



Comparative Criminology, Victim Rights, and Restorative Systems in Bangladesh, India, and the United States

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Abstract: This research paper analyses comparative criminology in the context of victim rights and restorative justice systems in Bangladesh, India, and the United States. The central research question is on the failed inclusion of a victim-centred approach into formal criminal justice systems, particularly in South Asia. The research aims to investigate how countries interpret and apply restorative justice, as well as victim engagement. The study employs a comparative, doctrinal, and qualitative research approach to examine patterns of legislation, judicial precedent, and institutional practice common to the three nations. The results show significant disparities: while the United States has created official restorative programs, Bangladesh and India rely on informal or pseudo-legal processes that provide inconsistent victim protection. A culturally compatible yet legally sound restorative framework should always be the norm, according to the research paper, which recommends for best practices through context-specific law reform aimed at striking a balance between victims' rights and due process.

Keywords: Bangladesh, Comparative criminology, Restorative justice, United States, Victim rights.

1. Introduction

1.1. Background

Victim-centred criminal justice strategies have advanced significantly globally in recent decades. These techniques emphasise the importance of victims within the legal

system, as opposed to the traditional focus on criminals and the state. The international rise of restorative justice methods is a major example of this transition, emphasising victim engagement, healing processes, and reparative activities rather than exclusively focussing on punitive responses (Bazemore and Umbreit, 2022a). Such models demonstrate an increasing recognition that retributive justice systems typically fail to address the psychological, social, and financial needs of victims (McGlynn et al., 2023). Victims are marginalised in many criminal justice systems across the world, with little opportunities for meaningful interaction or compensation (van der Merwe et al., 2021). This weakness undermines both the perceived legitimacy of judicial systems and the ability to hold offenders accountable in a way that considers victims' experiences.

Retributive justice, which is largely founded on the ideas of punishment and deterrence, has long been the dominant method in many legal systems, particularly those that adhere to common law traditions. Nonetheless, critics have pointed out its shortcomings in treating victim harm and promoting the restoration of communal cohesiveness (Braithwaite, 2022a). Instead, retributive frameworks usually marginalise victims, reducing their role to mere witnesses or bystanders in adversarial procedures (Zehr, 2023). These shortcomings are especially prominent in the Global South, where formal justice systems face structural challenges such as insufficient resources, bureaucratic inefficiency, and cultural dissonance (Chakraborty, 2024). Therefore, to increase the effectiveness of justice delivery, it is urgently necessary to look at how victim rights and restorative justice methods might be integrated within different legal frameworks.

1.2. Research Problem

The integration of victims' rights into traditional criminal justice systems is uneven and sometimes ineffectual, despite growing awareness of victim-centric justice. The institutionalisation of victims' rights and restorative action is particularly weak in countries like Bangladesh and India, and it is made worse by fragmented laws and inefficient regulations (Khan & Bhatia, 2022). Ineffective legal protection commonly exists in informal judicial systems like village courts or community mediation, which leads to issues with fairness and victim protection (Roy, 2023). In contrast, countries like the United States combined statutory victims' rights with popular restorative programs; however, their systems face the same challenges of establishing consistent practices that balance victims' involvement with due process requirements (Garland & Swenson, 2021).

The lack of appropriate institutionalisation of restorative justice in the majority of Global South contexts limits victims' access to participation and effective remedies.

Comparative studies that examine the range of ways that different jurisdictions interpret and implement restorative justice and victim rights are also sparse, which is impeding the possibility of reform and policy breakthroughs. With a focus on identifying best practices and contextual obstacles, this study subject requires a thorough and comparative examination of the institutional and legal systems in Bangladesh, India, and the United States.

1.3. Research Objectives and Research Questions

The primary objective of this research is to compare the institutional and legislative frameworks that govern victim rights and restorative justice in Bangladesh, India, and the United States. It also looks at how restorative methods are used in different countries and how criminological theory and practice are applied to them. The study attempts to ascertain the method by which victims' interests are promoted and safeguarded by contrasting the methods of formal and informal law. Finally, by using comparative lessons, this study attempts to draw useful conclusions for reforming the criminal justice system in Bangladesh.

There are three main research questions that serve as the framework for the study. First, what legal protections are in place for victims' rights in Bangladesh, India, and the United States? Second, to what extent are restorative systems reflected in the core ideas of criminological theory and how much are they institutionalised in each of the nations? Thirdly, what insights can this comparative study offer that might successfully alter Bangladesh's criminal justice system, improve victim protection, and institutionalise restorative practices?

1.4. Significance of the Study

This study contributes greatly to the corpus of academic knowledge by filling a critical gap in the comparative criminology discourse, particularly by including perspectives from both the Global South and the Global North. Although many studies focus on victim rights and restorative justice separately, just a few do a full comparative doctrinal and qualitative analysis of Bangladesh, India, and the United States. This paper provides critical policy ideas for improving South Asia's criminal justice systems, emphasising the need of victim empowerment and culturally appropriate restorative techniques. From a legal aspect, the study evaluates the effectiveness of restorative justice in providing actual benefits to victims, emphasising the need for legal frameworks that adequately balance procedural equality with victim engagement.

