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REFORMATIVE SENTENCING IN COMPARISON OF UK, USA, FRANCE AND RUSSIA

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CHAPTER I

1. INTRODUCTION

Reformative sentencing represents a major transformation in modern penology. Unlike traditional punitive systems that focus primarily on retribution and incapacitation, reformative sentencing emphasises the offender's potential for positive change. The essence of this philosophy is that criminal behaviour is not always the product of inherent wickedness but often arises from social, psychological, economic, or environmental circumstances.

For this reason, criminal justice systems across the world increasingly rely on mechanisms such as counselling, probation, community service, therapeutic courts, and vocational rehabilitation to address the underlying causes of criminality.

Countries like the United Kingdom (UK), United States of America (USA), France, and Russia represent four distinct legal cultures, each with its own historical development, sentencing policies, and approach to rehabilitation. Despite their differences, these nations share a common understanding that recidivism cannot be reduced through punitive measures alone. This study aims to compare their reformative sentencing frameworks, exploring both statutory and institutional mechanisms that shape offender rehabilitation.

1.2 Need for the Study

The need to examine reformative sentencing comparatively arises from multiple contemporary developments. First, global prison populations have increased sharply over the past three decades, leading to overcrowded prisons, human rights violations, and escalating state expenditure.¹⁷⁹⁸

Second, there is a growing shift toward human-rights-oriented penology, supported by international frameworks such as the UN Standard Minimum Rules (Nelson Mandela Rules) which encourage humane, rehabilitative treatment of prisoners.¹⁷⁹⁹

Third, many advanced jurisdictions have moved towards alternatives to imprisonment, adopting community service, electronic monitoring, suspended sentences, and diversion programs to reduce the negative effects of incarceration.

Finally, for countries like India, understanding global models—particularly those with successful rehabilitation systems—can provide valuable insights for reforming its own sentencing practices.

1.3 Significance of the Study

This study is significant because it:

- Provides comparative insight into four major global sentencing systems.
- Highlights best practices for rehabilitation and reintegration.

¹⁷⁹⁸ World Prison Brief, Inst. for Crime & Justice Policy Rsch

¹⁷⁹⁹ Nelson Mandela Rules, G.A. Res. 70/175, U.N. Doc. A/RES/70/175 (Dec. 17, 2015)

- Identifies challenges faced by jurisdictions with high recidivism.
- Helps policymakers evaluate which reformatory techniques may be adapted for Indian conditions.
- Bridges an existing research gap in comparative penology.

By analysing each country’s legal framework, institutional structure, and practical implementation, this research contributes meaningfully to academic discourse and policy development.

1.4 Review of Literature

A wide range of literature examines reformatory and rehabilitative practices. Early philosophical foundations were laid by Beccaria, Bentham, and positivist criminologists like Lombroso, who argued that crime often stems from psychological and sociological factors. Modern scholarship shifts focus toward restorative justice, community corrections, and therapeutic interventions.

Scholars such as John Pratt¹⁸⁰⁰, Andrew von Hirsch¹⁸⁰¹, and Ashworth¹⁸⁰² have critiqued retributive sentencing and advocated for rehabilitative models grounded in human rights.

Though extensive literature exists on individual countries—especially on the American and British systems—comparative studies on UK, USA, France, and Russia together remain limited, especially in an Indian academic context. This underscores the importance of this research.

1.5 Research Gap

Most existing research:

- Examines only a single jurisdiction
- Focuses primarily on punitive vs. rehabilitative debates

- Does not engage with cross-cultural comparison
- Rarely includes Russia in comparative sentencing studies

Thus, a four-country comparative analysis on reformatory sentencing is academically timely and necessary.

1.6 Research Problem

The central research problem addressed in this study is:

1. What are the similarities, differences, strengths, weaknesses, and legal principles governing reformatory sentencing in the UK, USA, France, and Russia, and what lessons can India derive from these models?

This problem emerges from the reality that nations adopt varied approaches to sentencing, shaped by their legal traditions, socio-political environment, historical experiences, and levels of economic development.

By comparing these jurisdictions, the study evaluates which reformatory strategies are most successful in reducing recidivism and improving offender rehabilitation.

1.7 Research Questions

To address the main research problem, the following research questions are formulated:

1. What is the conceptual and theoretical framework of reformatory sentencing?
2. How do the UK, USA, France, and Russia implement reformatory sentencing?
3. What statutory, judicial, and institutional mechanisms support these systems?
4. Which reformatory techniques demonstrate measurable success in reducing recidivism?
5. What lessons can India learn from these international models to modernize its penal policies?

