's research on group psychology points out that individuals' integration into groups is prone to "deindividuation", manifested as the dissipation of sense of responsibility and the enhancement of emotional contagion, giving rise to extreme irrational remarks (such as labialized expressions like "heinous" and "corrupt officials deserve to die"). This phenomenon reflects the insufficient popularization of legal rational thinking: the public's residual traditional criminal law concepts are in tension with the modern rule of law process. The professional barriers of legal knowledge hinder effective dialogue between academic circles and the public, and there is an urgent need for legal enlightenment to achieve cognitive "discourse synchronization".

3. Reasons and status for reconstructing public opinion expression in the application of the death penalty

3.1. The deep meaning behind public opinion expression

Is public opinion really just an irrational pursuit of the death penalty as scholars say? According to Walter Lippmann's detailed description of the generation of public opinion in Public Opinion, the generation of public opinion is divided into conceptual factors and factual factors. Even though the media can exaggerate the facts of the case and use shocking labels and keywords to attract the attention of the public behind the screen, these all belong to factual factors. As for the real conceptual factors, the author believes that they are the cornerstone of the generation of public opinion. The following will reveal the social reality reflected behind public opinion by analyzing the public opinion patterns at various stages in the Liu Yong case and the Li Changkui case.

3.1.1. Liu Yong case

Liu Yong, former chairman of Shenyang Jiayang Group, once served as a member of the CPPCC Heping District Committee of Shenyang and director of the Shenyang Direct Branch of the China Zhi Gong Party. Since 1995, he has illegally accumulated wealth through violence, threats, and other means, and directly participated in or instigated others to commit a total of 27 criminal acts. In April 2002, the Intermediate People's Court of Tieling City, Liaoning Province, sentenced him to death in the first instance for organizing and leading a gangster organization, intentional injury, illegal business operations, intentional destruction of property, bribery, obstruction of official duties, illegal possession of firearms, and other charges. However, on August 15, 2003, the Higher People's Court of Liaoning Province changed the sentence to death with a two-year reprieve in the second instance, which triggered a strong social response. Public opinion generally expressed dissatisfaction, and the doubts were not entirely focused on Liu Yong himself but strongly pointed to the possible power intervention behind him—the "protective umbrella" or bureaucratic groups that improperly exercised power, believing that "unclear evidence and unclear facts" were just excuses. For example, relevant online posts received thousands of intense responses in a short time, and some NPC deputies also took actions such as questioning and submitting joint reports to demand the maintenance of the death penalty. Although the presiding judge of the second instance emphasized the prudence of the judgment to the media many times and expressed his willingness to take historical responsibility, his firm attitude failed to effectively dispel public doubts. Online public opinion analysis shows that many remarks questioned the "powerful bureaucrats" behind Liu Yong and extended to concerns about judicial independence. Scholars, with more comprehensive case

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information and legal knowledge, can relatively clearly identify the charges and controversial focuses, but the lack of transparency in the investigation, evidence collection, and argumentation links has reduced the public's trust in judicial procedures. In addition, the public generally regarded the “death sentence with reprieve” as a sentence that did not match the serious crimes, and often mistakenly believed that it meant the criminal could be released after a few years, especially with deeper doubts about those with “protective umbrellas” [4]. Therefore, the core of the public’s real concern in this case was the possible privilege intervention in the trial process. Liu Yong himself was symbolized as a target to a considerable extent, and defeating him was regarded by some members of the public as a victory over “evil” and “dark bureaucrats”, symbolizing the victory of “just masses”. Its deep root is actually the public's widespread distrust of the public power group, which was specifically manifested in the Liu Yong case as resentment towards officials' abuse of privileges and the resulting “hatred of officials” sentiment.

3.1.2. Li Changkui case

Li Changkui was a villager of Yingge Village, Maozu Township, Qiaojia County, Yunnan Province. On May 16, 2009, he knocked unconscious a 19-year-old woman from the same village, raped her, and then killed the woman and her 3-year-old brother in an extremely cruel manner. On July 15, 2010, the first-instance court sentenced him to death for intentional homicide, deprived of political rights for life; and sentenced him to five years in prison for rape. Combining the punishments for several crimes, it was decided to execute the death penalty, deprive him of political rights for life, and impose civil compensation of 30,000 yuan. On March 4, 2011, the second-instance court changed the sentence to death with a two-year reprieve for intentional homicide and rape. On August 22, 2011, the Higher People's Court of Yunnan Province, after retrial, revoked the original second-instance death sentence with reprieve, changed the sentence to death, deprived of political rights for life, and reported to the Supreme People's Court for approval in accordance with the law.