2. Methodology

2.1. Research Design

The study adopted a qualitative research methodology that combines doctrinal legal research with comparative criminology to investigate victim rights and restorative justice frameworks in Bangladesh, India, and the United States. The qualitative technique is particularly well-suited to analysing complex legal systems and institutional practices in their sociopolitical context. The fundamental technique is doctrinal legal research, which entails an in-depth examination of legislation, court decisions, and policies to identify the applicable legal norms governing victim rights and restorative justice. This technique discloses the formal legal provisions and their interpretation of implementation in each jurisdiction.

Comparative criminology provides worldwide comparisons and allows for the identification of parallels and differences, as well as context-specific alterations in the operationalisation of victim-focused justice. Adopting a case-study research technique provides for a thorough examination of each country's laws, customs, and socio-cultural milieu.

2.2. Jurisdiction Selection

The legal systems of Bangladesh, India, and the US have been specifically selected to highlight different legal customs, stages of development, and institutional strategies for victim rights and restorative justice. One country in the Global South that exemplifies a diverse legal system is Bangladesh, where formal statutory rules coexist alongside informal and customary judicial systems. Both opportunities and challenges for the implementation of victim rights and restorative justice procedures are brought about by this cohabitation. The Bangladeshi transitional justice setting makes the legal system even more complex, making it a crucial place to look at victim-centred changes.

In contrast, India offers a lively environment for comparative analysis due to its hybrid legal system, which is based on common law but is characterised by continuous legal developments, especially in the areas of victim compensation and mediation. The country's size and variety also make it easier to investigate how the concepts of restorative justice are integrated into a complex legal framework. The United States is a prime example of a developed legal system with institutional restorative justice programs and legislated victim rights laws. Its vast body of law and complex legislative framework offer important standards by which to measure the South Asian situations. When taken as a whole, these nations provide a wide range of institutional and legal frameworks that are pertinent to restorative justice and victim rights.

2.3. Sources and Materials

The research is based on a combination of data from primary and secondary sources. Legislative actions, criminal procedure rules, victim rights statutes, and significant court rulings from various jurisdictions provide the basic data. These provide a profound understanding of the formal law and form the basis of the doctrinal legal analysis. The United Nations Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power (United Nations, 1985) is one example of an international legal instrument that is included because it establishes international standards for victims' rights and restorative justice and acts as a normative model for analysing national legal systems. Secondary data includes reports issued by government-sponsored human rights commissions, legislative reform commissions, and non-governmental organisations. These studies provide empirical data and policy-relevant knowledge on the actual implementation of victim rights and restorative procedures. Relevant scholarly pieces are also included to provide context for the study findings and to respond to existing academic disputes. Integrating data from several sources' aids in the triangulation process and increases the analysis's credibility and scope.

2.4. Comparative Methodology

The study adopts a thematic comparative approach based on four basic criteria: victim rights provisions in the legislation, institutional mechanisms enabling restorative justice, implementation patterns, and the level of victim engagement in criminal processes. This thematic approach emphasises both normative and functional elements, while explicitly rejecting cultural or economic determinist interpretations. Instead, it emphasises how institutional practice and formal legal systems make victim-centric concepts a reality in each country. Statutes and case law that provide and protect victim rights are categorised as legal provisions.

Institutional mechanisms are established systems, programs, and procedures that enable restorative justice and victims' aid. They include mediation activities, recompense for victims, and specific auxiliary units that assist victims. Implementation investigates the efficiency of using such frameworks in practice and encompasses procedural methods for victim engagement. Victim involvement investigates how the judicial system includes victims' perspectives while acknowledging criminological imperatives that highlight victims' agency and healing. Using this ordered theme matrix as an analytical fulcrum allows the study to compare jurisdictions in a methodical manner while still respecting their contextual differences, revealing best practices and reform possibilities.

2.5. Limitations of the Study

This study acknowledges various limitations that affect the breadth and depth of the investigation. One of the key disadvantages is limited access to internal government documents and restorative justice procedures, particularly in India and Bangladesh, where systematised records and transparency are lacking. This constraint affects the ability to refine quantitative evaluations of program outcomes or victim satisfaction rates. Furthermore, empirical evidence on victims' experiences and the efficacy of restorative justice processes differs greatly between relevant countries, with the United States providing comparably larger data sets. Juridical research technique, while necessary for analysing normative systems, cannot represent the practical knowledge of victims or practitioners, necessitating the use of empirical qualitative methodologies like as interviews or participant observation. Comparative criminology also necessitates a cautious approach because hasty generalisations can readily emerge and one must be watchful for contextual impacts. These limits imply that future study should use mixed-method designs that include empirical field research to improve juridical and comparative law analysis and get a better understanding of victim-centric systems of justice.