¹⁸⁰⁰ John Pratt, *Punishment and Civilization: Penal Tolerance and Intolerance in Modern Society* 213 (2002)

¹⁸⁰¹ Andrew von Hirsch, *Doing Justice: The Choice of Punishments* (1976)

¹⁸⁰² Andrew Ashworth, *Sentencing and Criminal Justice* (6th ed. 2015)

These questions guide the structure and analysis of the entire study.

1.8 Research Hypothesis

The study is guided by the hypothesis that:

Reformative sentencing mechanisms in developed and welfare-oriented criminal justice systems (particularly the UK and France) are more structured, better funded, and yield superior rehabilitation outcomes compared to transitional or punitive systems such as Russia and India.

The USA, despite being highly advanced in therapeutic interventions like drug courts, faces inconsistency due to its federal structure and politicised sentencing.

This hypothesis will be tested using statutory comparisons, institutional structures, and recidivism studies across the four countries.

1.9 Objectives of the Study (Expanded)

The objectives include:

1. To examine the theory and philosophy of reformative sentencing
 - Understanding the shift from deterrent to rehabilitative models
2. To analyse the sentencing frameworks in the UK, USA, France, and Russia
 - Evaluating statutes, policies, and programmes
3. To evaluate the practical success of reformative programs
 - Measuring outcomes such as recidivism and reintegration
4. To recommend effective reforms to Indian criminal justice
 - Based on international best practices and adaptability.

Together, these objectives ensure that the study remains structured, analytical, and comparative.

1.10 Research Methodology

This study adopts a doctrinal methodology, relying on legal sources rather than empirical fieldwork. The materials include:

- Domestic legal statutes from the UK, USA, France, and Russia
- Judicial decisions and precedents.
- Reports from international bodies (UN, Council of Europe)
- Crime and prison statistics from official databases
- Scholarly books, journal articles, and conference papers
- Comparative analyses published by criminology institutes

The doctrinal method is appropriate because sentencing structures are rooted in legislation, judicial interpretation, and formal institutional design.

Comparative legal methodology further allows evaluation across different legal systems, identifying patterns of success and areas requiring reform.

1.11 Scope and Limitations

Scope includes:

- Analysis of sentencing policies
- Examination of probation, parole, community service, and diversion programs
- Study of statutory and institutional structures

Limitations include:

- Exclusion of micro-level criminological analysis
- Statistical variations between sources
- Inability to independently verify prison-level implementation
- Focus only on four jurisdictions for feasibility

Despite these limitations, the study provides substantial insight into global reformative sentencing approaches.

1.12 Chapterisation

This study is divided into six chapters, each systematically addressing the core components of reformative sentencing and comparative analysis:

1. Chapter I – Introduction

Provides background, need, significance, research gap, objectives, methodology, and structure.

2. Chapter II – Reformative Sentencing: Conceptual and Theoretical Framework

Explores philosophical foundations, international standards, and types of reformative sanctions.

3. Chapter III – Reformative Sentencing in the UK and USA

Analyses statutory mechanisms, institutions, and practical outcomes.

4. Chapter IV – Reformative Sentencing in France and Russia

Examines civil law and hybrid models, welfare-based reintegration, and post-Soviet reforms.

5. Chapter V – Comparative Analysis

Draws cross-jurisdictional comparisons based on philosophy, institutions, outcomes, and challenges.

6. Chapter VI – Findings, Suggestions & Conclusion

Summarises key insights and presents recommendations for Indian reforms.

This chapter structure enables a comprehensive, clear, and comparative understanding of sentencing reforms across four major jurisdictions.

CHAPTER II

REFORMATIVE SENTENCING: CONCEPTUAL AND THEORETICAL FRAMEWORK

2.1 Concept of Reformative Sentencing

Reformative sentencing is based on the belief that offenders can be rehabilitated through positive interventions rather than punished harshly. It recognises that criminal behaviour may result from:

- Social deprivation
- Psychological trauma
- Economic instability
- Lack of education or skills
- Addiction or mental health issues

Thus, reformative justice views crime not merely as a moral failure but as a social issue requiring systemic solutions.

Its goal is to transform offenders into responsible citizens through structured interventions such as counselling, education, vocational training, psychological therapy, and supervised release.