The focus of controversy in this case was whether Li Changkui’s circumstance of voluntary surrender was sufficient to constitute a legal basis for a lighter punishment, which falls within the scope of judges' discretionary power. Online public opinion generally questioned that the second-instance judgment of the Higher People’s Court of Yunnan Province was too lenient, believing that Li Changkui’s crime deserved the death penalty, and his death sentence with reprieve due to voluntary surrender was regarded as judicial favoritism. The public's strong reaction largely stemmed from the general sympathy for the two vulnerable groups of girls and children, as well as concern about the long-term vulnerable situation of such groups [5]. The Li Changkui case became an object for the public to vent their dissatisfaction accumulated due to long-term social contradictions. Therefore, due to the particularity of the case nature and social impact, the death sentence with reprieve in accordance with conventional legal procedures was difficult to be accepted, and heavier punishment became an inevitable result.

The final ruling of the Supreme People’s Court was reasonable. Even for such cases (such as the Liu Yong case), the application of the death penalty is appropriate considering political and social effects. The retrial of the Li Changkui case better reflects the state judiciary’s position of protecting vulnerable groups. From this perspective, relevant death penalty judgments have a declaratory significance to a certain extent, as the state conveys the signal that its will is consistent with the people's demands through judicial means. The mainstream view simply attributes the public’s demand for supporting the death penalty to revengeism or irrational obsession, which is putting the cart before the horse. Such an explanation ignores the essence of the public's demands and fails to conform to the basic trend of social development.

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3.2. Mismatch between jurisprudential narration in adjudication views and current public opinion narration

The cognitive divergence between scholars and the public in many death penalty cases can be regarded as a significant difference between two thinking paradigms of procedural rationality and substantive justice in the context of the rule of law. Faced with death penalty cases, legal scholars usually first focus on case details and trial-related elements, and accurately convict and sentence the defendant in accordance with legal norms, which reflects the logical core of modern rule of law. In contrast, the public's focus is mostly on core facts such as criminal motives, processes, and results. They often regard legal technical details such as questionable evidence in the Liu Yong case or the circumstance of voluntary surrender in the Li Changkui case as irrelevant, and may even interpret them as excuses for judicial organs to exonerate the defendant.

This cognitive mismatch stems from the difference in their fundamental goals. Scholars focus on protecting the rights of parties in individual cases (especially the defendant) and evaluating the application of law in the case itself; the public, deeply influenced by the traditional judicial culture of “honest officials”, generally expects that death penalty trials should first realize the manifestation of justice and the maintenance of social justice [6]. Furthermore, the public tends to associate individual case judgments with the state’s attitude towards social contradictions, regarding heavier or lighter sentences as the government's declaration of position on specific social issues (such as corruption in the Liu Yong case and infringement on women and children in the Li Changkui case) —i.e., negation and concern rather than connivance. This is essentially a divergence between the value orientations of procedural justice and substantive justice. Although procedural justice has a more rational basis, the concept of substantive justice dominates current social public opinion. Given that law is based on public opinion and courts are generated by representative organs, if the mainstream public opinion does not change, judicial judgments will also be difficult to deviate significantly from the public’s expectation of substantive justice within the established framework [7].

3.3. Jurisprudential justification of public opinion supervision and construction of representative mechanism

Whether public opinion constitutes an interference with judicial independence is a question continuously discussed in academic circles. This paper argues that the corrective effect of public opinion on the judiciary should be understood as supervision rather than interference for the following reasons:

The judicial power of courts originates from the authorization of the People’s Congress, and its legitimacy is rooted in public opinion. There is a statutory supervisory relationship between the People's Congress and courts, and it is institutionally legitimate for the former to question the latter’s adjudication of cases. The example is that NPC deputies questioned the judgment in the Liu Yong case and promoted a retrial. Therefore, the function of absorbing public opinion should be undertaken by NPC deputies: their way of performing duties by going deep into the grassroots helps to grasp the public's real demands on death penalty cases; the identity of some deputies as non-legal professionals enables them to integrate public perspectives with professional discussions; their performance of duties is publicized through the proposal mechanism, which can avoid the formalistic tendency that may exist in the people’s assessor system. Activating the NPC deputies’ supervision procedure is essentially constructing an institutionalized channel for public opinion to enter the judicial field. It should be emphasized that public opinion collection should not rely on

