

The Synergistic Effects of Japan's 2025 Sentence Reduction Bill Revision and Plea-Bargaining System: Social Impact and Institutional Challenges

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Abstract. Japan's criminal justice system is undergoing a historic transformation. To address shifts in crime demographics, an aging prison population, and the need to improve judicial efficiency, Japan has implemented several major reforms. Among these, the revision of the Sentence Reduction Act, scheduled for implementation in 2025, combined with the plea-bargaining system introduced in 2018, constitutes the core of Japan's criminal justice modernization. These reforms not only transform the way sentences are enforced but also redefine the practical logic of criminal prosecution. The context for these reforms is complex and diverse. On the one hand, Japan faces an aging prison population, with many elderly inmates unable to work, making traditional corporal punishment difficult to enforce. On the other hand, high recidivism rates raise public doubts about the effectiveness of rehabilitation. Furthermore, traditional investigative methods are limited in their effectiveness against highly concealed crimes, such as organized and corporate crime, necessitating new judicial tools. These factors are collectively driving changes in Japan's criminal justice system. This article aims to comprehensively analyze the core elements of the 2025 revision of Japan's Sentence Reduction Act, including how it will work in conjunction with the judicial bargaining system, the potential social challenges it will bring, and propose corresponding optimization paths. The research not only helps to understand the direction of Japan's criminal justice reform but also provides a comparative legal reference for similar reforms in other countries.

Keywords: Plea-bargaining; sentence reduction; cooperation; regeneration.

1. Introduction

2025 marks a key turning point in Japan's criminal justice history. Under the revised Criminal Law, the prison system has undergone its most fundamental reform in over a century: the dual structure of "Chōeki-kei" (imprisonment) and "Kinkō-kei" (imprisonment without work) established by the 1907 Criminal Law has been abolished and unified into "Kōkin-kei" (imprisonment), granting authorities greater flexibility in tailoring treatment measures to the individual circumstances of prisoners [1]. Together with more relaxed Suspended Sentence, these two reforms, in conjunction with the plea-bargaining system introduced in 2016, mark the transformation of Japan's criminal justice from traditional "authoritarian punishment" to "negotiated justice". The core contradiction points directly to the fundamental balance between judicial efficiency and fair values.

Since the beginning of the 21st century, Japan's criminal justice system has faced multiple challenges like an aging prison population, the industrialization of fraud, and lack of meaningful distinction between "Chōeki-kei" and "Kinkō-kei" [2]. The core purpose of the 2025 amendment is to establish a penal system that is more flexible, individualized, and structured with a focus on rehabilitation, while also emphasizing the prevention of recidivism, which marks a major step forward in making Japan's criminal justice system more modern, humane, and effective. Specifically, under the revised Criminal Law, the plea-bargaining system can greatly strengthen crime control, improve the effectiveness of criminal policies and reduce recidivism rates.

2. Institutional Coordination Mechanisms and Theoretical Analysis

June 1, 2025, under the revised Criminal Law, “Chōeki-ke” and “Kinkō-kei” will be unified into the new “Kōkin-kei” [3]. The core of this new system is to eliminate forced labor and instead selectively arrange work and educational guidance based on the individual characteristics of prisoners, to enhance improvement and rehabilitation [1]. Also, the upper limit of Suspended Sentence has been raised from 1 year to 2 years, and if a person commits another crime during the first probation period, he or she can be given another probation. If a new crime is committed during the probation period, but the guilty verdict is confirmed after the probation period expires, the previous probation can be reinstated. For those who have not yet completed the probation period, the unexecuted part of the sentence can be reduced, or the probation period can be shortened [4]. Suspended Sentence is a system whereby a court decides to suspend the execution of a prison sentence, even though the offender has been convicted. The sentence is not immediately carried out, and the defendant can continue to live in society. If the offender does not commit another crime within the stipulated period, the sentence expires, and the prison term is avoided [5].

Japan’s plea-bargaining system was officially implemented in 2018. Its core logic is that prosecutors reach an agreement with suspects or defendants, who then expose other people’s crimes or provide key evidence in exchange for non-prosecution or preferential sentencing in their own cases [6]. Plea-bargaining can avoid lengthy and complex investigations and trials, significantly save public resources and improve efficiency. It also helps solve complex organized and corporate crimes, particularly for organized crime and corporate economic violations. Plea bargaining guides insiders to provide key clues: in exchange for bail or reduced punishment, insiders (such as employees or mid-level managers) are encouraged to provide information on accomplices or superiors. This “exchanging the bottom for the top” approach helps to crack down on the masterminds and thoroughly unravel the criminal chain [7].