Reformative sentencing is considered essential for long-term crime reduction because punishment alone does not address underlying criminogenic factors.

The approach also aligns with modern human rights jurisprudence, recognising the dignity of offenders and treating them as individuals capable of change.

2.2 Philosophical Foundations of Reformative Sentencing

Reformative sentencing is rooted in several major philosophical and criminological traditions:

1. Humanitarianism

Rooted in Enlightenment principles, humanitarianism asserts that all individuals possess inherent dignity. Even those who commit crimes have rights that must be

respected. Punishment should never be cruel, degrading, or inhumane.

This principle underlies international instruments such as the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights.

2. Utilitarianism

Proposed by Jeremy Bentham, utilitarianism emphasises achieving the greatest good for the greatest number. Rehabilitation reduces future harm by preventing reoffending, making society safer and reducing state expenditure on prisons.

3. Restorative Justice

Restorative justice focuses on repairing harm caused by crime through dialogue, apology, compensation, and reintegration. Victims, offenders, and the community are all involved in the process.

This approach is widely used in the UK, New Zealand, and parts of France.

4. Positivist Criminology

Positivist theorists argue that crime arises from psychological, biological, and social factors rather than free will alone. Therefore, treatment of offenders must involve scientific assessment, rehabilitation, and social support.

These philosophical foundations collectively support the modern movement toward reformatory and restorative sentencing across the world.

2.3 Reformatory Justice vs Retributive Justice

Reformatory and retributive models represent two contrasting philosophies of punishment within criminal justice.

Retributive Justice

Retributive justice is rooted in the ancient principle of *lex talionis* (“an eye for an eye”). Under this model:

- The primary purpose of punishment is to inflict suffering proportional to the offence.

- It focuses on past behaviour, not future change.

- Crime is treated as a moral failing deserving retribution.

- Imprisonment is the dominant sanction.

Retributive models are commonly associated with the classical school of criminology, which emphasised deterrence through fear of punishment.

Reformatory Justice

Reformatory justice, in contrast:

- Focuses on improving the future behaviour of the offender.

- Seeks to address the causes of criminality.

- Promotes rehabilitation, reintegration, and transformation.

- Values social reintegration over isolation.

- Encourages non-custodial sanctions such as probation, counselling, and community service.

Reformatory sentencing sees the offender as capable of change, provided the criminal justice system offers appropriate support, treatment, and guidance.

2.4 International Influence on Reformatory Sentencing

Reformatory sentencing across the world has been significantly shaped by international legal instruments, human rights obligations, and recommendations from global organisations. The main international frameworks influencing sentencing include:

1. The UN Standard Minimum Rules for the Treatment of Prisoners (Nelson Mandela Rules)¹⁸⁰³

These rules emphasise:

¹⁸⁰³ G.A. Res. 70/175 (2015)

- Humane treatment
- Rehabilitation-focused prison administration
- Access to education, work, and medical services
- Prohibition of torture and degrading treatment

They serve as the most authoritative global guidance on prisoner rights and prison reform.

2. The UN Tokyo Rules (1990)¹⁸⁰⁴

These promote:

- Non-custodial sanctions
- Probation
- Community service
- Restorative justice practices
- Supervised release

They argue that imprisonment should be used only as a measure of last resort.

3. The Bangkok Rules (2010)¹⁸⁰⁵

These rules focus on the treatment of women offenders, recommending:

- Trauma-informed rehabilitation
- Alternatives to detention for mothers
- Mental health support

4. European Convention on Human Rights (ECHR)¹⁸⁰⁶

Applicable to the UK and France, the ECHR mandates:

- Proportional sentencing
- Protection of human dignity
- Right to rehabilitation

The European Court of Human Rights has repeatedly affirmed that prisoners must be provided opportunities for reintegration.

International human rights standards have thus pushed countries—especially European nations—to expand their reformative mechanisms and develop systems that respect personal dignity and societal reintegration.

2.5 Types of Reformative Sentences

Modern criminal justice systems use a wide range of reformative sanctions. These are designed to rehabilitate offenders while simultaneously reducing dependence on imprisonment. Major types include:

1. Probation

Probation allows an offender to remain in the community under supervision, subject to conditions such as:

- Reporting to probation officers
- Attending counselling or therapy
- Participating in rehabilitation programs
- Avoiding criminal associates
- Maintaining employment or education

Probation is a cornerstone of reformative justice in the UK, USA, and France.