3. Results

3.1. Bangladesh

3.1.1. Statutory Provision of Victim Rights

In Bangladesh, victims' rights are primarily protected under the Penal Code, the Criminal Procedure Code (CrPC), and the Legal Aid Act. Even while such laws establish the basis for criminal justice administration, there is a low density of stated provisions focussing on victims' rights and involvement. The Penal Code primarily describes offences and punishments, with no reference of protecting victims' rights or procedural protections. The CrPC, which specifies the principles of criminal conduct, enlists victims primarily as complainants or witnesses, with little ability to influence prosecution or judicial procedures. The Legal assistance Act provides options for giving legal assistance; nevertheless, it does not result in a systematic approach to victim protection or empowerment. Consequently, victims frequently continue to be passive consumers of the criminal justice system, since the state's prosecutorial (punitive) role overrides their interests (Hossain, 2022). Ineffective victim involvement and protection throughout the adjudication process are made impossible by the absence of victim-centric provisions that are methodically developed.

3.1.2. *Informal Justice Systems: Shalish and Village Courts*

The legal system in Bangladesh is pluralistic, with both official courts and unofficial dispute resolution procedures, such as village courts and *Shalish* (traditional village councils), functioning side by side. *Shalish* is a culturally embedded method that is frequently used in rural regions to resolve a range of conflicts, including criminal ones. It is frequently led by prominent community elders. Established by statute law, village courts are local forums that are designed to settle minor disputes while maintaining certain procedural restraint. More accessibility, lower costs, and quicker dispute resolution are among advantages of these unofficial processes, particularly in places with limited official court resources (Rahman & Akter, 2023).

However, there are also serious hazards to victim protection and equity in informal systems. Decisions made in *Shalish* may deprive marginalised groups, particularly women and minorities, of their rights and frequently mirror the dominant social structures and gender norms. Due process is seriously questioned when procedural safeguards such as the right to counsel or appeal procedures are absent. Additionally, these forums run the danger of imposing societal pressure, pressuring victims to make concessions, and occasionally allowing wrongdoers to go unpunished (Khan, 2021). Notwithstanding these obstacles, informal legal processes continue to play a crucial role in Bangladesh's legal system, illustrating the conflict between protection and accessibility.

3.1.3. *Absence of Formal Restorative Justice Laws and Pilot Projects*

Full-fledged institutional restorative justice procedures are mostly lacking in Bangladeshi courts. There is no unique legislation that formalises restorative justice elements such as victim-offender mediation, community conferencing, or the right of victims to participate. However, a number of pilot initiatives have been launched, frequently with international donor and non-governmental organisation funding, with the goal of implementing restorative justice ideas at the local level. These are primarily limited to alternative conflict resolution approaches aimed at promoting conversation, reconciliation, and community engagement (Hossain, 2022). However, its limited scope, reliance on donor funding, and lack of connection with the official judicial system all restrict their long-term viability and systemic influence. These pilot programs also highlighted important problems such as skilled facilitators, victim protection measures, and culturally acceptable implementation templates. Restorative justice has no mainstream position in Bangladesh's criminal judiciary and is only marginally supported by legislation.

3.1.4. Gendered Concerns and Due Process Gaps

The prevalence of gender-based violence and victimisation in Bangladesh reveals serious flaws in both victim protection and due process within formal and informal legal systems. Female victims frequently face societal shame, intimidation, and further victimisation within the criminal justice system. Although legal reforms to combat violence against women have been adopted, their implementation remains sporadic, and victims' access to justice is hampered by structural barriers (Rahman & Akter, 2023). Informal systems, such as *Shalish*, can reinforce patriarchal norms by pressuring female victims to reconcile with their attackers, jeopardising both justice and safety.

Inadequate victim participation rights, restricted victim support services, and insufficient procedural protections are all examples of due process inadequacies. The lack of victim advocate systems exacerbates these concerns, leaving many victims with little real redress or protection. Addressing these gendered vulnerabilities necessitates including restorative justice approaches that prioritise victim safety, empowerment, and agency in both official and informal judicial settings.

3.1.5. Conclusion

In general, Bangladesh's institutional and legal systems provide minimal formal protection for victims' rights, and informal justice systems play a vital, however contentious, role in victims' encounters with justice. The absence of specific restorative justice acts prevents the broad practice of victim-centred justice from being fully visible, however pilot efforts supported by donors indicate a growing interest. Gender-specific difficulties and due process inefficiencies must be addressed in order for Bangladesh to achieve balanced and effective victim protection.

3.2. India

3.2.1. Constitutional and Statutory Rights of Victims

Indian criminal law recognises victims' rights through a series of constitutional provisions and legislation that has grown significantly over the previous few decades. In particular, Article 21 of the Indian Constitution enshrines the right to life and personal liberty, which the judiciary has broadly construed as the right to a dignified and fair criminal procedure for victims. Over the years, this constitutional underpinning has fostered the formation of state-level compensation programs with the goal of providing an economic redress to victims of violence and accidents. These programs provide a crucial statutory validation of victims' demands that goes beyond the typical focus

on punishing wrongdoers (Chatterjee, 2022). Furthermore, revisions to the Criminal Procedure Code and the Indian Evidence Act have been made with the goal of boosting victim involvement in criminal procedures, indicating a growing institutional sensitivity to victims' rights.

