
CRIMINAL LAW REFORMS

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ABSTRACT

One of the most urgent jurisprudential and policy demands of the modern world is criminal law reform. The present paper explores the changing criminal justice reform landscape through a comparative lens with specific references to the developments in both the United States and India between the years 2025 and 2026. This paper critically examines the transformation in penological thought between retributive and rehabilitative models of justice, and places the recent legislative interventions of sentencing reform, compassionate release mechanisms, decriminalisation of drugs, and prison conditions standards, in a wider normative and empirical context. Based on the victimological knowledge, comparative constitutional law, and legislative innovations like the Bharatiya Nyaya Sanhita, 2023 and the Smarter Sentencing Act, the paper suggests that the criminal law reform should effectively reduce the systemic racial and social disparities, acknowledge the agency and requirements of the victims, and prioritize the rehabilitation over simple incarceration. The paper goes further to argue that the ongoing crisis of mass incarceration, which is marked by high rates of recidivism, overcrowding of prisons, and the disproportionate representation of marginalised communities, requires a structural rethink of criminal justice that should be based on empirical evidence, constitutional values, and international human rights norms. Finally, the paper ends by concluding that justice that is workable across the board should not only consist of the incremental changes in legislation, but a complete redirection of criminal law purposes.

Key Words: - Criminal Law Reform, Sentencing Reform, Rehabilitation, Mass Incarceration, Victimology, Restorative Justice, Bharatiya Nyaya Sanhita, Comparative Criminal Law, Prison Reform, Recidivism.

I. THE SIGNIFICANCE OF THE ISSUE

The U.S. has almost two million prisoners in jail which is the highest rate of any country in the world. It has nearly a quarter of all the prisoners in the world even though it consists of less than five percent of the world population. The cost of this mass incarceration has been tremendous in terms of money, social, and human. The correctional budget is over 80 billion annually, and the recidivism rates are still stubbornly high, almost 43 percent of individuals who were released of federal prison are re-arrested in three years.

The crisis is aggravated by racial differences. The black and Latino are disproportionately arrested, prosecuted and sentenced to longer sentences compared to their white counterparts of a similar offense. These inequalities cannot be incidental. These are the mirror of systemic prejudices, which are ingrained in the policing system, decisions on charging, bail structure, and sentencing policies - and they are becoming documented, quantified, and subject to court and legislative challenge.

The issue is not about the United States. A chronic problem with the criminal justice system in India has been the number of undertrial prisoners or those in wait of trial who constitute more than two thirds of the prison population.

II. LANDMARK REFORMS IN 2025–2026

SENTENCING REFORM

Sentencing is one of the most far reaching spheres of reform. Mandatory minimum sentences, which are the laws that prevent judges to decide on the type of sentences to apply in different cases, have been widely criticized because they deprive the judge of the discretion and results in disproportions especially the non-violent drug crimes.

In 2025, Virginia enacted Senate Bill 888 to remove the legal classification between crack cocaine and powder cocaine to be sentenced, thus ending a disparity that had over decades disproportionately incarcerated Black Americans due to their sentencing. The Smarter Sentencing Act, which is suggested by the federal government, would in case of its approval offer the same reasoning on a countrywide basis, lowering mandatory minimums in drug crimes and permitting judges to take into consideration the individual situations.

The amendments proposed by the U.S. Sentencing Commission in 2026 further reorganize the economic crimes sentencing system, reducing 16 levels of losses to eight, acknowledging that

the current tables have generated extremely unbalanced penalties on white-collar crimes with limited benefit to society.

SECOND LOOK AND COMPASSIONATE RELEASE

In several states, there has been a silent revolution of the so-called second look policy that grants courts the authority to review sentences after several years. The Richard Smith Compassionate Release Act of Delaware was a law that broadened the ability of reviewing sentences to any rehabilitated person who has served 25 years or more, or to any person who was above 60 years and had at least 15 years of sentence. Similar bills were passed in Maryland and Georgia, and the Survivors Justice Act of Georgia specifically allowed survivors of domestic violence to seek shorter sentences in which they were victims and which led to the crime.