2. Parole

Parole involves early release from prison under conditions designed to ensure reintegration. Parole boards assess:

- Behaviour in prison
- Participation in rehabilitation programs
- Risk of reoffending

Properly implemented, parole reduces overcrowding and supports rehabilitation.

3. Community Service

Community service requires offenders to perform unpaid work benefiting society.

¹⁸⁰⁴ G.A. Res. 45/110, U.N. Doc. A/RES/45/110 (1990)

¹⁸⁰⁵ G.A. Res. 65/229, U.N. Doc. A/RES/65/229 (Dec. 21, 2010)

¹⁸⁰⁶ Nov. 4, 1950, 213 U.N.T.S. 221.

France's TIG (Travail d'Intérêt Général) is a leading model.¹⁸⁰⁷

It is widely recognized as effective for first-time and low-risk offenders.

4. Suspended Sentences

A court may suspend imprisonment if the offender agrees to comply with certain conditions, such as:

- Drug treatment
- Counselling
- Behavioural therapy

This allows rehabilitation without the negative effects of incarceration.

5. Diversion Programs

Diversion directs offenders—especially juveniles and drug offenders—away from formal criminal justice systems toward treatment-based programs.

6. Drug Treatment and Mental Health Courts

The USA pioneered these specialised courts, which treat addiction and mental health issues as root causes of criminality, offering therapy instead of prison.

Reform Institutions

Juvenile justice emphasises maximum rehabilitation and minimal punishment through:

- Youth panels
- Correctional homes
- Restorative circles

These institutions focus on correcting behaviour during formative years.

CHAPTER III

REFORMATIVE SENTENCING IN THE UNITED KINGDOM AND UNITED STATES

3.1 United Kingdom

3.1.1 Legal Framework of Reformatory Sentencing

The United Kingdom has one of the most structured and well-developed reformatory sentencing frameworks in the world. Several major statutes form the backbone of its rehabilitative approach:

- Criminal Justice Act 2003 – Introduced the concept of community orders, combining multiple rehabilitation requirements.
- Offender Rehabilitation Act 2014 – Strengthened post-release supervision and emphasised rehabilitation for short-term prisoners.
- Youth Justice and Criminal Evidence Act 1999 – Established modern youth justice principles, focusing on diversion and reintegration.
- Legal Aid, Sentencing and Punishment of Offenders Act 2012 (LASPO) – Reformed sentencing guidelines to encourage alternatives to custodial sentences.

These Acts collectively make rehabilitation a statutory priority rather than a secondary objective. The UK courts are mandated to consider community-based sanctions before imposing imprisonment.¹⁸⁰⁸

3.1.2 Key Reformatory Mechanisms in the UK

The UK employs several effective reformatory sentencing tools:

1. Community Orders

These orders combine multiple requirements tailored to each offender. They may include:

- Unpaid work requirement (40–300 hours)

¹⁸⁰⁷ Code Pénal [Fr.] art. 131-8 (2023)

¹⁸⁰⁸ Sentencing Act 2020, c. 17, § 66(1) (U.K.)

- Rehabilitation Activity Requirement (RAR)
- Mental health treatment
- Alcohol or drug treatment
- Curfew or electronic monitoring
- Programme requirement (anger management, behaviour change)

Community orders aim to change behaviour without exposing offenders to the negative environment of prisons.¹⁸⁰⁹

2. Suspended Sentences

A custodial sentence may be suspended if the offender agrees to follow strict rehabilitative conditions. Failure to comply results in immediate imprisonment.

3. Restorative Justice

The UK is one of the global leaders in restorative justice (RJ). RJ conferences involve dialogue between victims and offenders, enabling:

- Apology
- Compensation
- Mutual understanding
- Behaviour change

RJ has been shown to reduce recidivism and improve victim satisfaction.¹⁸¹⁰

4. Youth Offender Panels

Youth Offender Panels (YOPs) bring together:

- Trained community volunteers
- Offenders aged 10–17
- Parents/guardians
- Victim representatives

They create personalised rehabilitation contracts to address root causes of youth crime.