3.2.2. Legal Provisions for Plea Bargaining, Compounding Offences, and Lok Adalats

Indian law also has numerous processes that are tied to restorative justice concepts, such as plea bargaining, compounding of charges, and the Lok Adalat system. Plea bargaining, as established by the Criminal Law (Amendment) Act of 2005, allows accused persons to negotiate their plea with the goal of obtaining an early disposition while also taking into account the interests of victims. Nonetheless, certain concerns persist about the violation of victims' rights to access and participation, notably about victims' permission and proper compensation (Mishra, 2023).

Compounding of offences allows some charges to be handled outside of standard trial processes between the accused and the victim, particularly where minor infractions or marriage troubles are involved. Although the procedure aligns with restorative values of resolution and reconciliation, compounding transgressions need strict safeguards since it can lead to pressure or unfairness, as shown in sensitive cases such as domestic abuse.

The Lok Adalat system serves as a legally sanctioned platform for alternative conflict resolution, allowing amicable settlements in both civil and criminal cases. These *Lok Adalats* are becoming increasingly popular as inclusive, community-oriented venues that reduce the backlog in the judicial system while emphasising consensual conflict settlement. Their twin qualities, which combine formal legal power with restorative justice ideas, provide a unique synthesis of victim engagement and offender accountability in the Indian setting.

3.2.3. Supreme Court Jurisprudence on Victim Participation

The Supreme Court of India has had a significant impact on the legal recognition of victim rights via important opinions that emphasise victims' participation rights and the importance of a victim-centric approach to justice. Judicial rulings have consistently emphasised the need of giving victims a voice during the investigation and trial processes, which improves procedural fairness and respect for dignity. Furthermore, the Court has ordered the establishment of victim compensation funds and victim aid programs, as well as institutional reforms that promote victim empowerment (Sharma & Gupta, 2021). This corpus of law exemplifies a growing ethos within the criminal

justice system that reconciles retributive and restorative purposes, seeing victims not just as witnesses but also as crucial actors in the justice framework.

3.2.4. Emerging Pilot Restorative Practices

Experimental restorative justice projects have been implemented in the Indian environment in recent years, especially within the frameworks of community mediation and juvenile justice systems. By emphasising the rehabilitation and reintegration of juvenile offenders, the Juvenile Justice (Care and Protection of Children) Act, 2015, incorporates restorative concepts and gives victims significant responsibilities in this process. In order to satisfy the needs of victims for acknowledgement and closure, as well as to reduce recidivism and bring concerned parties together, numerous states have tried restorative conferences, family group talks, and victim-offender dialogues.

Community mediation centres serve as supplementary efforts that offer informal channels for resolving conflicts. They are frequently operated with the assistance of government agencies and in conjunction with non-governmental organisations. The increasing acceptance of restorative justice as a useful supplement to conventional punishment-based paradigms is reflected in these projects. However, there are still issues, such as inconsistent practice quality, ignorance among pertinent parties, and the need for official legislation to integrate these practices across the criminal justice system.

3.2.5. Conclusion

Through judicial activism, legislative reforms and statutes, and constitutional provisions, Indian criminal justice has made significant progress in recognising and institutionalising victims' rights. The incorporation of restorative justice principles into established formal processes is demonstrated via plea bargaining, compounding, and *Lok Adalats*. Furthermore, an increase in the inclusivity and restorative orientation of victims is suggested by the growing number of experimental restorative practices in community and juvenile mediation. However, there is still considerable work to be done in terms of standardisation, building systemic capacity at all levels, and enshrining victims' rights and restorative principles in national legislation.

3.3. United States

3.3.1. Statutory Protections for Victims

The United States has established one of the world's largest bodies of legislation protecting victims' rights. The Victims' Rights Act of 1984 was a significant federal

move that established victims' rights as part of the criminal process. Since its passage into law, a slew of federal and state laws has expanded similar safeguards, ensuring victims' rights to information, presence, and voice at important phases of the judicial process (Clear, 2022). State laws vary, but they frequently include restitution rights, protection against intimidation, and inclusion in sentence and parole hearings. These statutory procedures demonstrate a strong institutional commitment to victim-centred justice that pervades both policy and practice.

3.3.2. Institutionalization of Restorative Justice Practices

Restorative justice in America has progressed from informal grassroot and community-based efforts to formalised programs integrated in criminal justice systems. Some of the more noteworthy initiatives are victim-offender conversations, community conferences, and restorative circles, all of which attempt to encourage accountability, restore harm, and fulfil victims' demands for acknowledgement and closure (Zehr & Howard, 2023). Though some of the tactics are commonly employed in youth criminal contexts, their use has grown to include adult criminal proceedings, with a particular emphasis on nonviolent offences.

Many jurisdictions have established standards and processes for implementing restorative justice, with specific programs sponsored by courts, probation agencies, and community organisations. This institutionalisation is based on considerable criminological research that influences best practices, risk assessments, and victim-sensitive processes (Bazemore & Schiff, 2021). The use of evidence-based restorative interventions exemplifies a smart connection between criminology theory and practical justice reform.