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generalized forms such as questionnaires. Such methods are limited by the number and depth of questions, making it difficult to capture the public's deep-thinking logic and cognition of the complexity of issues. For example, although questionnaires show that most people support the death penalty system, they fail to reveal deep structures such as its cultural motivations and potential concerns. Limited by their knowledge background, the public may not be able to clearly explain the logic behind their positions. Relying solely on their self-statements will significantly reduce communication efficiency, and only in-depth dialogue can explore the potential ideological structure of the group. Therefore, it is suggested to establish an in-depth interview mechanism to analyze the core beneath the surface of public opinion, which is an effective way to grasp the essence of public opinion.

4. Legitimizing guidance of public opinion expression in the application of the death penalty

4.1. Whether the death penalty should be abolished at present

From the voices reflected in society, the majority still support the retention of the death penalty, while most of those who support the abolition of the death penalty are scholars. Scholars argue that abolishing the death penalty is more in line with the current trend of protecting human rights, and since most European countries have abolished the death penalty, it is also more inclined to regard the abolition of the death penalty as one of the symbols of modern rule of law civilization [8].

However, the author believes that this actually ignores the public announcement function of major cases. In the Internet era, through the media's competing rendering, almost every major case can be known to the public, especially cases with extremely severe punishments like the death penalty, which will attract more attention. Many scholars study these cases and pay more attention to whether the criminal should be sentenced to death and whether they are innocent, but ignore the public's feedback on the execution result of the case. In fact, in these cases, the judgment result of the death penalty has become a way for citizens to observe the state’s attitude towards the social phenomena behind the case. After the Liu Yong case, the public’s expressions such as “justice has defeated evil” and “it’s very satisfying” are not only expressions of the public's simple sense of justice but also a reconfirmation by the public that the state is actually on the side of citizens on major issues [9].

Therefore, these cases are endowed with significance and value beyond themselves. Their judgments are no longer confined to the case itself but are pushed to the forefront of the media and the public, becoming a drama that meets public expectations, and the death penalty, as the most severe punishment, becomes the most exciting ending of the drama. Therefore, when the death penalty is endowed with such multiple meanings and is the only solution in the public's mind, its existence is a reassurance, indicating that evil can be solved and grievances can be redressed. Abolishing it rashly will not only remove the sense of security in the public’s mind but also increase the public’s distrust of the government and the country.

In conclusion, the author believes that the death penalty should not be abolished when the mainstream public opinion has not changed. Because the soil for the growth of the death penalty originates from public opinion and in turn comforts public opinion, which is to a certain extent the trend of the current society. Before the favorable conditions for abolishing the death penalty emerge, abolishing it is just a castle in the air.

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4.2. Theoretical analysis of legitimizing guidance of public opinion expression in death penalty application

The temporary inability to abolish the death penalty does not mean that we cannot provide legitimizing guidance for the public's views.

If we want to truly and reasonably control the irrational remarks of public opinion on death penalty cases, the author believes that death penalty cases should be separated from the conceptual factors in public opinion. To a large extent, the public projects their dissatisfaction with a social phenomenon onto a specific death penalty case because they believe that the case is a typical representative of such a social phenomenon and transfer their emotions towards the social phenomenon to the current case [10].

If the public is guided to clearly distinguish between specific death penalty cases and social contradictions and avoid emotional grafting, it will really help prevent the public from “irrationally” demanding the death penalty. As for why they cannot distinguish them clearly, the author believes that it may be because the public cannot see the entire process of judicial and law enforcement, so they can only judge from the nature and cannot truly sympathize with the criminals from the details.