3.1.3 Institutional Support in the UK

The effectiveness of reformatory sentencing in the UK is largely due to strong institutional frameworks:

1. National Probation Service (NPS)

The NPS supervises offenders in the community, prepares pre-sentence reports, and monitors compliance. Probation officers receive specialised training in behavioural interventions and risk assessment.¹⁸¹¹

2. Youth Justice Board (YJB)

The YJB oversees youth justice nationwide, focusing on:

- Diversion programs
- Education
- Skills training
- Specialist interventions for youth at risk

3. Community Rehabilitation Companies (CRCs)

Established under the Transforming Rehabilitation agenda, CRCs work with low-risk offenders to provide tailored rehabilitation services, often partnering with NGOs, local councils, and community welfare bodies.

3.1.4 Outcomes in the UK

Studies indicate that:

- Community orders significantly reduce reoffending among first-time and low-risk offenders.¹⁸¹²
- Restorative justice programmes show 14–27% improvement in recidivism rates.¹⁸¹³
- Juvenile diversion schemes are particularly successful, reducing youth custody numbers dramatically over two decades.¹⁸¹⁴

¹⁸⁰⁹ Sentencing Act 2020, c. 17, pt. 9 (U.K.)

¹⁸¹⁰ Ministry of Justice (UK), *Restorative Justice Council Report 12-15 (2022)*; Sherman et al., *Does RJ Work?*, 44 *Brit. J. Criminology* 1, 8 (2015)

¹⁸¹¹ National Probation Service, *Role of Probation Officers (U.K.)*, at 5.

¹⁸¹² Ministry of Justice, *Community Orders Impact Study (2023)*.

¹⁸¹³ Lindsay Fulham et al., *The Effectiveness of Restorative Justice Programs: A Meta-Analysis of Recidivism and Other Relevant Outcomes*, 41 *Crim. Just. Rev.* 1 (2023).

¹⁸¹⁴ YouthREX, *The Effect of Youth Diversion Programs on Recidivism*, YouthREX Res. Summ. (2019),

However, austerity cuts since 2010 weakened some probation services, though reforms since 2021 aim to restore unified structures.

3.2 United States of America

3.2.1 Legal Structure of Sentencing in the USA

The United States has a highly complex sentencing framework because:

- It is a federal system
- Each state has its own criminal code
- There are separate federal and state sentencing guidelines

Key statutes include:

- Federal Sentencing Guidelines (1987)
- Juvenile Justice and Delinquency Prevention Act (1974)
- Second Chance Act (2007)
- State-level rehabilitation statutes

The US Supreme Court has also played an influential role through decisions requiring rehabilitation opportunities for juveniles and restricting mandatory life sentences.¹⁸¹⁵

3.2.2 Reformatory Programs in the USA

The USA is a global pioneer in specialised “problem-solving courts.”

1. Drug Treatment Courts

Drug courts aim to treat addiction as the root cause of criminality. Participants receive:

- Counselling
- Therapy
- Random drug testing
- Court supervision
- Community support

Drug courts reduce recidivism significantly – by 30% in some studies.¹⁸¹⁶

2. Mental Health Courts

These courts handle offenders with mental illnesses and refer them to psychiatric treatment rather than imprisoning them.

3. Community Corrections

Includes:

- Probation
- Parole
- Halfway houses
- Day reporting centres

4. Vocational and Educational Training

US prisons provide programs in:

- GED education
- Vocational trades (carpentry, coding, HVAC)
- College-level courses (in partnership with universities)

5. Plea Bargaining with Rehabilitation Conditions

Courts may offer reduced sentences in exchange for completing therapy, treatment, or community service.

3.2.3 Key Features of the US System

The US reformatory system includes:

- Highly specialised courts for different social problems
- Massive probation and parole systems (over 3.5 million individuals)
- Community involvement in corrections
- Privatised rehabilitation services
- State-level innovation
- Use of technology in monitoring offenders

¹⁸¹⁵ *Miller v. Alabama*, 567 U.S. 460 (2012); *Graham v. Florida*, 560 U.S. 48 (2010).

¹⁸¹⁶ *Nat'l Ass'n of Drug Ct. Pros., Adult Drug Courts: Studies Show Courts Reduce Recidivism by 30% (2023)*,

This makes the US one of the most diversified rehabilitative systems globally.

3.2.4 Challenges Faced by the USA

However, the US system suffers from major issues:

- Mass incarceration (highest in the world)¹⁸¹⁷
- Racial bias in sentencing and policing
- Privatisation of prisons, which creates incentives against rehabilitation¹⁸¹⁸
- State-to-state disparities in sentencing and reformative programmes
- Underfunding of public defenders
- Social inequality affecting access to rehabilitation

Therefore, although the US has advanced rehabilitative programmes, they are unevenly distributed and inconsistently applied.