3.3.3. Role of Criminology and Research-Based Policy

Criminology research helped shape and implement restorative justice policies and practices across the United States. Empirical research on the efficacy of restorative programs, whether in terms of victim satisfaction, offender responsibility, or reduced recidivism rates, have developed a substantial evidence base that influences both legislative and administrative choices (Bazemore & Schiff, 2021). Criminologists emphasise the importance of victim involvement, viewing it not only as a question of rights, but also as a feature that improves the effectiveness of justice results.

Furthermore, restorative justice frameworks in the United States have been formed by an extensive multidisciplinary methodology that incorporates viewpoints from psychology, sociology, and law enforcement. This evidence-based policy structure

efficiently addresses concerns such as the possibility of re-victimization, ensuring that restorative practices include procedural safeguards that maintain victims' dignity and autonomy throughout the process.

3.3.4. Procedural Safeguards and Criticisms

Despite advances in victim rights and restorative methods, the American legal system continues to face criticism for procedural fairness and the risk of re-victimization. Critics also argue that restorative methods may occasionally force victims to interact or reconcile too soon, undermining their autonomy and emotional well-being (Clear, 2022). Ensuring voluntary participation, consent understanding, and access to support services is a key problem. In addition, inequality persists in the practice and availability of restorative justice programs, which typically reflect system-level imbalances based on location, socioeconomic position, and race. Although evidence suggests that restorative justice has a positive impact, unequal quality assurance and variable access highlight the need for universal regulations and continuing review.

3.3.5. Conclusion

The United States finest exemplifies a comprehensive model for protecting victims' rights and integrating restorative justice. Its legislation firmly protects victims' procedural and substantive rights, and institutionalised restorative programs demonstrate evidence-based practice guided by criminological research. However, procedural protection difficulties, equal access, and preventing re-victimization highlight the ongoing need for attention and reform in order to unleash the criminal justice system's full restorative potential.

3.4. Cross-Jurisdictional Comparison

A comparative analysis of Bangladesh, India, and the United States finds major discrepancies in the legal recognition, institutional implementation, and practical reality of allowing victims' rights and restorative justice in each of these distinct jurisdictions. Most noticeable in the United States is the substantial body of law at both the federal and state levels that specifically recognises victims' rights, which include the right to be informed, present, and heard during criminal proceedings. Restorative justice approaches like as victim-offender mediation and community conferencing have been institutionalised as part of formal judicial systems, with a focus on juvenile and nonviolent adult cases. These systems include stringent procedural safeguards designed to avoid re-victimization, as well as comprehensive criminological evidence to support evidence-based practice and policy (Clear, 2022).

In contrast, India reflects a developing hybrid approach in which constitutionally established assurances, judicial decisions, and emerging statutory victim compensation systems enhance victims' rights individually. Plea bargaining and compounding of offences as legal procedures, as well as the Lok Adalat system, combine restorative ideals with a predominantly retributive penalty system, albeit with variable patterns of application across state lines. Restorative justice pilot programs, particularly in juvenile justice systems, show that alternate means of settlement have the potential to rehabilitate both victims and wrongdoers (Chatterjee, 2022). However, their inconsistent application and legislatively mandatory clarification-seeking remain difficulties that preclude their mainstreaming.

Bangladesh has a diverse legal system with a strong dependence on informal methods of justice such as *Shalish* and Village Courts, resulting in a significantly varied terrain. Even if such forums allow for low-cost, community-based conflict resolution and promote community-based action, they frequently lack formal legal protection and procedural safeguards for victims, raising concerns about fairness and victim empowerment, particularly among women and marginalised populations. Because there is no explicit legislation governing restorative justice, pilot programs supported by external funders have served as the primary means of innovation; nonetheless, their limited scope and durability pose considerable obstacles. Inadequate integration of victims' rights through the formal system of criminal law, as well as socio-cultural constraints, lead to victims' relative marginalisation at both the judicial and informal levels (Hossain, 2022).

In the concept of victim involvement, the United States provides an example of best practices by integrating procedural rights and victim advocate services throughout the legal system, so enhancing victims' agency and lowering the chance of re-traumatization. India has achieved great achievement through judicial judgements that recognise victims as active participants; nevertheless, the concrete implementation of this may vary and is driven by inter-regional variances.

At the informal level, where gender domination and discrimination frequently impede victims' voice and access to justice, the Bangladeshi system gives victims a less important position as participants (Chatterjee, 2022; Hossain, 2022). Each of the three legal systems has gendered issues, albeit in different ways. Informal judicial systems in Bangladesh have come under fire for upholding patriarchal standards that jeopardise women's rights and perpetuate social injustice. The successful execution of victims' rights is negatively impacted by the persistence of law enforcement shortcomings and sociocultural barriers, notwithstanding India's unique legislation aimed at preventing violence against women and children.