The author summarizes it as “two blanks”. The first blank is the blank during the trial: the public cannot see the evidence collection and logical process. Most people will think that there is “too much moisture” in it, which inevitably makes the public concerned about the case lack sufficient trust. In the Liu Yong case, some even claimed that if Liu Yong was not sentenced to death, someone must have engaged in malpractice for personal gain. In the public's eyes, the death penalty, a severe punishment that deprives life at one time, is an effective way to solve social contradictions without future troubles. The second blank is the blank during execution: the author once heard an example that someone jokingly said that a prisoner sentenced to death with reprieve was released in just four years. Although this is called a joke, it actually reflects the public's distrust of law enforcement.

4.3. Two-track mechanism for public opinion guidance: procedural construction of judicial transparency and feedback closed loop

4.3.1. Concrete disclosure of adjudication basis: solving the cognitive dilemma of "black box justice

The correction of public opinion needs to overcome the limitations of dual-system thinking revealed by cognitive psychology—that the public prioritizes the intuitive cognitive system when facing conflicting views. Compared with direct refutation, the concrete disclosure of adjudication basis is more effective: by presenting detailed facts, it prompts insightful people within the group to spontaneously form rational refutations, and gradually promotes the transformation of mainstream views. Its mechanism is that specific narratives can reconstruct the public's abstract labialized cognition. Taking the Liu Yong case as an example, the moral condemnation triggered by the "gangster" symbol was transformed into an understanding of complex human nature in concrete narratives such as The Knockout, proving that the in-depth presentation of background stories can realize cognitive reconstruction through emotional resonance. Therefore, the disclosure of the truth should go beyond cold legal provisions and instead construct a three-dimensional narrative including the defendant's life experience and emotional scenes of the trial. Although this method is questioned as violating formal rationality, it is actually a necessary path to enter the public discourse system and realize the reversal of public opinion.

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4.3.2. Closed-loop tracking of penalty execution: constructing diachronic justification of judicial credibility

The lack of transparency in execution information is a key crux that weakens judicial trust. Empirical studies show that the public's support rate for the death penalty decreases significantly with the strict implementation of alternative penalties such as life imprisonment, reflecting that their essential demand is not to adhere to the death penalty, but to distrust the effectiveness of punishment. Constructing a closed-loop tracking mechanism for execution, and disclosing the entire process of penalty execution (such as imprisonment intensity, effectiveness of recidivism prevention and control), can dispel the public's doubts about alternative schemes, block the cognitive bias that "criminals can take advantage of loopholes", and provide diachronic proof for judicial credibility.

4.4. Intergenerational cultivation of rights rationality: paradigm reconstruction of legal education for adolescents

The cognitive dislocation between academic circles and the public stems from differences in thinking paradigms, such as the value divergence between procedural justice and substantive justice. This separation not only stems from the advocacy of substantive justice in traditional judicial culture but also from the lack of systematic legal education in adolescence—the public's legal cognition mostly comes from individual case experience, simple sense of justice, and dramatic expressions, forming the misunderstanding that "abiding by the law means no need to know the law" [11]. The openness of law has been a tradition since the Spring and Autumn Period, but the complexity of contemporary law has significantly increased the threshold of abstract understanding. It is necessary to promote the transformation of the paradigm of legal education for adolescents: from memorizing rules and provisions to cultivating legal thinking, breaking the cognitive barrier by constructing a normalized connection between "citizens and law", making rights rationality a civic quality passed down from generation to generation, and finally bridging the gap between professional rationality and public rationality.

5. Conclusion

This study reveals through systematic analysis that the expression of public opinion in the application of the death penalty is by no means disorderly emotional venting, but the public's legal rights claims for the absence of institutional justice. The current people's assessor system and non-institutionalized public opinion absorption mechanism, due to their failure to effectively identify the rights discourse core contained in public opinion, have instead exacerbated the rupture between judicial decisions and social expectations. The focus of public opinion on death penalty cases is essentially a collective action by the people demanding a concrete response to structural social contradictions through judicial procedures. To resolve the dislocation between social contradictions and individual case adjudication, efforts should be made to construct three mechanisms: an in-depth disclosure mechanism of judicial information, a rights discourse transformation mechanism, and a legal awareness cultivation mechanism. These three mechanisms jointly point to the core path of reconstructing the jurisprudence of public opinion—promoting the public's cognition from emotional "intuition of justice" to "rights claims" based on institutional trust. Only in this way can the dialectical unity of judicial independence and democratic legitimacy be realized, providing sustainable legitimacy supply for the judicial transformation of major countries.

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