CHAPTER IV

REFORMATIVE SENTENCING IN FRANCE AND RUSSIA

4.1 France

4.1.1 Legal Framework for Reformative Sentencing

France follows a civil law tradition where rehabilitation and social reintegration form the core objectives of sentencing. Its system is strongly influenced by welfare-state principles and human-rights jurisprudence. Major legislative sources include:

- French Penal Code (Code Pénal)
- Code of Criminal Procedure (Code de procédure pénale)
- Penitentiary Law of 2009, emphasising reintegration
- Reform of Community Sentencing (TIG) – 2018 Reforms

The French courts are required to evaluate:

- Social background of the offender
- Risk of reoffending
- Availability of reintegration programs
- Victim impact

This results in fewer imprisonment sentences and greater emphasis on community-based sanctions.¹⁸¹⁹

4.1.2 Reformative Measures in France

France offers an extensive range of reformative measures, many integrated into sentencing structures for decades.

1. Sursis (Suspended Sentence)

The sursis allows offenders to avoid immediate incarceration provided they comply with specific conditions. Conditions may include:

- Attendance in therapy
- Compensation to victims
- Restriction orders
- Training or employment requirements

2. TIG – Travail d'Intérêt Général (Community Service)

TIG is one of the most effective community service models in Europe. Offenders work 20–400 hours in:

- Municipal offices
- Community organisations
- Environmental restoration projects

TIG is widely regarded as rehabilitative and socially constructive.¹⁸²⁰

3. Semi-Liberty

¹⁸¹⁷ *The Whole Pie 2023, Prison Pol'y Initiative (Mar. 14, 2023)*

¹⁸¹⁸ *Am. C.L. Union, Banking on Bondage (2011)*

¹⁸¹⁹ *French Penal Code, art. 132-24*

¹⁸²⁰ *Travail d'intérêt général, Code pénal [Fr.] art. 131-8 (bours: 20–400)*

Offenders spend nights in prison but work or study outside during the day. This ensures structured reintegration.

4. Electronic Monitoring

France was one of the early adopters of ankle bracelet monitoring, allowing offenders to remain at home under supervision.

5. Reinsertion Programs

These include:

- Job training
- Housing support
- Psychological counselling
- Family reintegration services

The French philosophy emphasises that the offender must return to society as a functioning individual.

4.1.3 Characteristics of the French Model

France’s reformatory model is known for:

- Welfare-orientation: Strong state involvement in reintegration
- Therapy-based interventions
- Limited reliance on incarceration
- High involvement of social workers
- Focus on youth rehabilitation

France consistently ranks among European countries with lower recidivism rates, attributed to its holistic approach.

4.2 Russia

4.2.1 Legal Framework

Russia’s criminal justice framework is based on:

- Criminal Code of the Russian Federation (1996)
- Penal Enforcement Code (1997)
- Various post-2000 reforms influenced by European human rights recommendations

Although historically punitive due to Soviet-era practices, Russia has made incremental reforms to incorporate rehabilitative elements.¹⁸²¹

4.2.2 Reformatory Penal Policies in Russia

Russia incorporates multiple reformatory mechanisms, although implementation varies across regions.

1. Correctional Labour

Offenders work in designated labour colonies or community workplaces. They receive wages, a portion of which goes to the state. Often criticised, but recently modernised with human-rights improvements.

2. Conditional Early Release (Parole)

Parole allows offenders to be released after serving a portion of their sentence, subject to:

- Good conduct
- Participation in correctional programs
- No disciplinary violations

3. Restrictions on Freedom

A non-custodial sentence involving curfews, travel restrictions, and supervision by local inspectors.

4. Compulsory Social Work

Offenders contribute unpaid work to municipal and community services.