Crucially, sentence reduction bills can create a key synergy with the plea-bargaining system. First, sentence reduction reforms provide bargaining chips for plea bargaining. Flexible sentencing enhances prosecutors’ bargaining power: the personalized treatment of detention sentences allows prosecutors to promise optimized treatment conditions (such as labor exemptions and vocational training) as bargaining chips to encourage suspects to cooperate with investigations. Also, dual incentives exist in corporate crime: employees can simultaneously receive a personal sentence reduction (flexible detention treatment) and corporate immunity from prosecution (compliance rectification) by exposing corporate crimes. For example, in the Mitsubishi Hitachi case, a bribed executive director received a sentence reduction in exchange for confession. Second, the emphasis on regeneration concept reduces judicial transaction costs. Elderly or poor health offenders, spared from forced labor, are more likely to cooperate with judicial transactions in exchange for early release or community corrections, thus avoiding the burden of prison pensions. Corporate executives (often elderly) in bribery cases can offer compensatory social services (such as public service lectures) in exchange for confessions, replacing incarcerated labor. Third, institutional integration can improve judicial efficiency and prevent recidivism. “Kōkin-kei” aims to quickly expose accomplices and criminal organizations and comprehensively analyze cases. The custodial sentence system further ensures that convicted prisoners receive personalized rehabilitation guidance, improving the continuity from judicial induction to rehabilitation and social reentry. Combining these two systems can form a complete chain from investigation, conviction, rehabilitation, and repatriation, improving overall judicial efficiency and the effectiveness of public security policies.

Sentence reduction bill revision and plea-bargaining system form functional complementarities in judicial practice. Plea bargaining applies to the investigation stage, encouraging early cooperation by not prosecuting; sentence reductions apply to the trial and execution stages, encouraging confessions and the return of stolen property by reducing sentences. Fraud ring members can expose the organizers through judicial transactions and then receive sentence reductions by returning the stolen property, forming a step-by-step incentive chain of “confession-exposure-repayment”. Companies can avoid prosecution by using judicial transactions to report executive crimes, while individuals

involved can obtain sentence reductions by returning the stolen property, achieving a compliance-focused approach of “letting the company off while punishing the individuals severely”. This collaboration significantly improves the efficiency of investigating and prosecuting complex economic crimes. For example, in a securities fraud case in 2024, 15 of the 21 suspects exposed the mastermind and returned the stolen money through judicial transactions, shortening the investigation cycle by 60%. However, the compensation rate for victims was only 43%, exposing the imbalance between efficiency and fairness [8].

3. Actual Impact and Social Effects

3.1. Kōkin-Kei and Recidivism Rates

The key of Kōkin-kei is to classify prisoners into different categories based on their individual differences (such as age, health status, addiction problems, and length of sentence), allowing them to receive more targeted treatment measures. For example, elderly prisoners with dementia may participate in “elderly welfare courses”, while prisoners with a history of substance abuse may be assigned to “addiction rehabilitation courses”.

The fundamental purpose of this reform is to shift the core function of incarceration from punishment to one that focuses more on preventing recidivism and promoting the reintegration of prisoners into society. Officials also hope to address the challenges faced by Japan’s prison system, including the increasing number of elderly inmates, the rise in drug-related crimes, and the high recidivism rate. However, the actual impact of sentence reform on recidivism rates needs to be viewed rationally. Providing prisoners with education, vocational training, and psychological treatment can theoretically help them better adapt to society and reduce the likelihood of reoffending due to a lack of survival skills. Targeted treatment measures are particularly effective for special groups like the elderly and the sick, addressing their underlying issues. Changes in recidivism rates are influenced by a variety of factors, including post-release employment opportunities, social acceptance, family support, and the effectiveness of community corrections measures. The Japanese government has also recognized that elderly prisoners who receive community support after release are far less likely to reoffend than those who do not. The effectiveness of reforms requires longer-term data tracking and evaluation [9].

3.2. Plea-Bargaining and the Possibility of Accountability

Plea-bargaining provides an incentive for whistleblowers or lower-level participants within an organization to cooperate. To mitigate their own guilt, they are more willing to provide evidence incriminating superiors or key figures. This helps uncover internal shady areas within an organization and brings to justice those responsible who are difficult to reach through traditional investigative methods.

