

## **BREAKING THE SHACKLES: A PROPOSAL FOR A SUSTAINABLE FRAMEWORK ON PUNISHING OFFENDERS OF VICTIMLESS CRIMES IN SRI LANKA**

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As critics argue, a concrete legal framework is integral to any nations' development as crimes hold an undeniable correlation with the progress of a society. In light of that, critics such as Durkheim contends that crime, and the reaction to it, I.E. punishment, build social solidarity by bringing people together which in turn decreases crime. However, recent research argues that a country's approach to assigning punishments for offenders is often vested on the law makers and the judiciary who are mostly driven by their legal instincts, which might have a detrimental impact on the especial groups of offenders such as offenders of victimless crimes. Hence, the present study aims to critically revisit the Sri Lankan laws on criminal punishment that concern victimless crimes, to understand the possibility of developing a more sustainable and holistic mechanism on punishing criminal offenders in the country. The study reviewed the existing legal framework on punishing the offenders of crimes (principally penal code), related case laws, and legislature from foreign jurisdictions, books, scholarly articles and news bulletins concerning the same. The researcher also conducted 5 semi-structured interviews with a group of experts including professionals with more than 20 years' experience and academics from legal, criminological and sociological disciplines to nuance its data. Through its data analysis, this study observes that the Sri Lankan criminal justice system is more restricted and often incapable of addressing the growing crime rates. Specifically, the lack of proper rehabilitation mechanism apart from the processes conducted inside prisons, absence of the element of consensus in many of the available rehabilitation mechanisms and inadequacies in expertise and interest paid on offender counselling and social reintegration were highlighted as major substantive and procedural shortcomings in the existing frameworks concerning offenders of victimless crimes. Thus, this study argues for a multidisciplinary approach in punishing offenders of victimless crimes such as drug abusers and sex workers which includes not only a legal but sociological and criminological perspective. Hence, this study concludes that the traditional punishments like incarceration/ incapacitation should be replaced by much preferred rehabilitation and offender counselling methods, especially for the offenders of victimless crimes.

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