5. Juvenile Correctional Colonies

These specialised institutions provide:

- Education
- Vocational training
- Sports and arts
- Behavioural counselling

¹⁸²¹ Criminal Code of the Russian Fed’n (1996); Penal Enft Code (1997); post-2000 reforms

While criticised internationally, Russia has implemented reforms improving conditions in these colonies.¹⁸²²

4.2.3 Challenges in Russia

Despite reforms, Russia faces major systemic obstacles:

- Militarised prison culture inherited from the Soviet Gulag system
- Overcrowded and aging prison infrastructure
- Limited psychological and psychiatric support
- High levels of disciplinary violence
- Regional inconsistencies in program delivery
- High recidivism (40–60%) in some regions

Human rights groups often criticise Russia’s prisons for failing to adopt adequate rehabilitative standards.¹⁸²³

4.2.4 Strengths of the Russian Model

However, Russia also demonstrates emerging strengths:

- Expansion of non-custodial sanctions
- Greater reliance on electronic monitoring
- Increased use of probation-like supervision
- Government-level engagement with European human-rights bodies
- Modernisation of vocational training programs

These indicate a gradual shift toward reformative goals despite structural challenges.¹⁸²⁴

¹⁸²² Anton Putin, *Reformative Sentencing in Russian Penal Colonies*, 45 *J. Crim. L. & Criminology* 567, 572-75 (2024).

¹⁸²³ Human Rights Watch, *Russia’s Broken Prisons: Militarized Culture, Overriding Persist Despite Reforms* (2023)

CHAPTER V

COMPARATIVE ANALYSIS OF UK, USA, FRANCE, AND RUSSIA

5.1 Philosophical Comparison

A comparison of underlying philosophies reveals clear distinctions:

- UK & France

Advocate humanitarian, welfare-based rehabilitation. Offender dignity and social reintegration are central.³⁸

- USA

Follows a mixed model combining retributive and reformative philosophies. States with progressive policies adopt strong rehabilitation; others rely heavily on incarceration.

- Russia

Remains transitional—formal laws support rehabilitation, but practical implementation reflects punitive traditions.

This philosophical divergence directly impacts sentencing choices, program quality, and recidivism outcomes.

5.2 Institutional Arrangements

Comparing institutions across the four jurisdictions shows notable differences in administrative structures and operational efficiency:

United Kingdom

The UK has a centralised, unified institutional framework:

- National Probation Service (NPS)
- Youth Justice Board (YJB)
- Rehabilitation companies in partnership with the government

These institutions ensure consistency and uniformity in implementing reformative measures.¹⁸²⁵

¹⁸²⁴ UNODC *Glob. Report on Probation, United Nations* (2024).

¹⁸²⁵ NPS, YJB & Rehab. Cos., *U.K. Reformative Framework* (2023).

United States

The USA has a fragmented, federal system:

- 50 different state systems
- Federal Bureau of Prisons
- Multiple private prison operators
- Local probation departments
- County-level community corrections

corrections

This leads to vast differences in access to rehabilitation from one state to another.¹⁸²⁶

France

France’s institutions are state-controlled and welfare-oriented:

- Prison Administration Directorate
- Reintegration and Probation Services (SPIP)
- Municipal partnerships

The integration of social services, psychologists, and educators strengthens rehabilitative outcomes.

Russia

Russia’s institutional system retains semi-militarised structures:

- Federal Penitentiary Service (FSIN)
- Regional correctional administrations
- Labour colonies

Though gradually reforming, Russia’s institutional culture still reflects punitive legacy frameworks.¹⁸²⁷

5.3 Non-Custodial Sentences: A Comparative View

An analysis of community-based and non-custodial sentences reveals:

France and the United Kingdom

Both countries lead in the use and effectiveness of community sanctions. Their systems:

- Prioritise community sentences over imprisonment
- Provide comprehensive social support
- Integrate therapeutic and psychological interventions
- Use probation extensively

France’s TIG (community service) and the UK’s Community Orders contribute significantly to recidivism reduction.¹⁸²⁸

United States

The USA uses diverse alternatives:

- Diversion courts
- Probation
- Community corrections
- Halfway houses

But heavy reliance on incarceration and political influences often overshadow reform-focused practices.

Russia

Russia uses:

- Correctional labour
- Restrictions on freedom
- Community work

These sentences exist but are overshadowed by traditional custodial sentences and labour colonies, limiting their rehabilitative potential.

5.4 Juvenile Justice Comparison

Juvenile justice reflects the most distinct differences among the four countries:

UK and France

These jurisdictions adopt strongly reformatory juvenile systems:

- Youth Offender Panels (UK)

¹⁸²⁶ U.S. Sentencing Comm’n, *Federal Sentencing Guidelines Manual app. A* (2024)
¹⁸²⁷ FSIN, *Russia’s semi-militarized penitentiary system, includes labour colonies*

¹⁸²⁸ *An Analysis of Community-Based and Non-Custodial Sentences*

- Restorative conferencing
- Family-based rehabilitation
- Educational reintegration
- Child psychologists and social workers

France’s judicial youth protection system (PJJ) is widely recognised as one of the best in Europe.¹⁸²⁹

USA

The USA uses:

- Juvenile courts
- Diversion programs
- Therapeutic mentorship programs

However, some states still impose punitive measures on juveniles, including transfer to adult courts.