Despite the fact that the United States has strong protection laws, systematic inequity still exists, endangering underprivileged and minority groups under restorative justice systems. These difficulties highlight how crucial it is to create and execute victim rights and restorative justice policies that are gender-responsive and culturally sensitive in a variety of contexts (Clear, 2022). At conclusion, the comparison shows a range of victim rights recognition and restorative justice process establishment, with Bangladesh confronting fundamental issues, India at a transitional stage, and the United States at an advanced level. The extent and efficacy of victim protections and the application of restorative action are determined by the distinct socio-legal circumstances of each nation.

India's judicial innovation and new restorative techniques, as well as the United States' legislative detail and evidence-based policies, are likely to teach Bangladesh a lot. To ensure that victims' rights are truly upheld and that restorative justice principles are implemented in a way that empowers victims and improves the outcomes of justice, future reform must be carefully tailored to Bangladesh's distinct pluralistic legal system and sociocultural contexts.

4. Discussion

4.1. Integrating Victim Rights within Criminological Theory

The enshrinement of victims' rights in criminological theory signifies a paradigm shift away from traditional perspectives that prioritised the needs and experiences of victims above those of offenders and state interests over victims. It has been argued that criminology has historically ignored the larger societal harm that crimes do by seeing victims as passive beneficiaries of the consequences of crime (Miers, 2021). The focus was shifted from victims' position within the criminal justice system to their duties, rights, and the pain they endured by victimology, a subfield of criminology (Robinson & Chandek, 2023). This shift is a growing acknowledgement that a fair system should address the guilt of the offenders as much as it should address the victims' needs for healing and restoration.

Restorative theory supports mechanisms that involve victims, wrongdoers, and society in an interactive process of mending harm, which is in line with victimology as an alternative to traditional punishment approaches (Braithwaite, 2022b). Therefore, restorative justice, which emphasises state-imposed penalties and frequently ignores the involvement of victims, threatens the supremacy of retributive justice (Zehr, 2021). This change in perspective has theoretical and practical ramifications and raises discussion about how to strike a balance between the rights of wrongdoers and society at large and victims' demands for acknowledgement and restitution.

Comparative criminology adds value to these discussions by providing a framework for comparing how different legal traditions and cultural contexts address victims' rights and restorative approaches. Policymakers and scholars can find transferable models that fit local socio-legal situations by using the lessons learnt from a range of countries to improve justice (Tonry, 2024). In the contexts of Bangladesh, India, and the United States, comparative criminology reveals differences in the institutional ability, legal protection, and societal acceptance of restorative justice and highlights the need for customised reform.

4.2. Strengths and Weaknesses in Each Jurisdiction

The United States has a relatively advanced system for victim rights and restorative justice, supported by a number of federal and state laws, such as the Victims' Rights Act, and restorative justice programs integrated into criminal justice agencies (Goldkamp et al., 2023). These structures codify victims' participation, guaranteeing rights such as notification, presence, and the chance to have their opinions heard in court. A synergy between theoretical principles and practical implementations is seen in the notable expansion of restorative practice initiatives, such as victim-offender mediation and community conferencing, especially in the juvenile justice sector (Bazemore & Stinchcomb, 2023).

Despite this, there are still fundamental problems with the American legal system, primary among them being racial inequities that prevent victims from obtaining justice and result in varying experiences that are influenced by socioeconomic factors. Evidence currently available suggests that minority groups frequently encounter obstacles when trying to access victim assistance or restorative programs, which might jeopardise the comprehensiveness of justice system reform measures (Clear & Frost, 2022). Additionally, restorative justice procedures are occasionally criticised for being inconsistent, which raises questions about their applicability in cases of severe or violent offences (Bazemore & Umbreit, 2022b). These shortcomings are a reflection of the continuous conflict between the goals of equitable victim rights and the practical limitations of a convoluted legal system.

Indian law offers a lengthy number of victim safeguards that are incorporated into statute legislation, constitutional guarantees, and judicial attitudes. Efforts to integrate victims' concerns with an otherwise adversarial legal system are evidenced by victim compensation programs, the right to be heard during court procedures, and mechanisms like plea bargaining and *Lok Adalats* (Chandran & Sen, 2023). Through frequently compensating legislation, judicial activism has been instrumental in promoting victims'

right to active involvement. A strategy that favours non-retribution is becoming more popular, as seen by pilot programs at restorative justice under juvenile and alternative conflict resolution (Mitra, 2022).

However, there are significant regional differences in law enforcement and court responsiveness due to India's vast and diverse socio-legal milieu. There are informal judicial systems in addition to official courts, but they lack uniform procedural safeguards, which presents serious concerns about victim rights and the possibility of pressure or prejudice, particularly with regard to women and lower caste groups (Ghosh, 2023). Restorative efforts' fragmented nature limits their systemic efficacy and scalability. Further impeding the realisation of victim rights across the country are institutional capacity limitations and uneven policy implementation.