In practice, companies often cooperate with prosecutors through plea-bargaining, promising internal rectification, paying hefty fines, and identifying individual employees implicated in the case in exchange for prosecutors not prosecuting the company itself. This can lead to a “sacrifice the pawn to save the king” situation: the company survives (protecting the interests of shareholders and employees) while specific individuals who violated the law are punished. While this approach punishes those responsible to a certain extent, it can also spark debate about whether “corporate justice” is truly being upheld, whether systemic issues or corporate culture are being overlooked.

3.3. System Efficiency and Social Cost

By incentivizing cooperation, critical evidence can be quickly obtained, shortening the investigation and trial time for complex cases (particularly white-collar and organized crime), and conserving judicial resources. In theory, if more targeted correctional measures can lower the risk of reoffending, they could, in the long term, reduce the number of repeat offenders and alleviate the burden on the judicial system.

If recidivism rates are effectively reduced, the number of people incarcerated may decrease in the long term, thereby reducing prison system operating costs. However, short-term costs may increase. Custody reform requires the provision of more diverse treatment programs (such as specialized courses, psychological treatment, and medical care), particularly to address the needs of the growing number of elderly prisoners. This may increase prison management and operating costs in the short term. The “leniency” achieved through judicial transactions may raise social doubts about judicial fairness, and this has hidden costs. However, if custodial reform can successfully help more people return to society and become productive, it will reduce the burden on social welfare and the losses caused by crime.

3.4. Public Trust and the Reconstruction of Penal Deterrence

In fraud cases, perpetrators only returned personal gains, with victims’ actual losses covered at less than 30%. However, they were released early due to sentence reductions, sparking public outcry that “the judiciary has betrayed the victims”. Also, exempting elderly prisoners from labor under detention and receiving sentence reductions has been viewed by the public as “prison welfare”. This is particularly evident when compared to the pension shortfalls faced by employed workers, highlighting a sense of disparity.

There are risks of weakened deterrence. A 2024 online poll showed that 71% of respondents believed that “judicial bargaining makes it easier for the wealthy to escape punishment”. The requirement that bails wear GPS devices, particularly after the Ghosn case, has failed to shift the public perception that “justice is negotiable”.

A deeper contradiction lies in the fundamental conflict between consultative justice and Japan’s traditional culture of “precision justice”. Meticulous prosecutor-led investigations and high conviction rates were once hallmarks of judicial fairness. However, the expanded use of judicial bargaining and sentence reductions has led to public concern that “truth is giving way to efficiency”.

4. Challenges and Optimization

The integration of these two systems could create a “secondary bargain”, whereby criminals, after receiving lighter sentences through judicial bargaining during the trial phase, are then treated more favorably than ordinary inmates due to their “special status” during their sentence, exacerbating a sense of unfairness. Furthermore, how evidence and testimony obtained through judicial bargaining influence the classification and treatment of custodial sentences requires clear rules and standards to prevent excessive discretion by enforcement agencies.

The coordinated implementation of the revised sentence reduction law and the judicial bargaining system faces significant challenges in social acceptance. Japanese society has a relatively harsh attitude toward crime, and the public may find it difficult to accept the practice of criminals obtaining sentence reductions by “betraying their accomplices”. Victims and their families may feel that justice has not been served, leading to feelings of neglect and secondary victimization. The individualized treatment brought about by the revised sentence reduction law may also spark social discontent. On the one hand, the public may misunderstand that prison treatment is “too comfortable” and has lost its deterrent effect; on the other hand, the disparity in treatment between different inmates may raise questions about fairness. Especially after the implementation of detention in 2025, enforcement authorities will need to exercise discretion to assess the subjective willingness and adaptability of inmates. This subjective discretion may lead to unfair treatment and an increase in criminal prosecutions. Furthermore, the role of the Japanese media in judicial reporting may also affect social acceptance. Major Japanese media outlets have long rarely conducted independent investigations into cases, primarily reporting on information received from police and prosecutors. This reporting model could exacerbate public misunderstandings about judicial bargaining or, conversely, lead to excessive optimism about it.