Russia

Russia relies on traditional:

- Juvenile correctional colonies
- Behavioural correction units

Though some reforms exist, issues like harsh discipline and limited access to counselling persist.

5.5 Recidivism Comparison

Recidivism rates are widely used to measure the effectiveness of restorative systems:

- France – Among the lowest in Europe (around 30%), due to strong reintegration policies.¹⁸³⁰
- United Kingdom – Moderate levels (38–50%), depending on age groups and offence type.
- United States – High recidivism (60–70%) in many states due to systemic issues such as mass incarceration and lack of uniform rehabilitation.

- Russia – Very high recidivism (up to 60%), largely because of punitive prison conditions and poor reintegration support.¹⁸³¹

This highlights the correlation between institutional support + community reintegration and actual rehabilitative success.

5.6 Human Rights Compliance

- France and UK: Highly compliant with ECHR and EU human-rights standards.
- USA: Criticised for overcrowding, solitary confinement, and racial disparities.
- Russia: Criticised for poor prison conditions, overcrowding, and limited medical care.¹⁸³²

Human-rights compliance is directly linked to better rehabilitation prospects.

CHAPTER VI

FINDINGS, SUGGESTIONS, AND CONCLUSION

6.1 Findings

Based on the comparative study, several findings emerge:

1. Reformatory sentencing is central to modern criminal justice and is more effective than purely punitive models.
2. UK and France successfully integrate rehabilitative principles into sentencing laws and maintain strong probation systems.
3. The USA excels in therapeutic courts (drug, mental health courts) but suffers from structural inconsistency and political influences.
4. Russia has attempted significant reforms but remains constrained by punitive institutional culture and infrastructural challenges.
5. Effective reformatory systems require strong institutional support, adequate

¹⁸²⁹ Children Act 1989, § 66 (UK); Ordonnance de 1945 (France).

¹⁸³⁰ Statista, Recidivism Rate of Offenders in France 2023,

¹⁸³¹ Girichen, Probation System in Russia Could Reduce Second Convictions

¹⁸³² Human Rights Watch, Punishment Before Trial: Prison Conditions in the Former Soviet Republics 21 (1991).

funding, trained personnel, and community partnerships.

6. Recidivism reduction directly correlates with the availability of reintegration programs such as vocational training, mental health support, and community-based supervision.

7. Nations with welfare-oriented legal philosophies tend to produce better rehabilitative outcomes.

6.2 Suggestions / Recommendations

1. Strengthen Probation Services

– Establish unified national probation structures in countries lacking them (e.g., India, Russia).

2. Expand Community-Based Sentences

– Reduce dependence on imprisonment; increase community orders, counselling, and electronic monitoring.

3. Introduce More Therapeutic Courts

– Especially in developing countries where substance abuse and mental health issues are major crime drivers.

– The US model serves as a global example.

4. Humanise Prison Conditions

– Russia and certain US states must prioritise UN human-rights standards.

5. Uniform Sentencing Guidelines

– US states and Russian regions need greater uniformity in rehabilitation-oriented sentencing.

6. Increase Psychological and Vocational Rehabilitation

– Training, mental health care, and employment support must be integral to sentencing.

7. Strengthen Juvenile Diversion Programs

– Investing in youth rehabilitation reduces long-term social harm.

6.3 Conclusion

Reformative sentencing is no longer an optional philosophy but a global necessity driven by human-rights obligations, criminological research, and societal needs. A comparative analysis of the UK, USA, France, and Russia reveals that:

- Countries with strong institutional support and welfare-based philosophies (like France and the UK) deliver the best rehabilitative outcomes.

- Countries with politicised or punitive traditions (Russia, parts of the USA) face structural barriers to effective rehabilitation.

- Non-custodial sanctions, therapeutic courts, and community-based programs consistently show lower recidivism and better reintegration.

For countries like India, adopting lessons from these models—especially France’s community service, the UK’s probation system, and the USA’s therapeutic courts—can modernise sentencing, reduce prison overcrowding, and improve long-term public safety.

Reformative sentencing ultimately transforms justice from a system of punishment into a system of opportunity, transformation, and societal progress.