The criminal justice system in Bangladesh heavily relies on unofficial channels of justice like *Shalish* and Village Courts, which are both highly respected by the public but have no official legal oversight (Rahman, 2023). Although the forums offer readily available channels for resolving disputes, they frequently fall short in adequately safeguarding the rights of victims, particularly those from under-represented groups in society, such as minorities and women. This deficiency is made worse by the absence of official victims' protection frameworks and restorative justice laws (Islam & Karim, 2023). International donors' efforts have included restorative elements, but they haven't yet resulted in significant institutional or legal improvements.

The challenges experienced by victims in Bangladesh are made worse by sociocultural elements including shame and patriarchy as well as the limited participation of victims in official criminal processes. In order to guarantee that justice is administered in a fair and rights-based manner, these issues necessitate prompt response through law reform, institutional strengthening, and improved victim support services.

4.3. Culture, Law, and Restorative Systems

The way restorative justice frameworks are designed and implemented is greatly influenced by the legal culture. British common law traditions, which have historically been characterised by adversarial judicial processes and harsh responses to wrongdoing, are ingrained in the colonial legacies of Bangladesh and India (Dharmapala, 2022). Despite the official adoption of modern legal codes, the continued use of unofficial, community-based dispute resolution techniques highlights persistent cultural tendencies towards social cohesiveness and collective responsibility, making the integration of restorative justice into official legal frameworks more challenging.

Community justice forums, like *Lok Adalats* in India and *Shalish* in Bangladesh, are deeply ingrained customs that prioritise peace-making above retaliation. They

frequently lack procedural protections essential to guaranteeing victims' rights and justice, despite the advantages of acceptance and separation from global significance that come with local legitimacy of such venues (Ghosh, 2023). The challenges of implementing restorative justice in various socio-legal contexts are reflected in the conflict between local legitimacy and international standards such as the United Nations Basic Principles on the Use of Restorative Justice Programs in Criminal Matters (Van Ness & Strong, 2021).

The United States of America, on the other hand, has a mainly state-centred legal system, with restorative justice initiatives inserted as supplements to mainstream criminal justice systems. Restorative justice programs in the United States make substantial use of criminological research and policymaking frameworks, with an emphasis on accountability, evidence-based practice, and victim empowerment (Bazemore and Umbreit, 2022b). While institutional inclusion allows for a systematic practice of restorative justice, it may restrict its ability to be tailored to individual community conditions, particularly those with distinct cultural identities or needs.

The three jurisdictions have faced the challenge of striking the correct balance between conforming to global human rights norms and honouring indigenous customs and morality. Effective restorative justice necessitates both legal change and cultural sensitisation, as well as a balance between community trust and victim rights.

4.4. Policy and Legal Reform Needs

The comparative study's findings show a compelling need for policy and law change, notably in India and Bangladesh, with the goal of institutionalising restorative justice in formal legal systems and improving victim protection. In both nations, it would be advantageous to systematise restorative practices through thorough law that explicitly defines processes, obligations, and victim protections. Legislatively codifying such methods will highlight practitioners' approaches, eliminate arbitrariness, and encourage consistency in usage.

Institutional improvements are also crucial, particularly the development of dedicated victim support units that provide counselling, prosecution help, and advocacy (Patel et al., 2023). Seeking justice is frequently hampered by victims' lack of information, resource limits, and institutionalised biases; therefore, developing victim-focused judicial aid programs is critical in overcoming such obstacles. Furthermore, capacity building for criminal justice personnel such as police officers, prosecutors, and magistrates should focus on trauma-informed practices, restorative justice systems, and victims' rights in order to develop institutionalised sensitivities to victims' needs (Singh & Verma, 2022).

The US model offers valuable insights, particularly in merging research-informed legislation with practice and procedural protections to protect victims from additional trauma (Berman & Feinblatt, 2021). Transplanting techniques straight from the United States is not practical nor desired. South Asian nations should draw from lessons and tailor them to their own socio-legal contexts so that reforms are culturally appropriate and address structural inequities.

Global collaborations and information transfer might accelerate the adaptation process by exchanging best practices, evaluation tools, and training methodologies. Local and global development institutions are also important sources of facilitation and funding for experimental initiatives that, if successful, can be scaled up nationwide.

In conclusion, it is critical to link the informal and formal justice systems, strengthen victim rights safeguards, and introduce restorative justice principles in order to make the criminal justice systems in Bangladesh and India more equitable, efficient, and culturally aware. In order to achieve justice for victims and society as a whole, these reformations ought to take inspiration from comparative criminology's and allow the unique characteristics of indigenous ecosystems to inform new legal developments.

5. Conclusion

The paper provides a thorough comparison of the restorative justice and victim rights frameworks in Bangladesh, India, and the United States of America, pointing both notable differences and parallels in institutional practice and legal recognition. Because each jurisdiction has a unique history, sociopolitical context, and legal tradition, there are differences in the extent to which victim rights and restorative justice are integrated into the criminal justice system. According to these findings, the official implementation and operationalisation of restorative and victim protection measures at the South Asian jurisdictional level continue to be insufficient and inconsistent, painting a mixed picture.