These reforms represent an increasing evidentiary agreement: individuals reform. The lengthy sentences that are given during crisis or disadvantage might not be indicative of the individual that will develop in the future. The justice system is gradually starting to consider the transformation of the human being.

DRUG POLICY AND DECRIMINALIZATION

One of the politically hotspots of criminal law reform is drug reform. Decades of evidence indicate that criminalization of drug use has never minimized addiction rates, destroyed communities of color, and placed people requiring treatment in prisons rather than prisons. Prison Justice: Conditions and Human Rights.

There is no way to isolate criminal law reform and not to relate it to the situation within prisons. One of the most controversial practices in the contemporary penology is solitary confinement. The United States at any given time has at least 122,000 individuals in some form of solitary. The studies constantly associate the long-term isolation with severe mental damage, higher suicide rates, and poor re-entry results. Solitary confinement of more than 15 days in a row is one of the forms of torture that have been described by the United Nations under the Nelson Mandela Rules.

The Senate Bill 104 (2025) of Hawaii is a step in the right direction limiting solitary confinement to instances of real immediate threats, hearings within 24 hours of solitary confinement, and prohibiting solitary confinement of people below 21 years, pregnant women, and those with serious health issues. On the federal level, the Federal Prison Oversight Act that passed the

House by 392 to 2 would establish independent inspection systems and an ombudsman who would have the ability to receive complaints as submitted by convicted individuals as well as prison personnel.

The rehabilitative necessity is also on the rise. In a 2025 Brennan Center poll, over 80 percent of prospective voters felt that ex-prisoners should be given a second chance and be ready to be productive citizens with education, job skills and mental health services. This is supported by home confinement information provided in CARES Act: of more than 13,000 individuals placed on extended home confinement, less than 0.5 percent were rehospitalized with a new criminal offense - versus a 43 percent overall recidivism rate when people were held in prison.

VICTIMOLOGY: MAKING THE VICTIMS THE CENTER OF INTEREST

The demands of victims must be addressed any time serious discussion of criminal law reform is involved. Long enough, victims have been on the fringes of the criminal process - they are in the courtrooms, but are seldom heard, are rarely compensated and they are not adequately supported. This landscape has changed as the scientific study of the experience of victims, their needs, and rights has been redefined to become a field of victimology.

The rights frameworks of contemporary victims now provide victim impact statements at the time of sentencing, restitution orders which must be made mandatory and the right to notification and participation in the entire criminal process, are safeguarded. The federal Crime Victims Rights act affords the victims enforceable rights during federal proceedings- rights to hear, rights to attend and be treated with dignity and fairness.

More importantly, victimological studies disprove one of the most prevalent beliefs: the idea that victims desire more severe punishment. The surveys always indicate that those who have been exposed to violent crime tend to desire more to be invested in communities, have access to mental health services, and restorative justice procedures than to longer prison sentences of offenders. Restorative justice including victims, offenders, and communities to jointly repair the harm is more likely to generate more victim satisfaction and reduce recidivism than conventional adversarial prosecution.

The Bharatiya Nyaya Sanhita in India is a paradigm shift where the major focus of a system was on the offenders to include more victims in the delivery of justice. New evidentiary protections

and schemes compensation of victims and one-stop centres in survivors of violence against women are positive, although still imperfect, signs of progress.

III. CONCLUSION: JUSTICE THAT WORKS FOR ALL

The question of criminal law reform is all about values. What type of society would we like to be? Do we think we can be redeemed as human beings? Do we not have the view that justice demands serving those who are injured not only by penalizing those who have injured them? Are we content to believe that mass incarceration is not working to its own effect, that it is not generating neither safety nor scale justice?

The testimony is increasingly responding to all these questions with yes. Reducing incarceration and restoring judicial discretion, assisting victims, humanizing prison environments and investing in communities have not led to crime waves as predicted by opponents. In most instances, they have made communities safe, more equal and just.

Criminal law reform does not consist in being soft on crime. It is being wise about justice - creating the systems which actually safeguard communities, help victims and rehabilitate criminals and maintain the dignity of all individuals who cross their path. It is a goal to be sought after, and in 2026, it has never been as urgent as it is today.

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