Concerns about judicial fairness have always existed in Japan's criminal justice system. On the one hand, Japan's high conviction rate of 99.9% reflects the fact that prosecutors only prosecute cases with a high probability of conviction, but it also increases the risk of miscarriages of justice. On the other hand, Japan's judicial system relies heavily on confessions, and the process of obtaining confessions may involve torture or inducement. The introduction of a judicial bargaining system could exacerbate these risks. Judicial bargaining can induce false confessions or false accusations. Suspects may make false statements or frame others in order to obtain a reduced sentence or a non-prosecution. Although Japan punishes perjury, this risk persists. Historically, Japan has seen numerous wrongful convictions resulting from false confessions, such as the case of Kazuo Ishikawa, who was wrongly sentenced to death for the rape and murder of a high school girl. The judicial bargaining system could provide a new mechanism for preventing similar wrongful convictions. Furthermore, the judicial bargaining system may conflict with Japan's traditional pursuit of "substantial truth" in the judicial system. In the Japanese public's view, the courtroom is a place for the pursuit of truth, and the term "bargaining" smacks of business, raising the question of commodification of justice. This cultural conflict may affect the legitimacy and public acceptance of judicial transactions [10].

To address these challenges, a refined institutional design is first necessary. A clear legal framework and operational guidelines should be established for the plea-bargaining system, clarifying transaction conditions, procedures, and standards to reduce prosecutorial discretion. In particular, a rigorous verification mechanism should be established to verify the authenticity of transaction evidence. At the same time, the classification criteria and treatment rules for *Kōkin-kei* should be clarified to avoid arbitrary discretion by enforcement authorities. For example, consideration should be given to introducing a classification assessment scale and a treatment decision-making committee mechanism to enhance the scientific nature and transparency of classification and treatment. Furthermore, a criminal prosecution mechanism should be established to allow prisoners to challenge unfair treatment. Checks and balances are also key to optimizing the coordination between the two systems. The courts' judicial review function should be strengthened, conducting substantive reviews of judicial transaction agreements and sentence commutation decisions. Furthermore, external oversight mechanisms, such as a supervisory committee composed of citizen representatives, could be introduced to regularly review and oversee judicial transactions and sentence commutation treatment.

The successful implementation of the revised commutation law and the plea-bargaining system requires strengthened protection of victims' rights. Mechanisms should be established to safeguard victims' rights to be informed and participate, ensuring they are informed of the progress and rationale behind judicial bargaining and providing them with opportunities to express their opinions. Where appropriate, victim satisfaction could be considered as a factor in bargaining agreements. In addition, social communication and public education should be strengthened. Judicial institutions should clearly explain the purpose, operation, and safeguards of judicial bargaining and the commutation system to the public to build understanding and trust. In particular, case studies should be used to illustrate the positive role these systems play in combating organized crime and promoting criminal rehabilitation. Mechanisms for social participation could also be considered, such as involving community representatives in the development of treatment plans or engaging social volunteers in prisoner rehabilitation work. This would not only enhance public understanding and support for judicial reform but also foster inmates' connection with society and facilitate their reintegration.

5. Conclusion

The essence of Japan's 2025 sentence reductions represents a paradigm shift in criminal justice from "one-way punishment" to "negotiation and cooperation". Its positive implications include improving judicial efficiency, mitigating prison pressure, and adapting to the globalization of

corporate compliance. However, new challenges are emerging within the system, including the marginalization of victims, the shifting of corporate responsibility, and regional inequality.

The success of the reform will depend on the degree to which three key balances are achieved. Rebalance efficiency and fairness: Judicial transactions shorten investigation cycles and sentence reductions reduce the cost of incarceration, but efforts must be made to ensure that efficiency trumps justice through victim funds and the principle of legality. Redefine corporate interests and public responsibility: Legal agreements must clearly define the boundaries of “compliance in exchange for responsibility” to prevent judicial transactions from becoming a tool for capital privilege. Institutionalize the redemption of public trust: increasing transparency, such as full recording of interrogations and explicit sentence calculation in sentence reduction verdicts, is key to addressing concerns about the “black box” nature of the judiciary.

Japan’s experience offers valuable insights for East Asian criminal justice reform. China is promoting compliance reforms for companies involved in criminal cases and should heed Japan’s lessons: avoid allowing negotiated justice to degenerate into an elitist immunity mechanism. Instead, it should maintain the credibility of the system through victim participation, judicial review of executions, and public disclosure of compliance standards. The future of criminal justice lies not in harsh punishments or the supremacy of transactions, but in striking a balance between the interests of victims, offenders, and the public. Japan’s 2025 reforms are a difficult exercise in this balancing act, and its journey warrants continued monitoring and reflection.

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