The prevalence of informal justice systems like *Shalish* and Village Courts in Bangladesh contrasts with the lack of a formalised restorative justice system. The older approaches have significant issues with guaranteeing due process and protecting the rights of victims, particularly women and other marginalised groups, despite the fact that they do have certain advantages in terms of accessibility and coverage of rural areas. Insufficient statutory protection combined with reliance on informal channels prevents victims from properly exercising their rights and seeking remedy. Additionally, donor-funded pilot programs that aim to implement restorative justice approaches are unrelated and lack comprehensive institutional backing. In this fragmented setting, the

need for formalising victims-focused restorative approaches and more explicit legal recognition becomes strong.

The Indian legal system exhibits a more sophisticated legislative framework for victims' rights, which includes several compensations plans for victims as well as constitutional protections. Nonetheless, the nation also integrates elements of restorative justice, including as plea bargaining, criminal compounding, and *Lok Adalats* (people's courts), particularly in relation to juvenile law. However, there are still obstacles to overcome in order to ensure future adoption at the local level, and the institutional support provided to victims differs. More judicial awareness of victims as a part of the legal process is demonstrated by the Supreme Court of India's evolving jurisprudence on victim involvement; yet, the application of these principles in practice frequently remains uneven and delayed. When official statutory law and informal justice systems coexist, it can sometimes be more complicated and jeopardise the rights and empowerment of victims.

The United States is leading the way in victim protection thanks to laws like the Victims' Rights Act and several state laws that make it easier for victims to participate, be notified, and get compensation. Programs for restorative justice, such as community conferencing and victim-offender mediation, have been further institutionalised and frequently included into larger criminal justice systems. The research-based approach employed in the United States focusses on using empirical data and criminological theory to inform program execution and policy reform. Differential racial impacts, limited access to restorative programs, and the possibility of more re-victimization, however, continue to be persistent concerns. Although procedural safeguards have also been implemented as threat reduction measures, the continuous conflict between restorative practices and retributive justice is still being discussed in relation to victim-centred reform attempts.

This study's comparative criminological methodology has shown important variables that affect how well victim rights and restorative justice are implemented. To guarantee that justice is both significant and equitable, it appears that striking a balance between preserving due process protections and enhancing victims' agency is essential. In situations when this equilibrium is successfully kept, restorative justice may facilitate community involvement, healing, and accountability. Victims are more vulnerable to marginalisation or procedural injustice when this balance is not reached. According to the study, if restorative justice models are not modified to match specific social and cultural contexts, they may be used superficially rather than transforming society.

Institutional capacity is also crucial. In Bangladesh and India, a lack of resources, training, and political commitment impedes the effective enforcement of victims' rights and the promotion of restorative justice methods. While informal justice systems are profoundly founded in cultural customs, they usually operate without specified victim protection standards, leaving room for arbitrariness and prejudice. In contrast, the United States, which has a more organised legal framework, benefits from the presence of professional stakeholders such as victim advocates and trained facilitators, as well as statutory measures that promote the amplification of victims' voices. Nonetheless, continuing institutional inequities and disparities in access highlight ongoing challenges to developing an equitable justice framework for all victims.

The relationship between restorative justice and legal culture is complicated. Historical colonial effects, competing legal systems, and conflicts between community-directed and state-directed justice all contribute to diverse patterns across South Asia, necessitating careful negotiation of restorative principles alongside local legitimacy and procedural protections. The evidence-based approach to policymaking in the United States demonstrates how criminological research may strengthen and steer restorative initiatives; nevertheless, frameworks may need to be adjusted to become applicable in South Asian contexts.

This study emphasises the need of understanding victim rights and restorative justice through a contextually sensitive comparative criminology methodology. This method allows for the identification of optimal practices and potential problems, while also providing an advanced viewpoint that respects customary law and social circumstances. These findings highlight the critical need for legislative change in Bangladesh and India, with the goal of explicitly recognising restorative justice, establishing victim safeguards, and boosting institutional capacity. These findings also highlight contemporary trends and issues with the U.S. legal system, implying that no jurisdiction has achieved complete equilibrium.

The significance of this work arises from its attempt to define the current landscape of victim rights and restorative justice across diverse legal systems, expanding academic discourse by bridging a comparative gap between the Global South and Global North. It provides empirical data and theoretical frameworks for future study and policy discussions aimed at enhancing victim-centred justice. The study offers the framework for better informed, culturally sensitive, and justice-driven reform attempts by examining the strengths and weaknesses seen within and across these jurisdictions.

In conclusion, while victims' rights and restorative justice as a concept continue to gain popularity across the world, their institutionalisation remains a contentious and

dynamic process influenced by local situations and broad legal frameworks. Comparative criminology as a domain provides critical insight into the process, emphasising that justice with a victim-centred perspective may be attained by a careful syncretization of law enforcement systems, community involvement, and identification of socio-legal situations. The evolution of victims' rights and restorative practices in the United States, India, and Bangladesh reflects a larger problem of reimagining judicial systems that integrate healing and accountability with procedural fairness.

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