

 2024 Imran, Murtiza & Akbar. This is an Open Access article distributed under the terms of the Creative Commons-Attribution-Noncommercial-Share Alike License 4.0 International (<http://creativecommons.org/licenses/by-nc-sa/4.0/>), which permits unrestricted use, distribution, and reproduction in any medium, provided the original work is properly attributed, not used for commercial purposes, and, if transformed, the resulting work is redistributed under the same or similar license to this one.

Received:
January 13,
2024

Revised:
February 10,
2024

Published:
June 15, 2024

Journal of Politics and International Studies

Vol. 10, No. 1, January–June 2024, pp.1–16

A Critical Analysis of the Criminal Justice System in Pakistan

Dr. Muhammad Imran

Assistant Professor, College of Law

Government College University Faisalabad, Pakistan

Email: adv.drmmimran@gcuf.edu.pk

Dr. Ghulam Murtiza

Associate Professor / Chairperson,

College of Law Government College University Faisalabad, Pakistan

Corresponding: ghulamurtiza@gcuf.edu.pk

Muhammad Sulyman Akbar

Lecturer, College of Law Government College

University Faisalabad, Pakistan

Email: msulymanakbar@gcuf.edu.pk

Abstract

One of the most crucial components of any civilization globally is the criminal justice system (CJS). The CJS explains the offences, penalties, processes, and strategies to deal with those who violate social norms. The CJS is what makes society more deterrent. A civilization or nation cannot function effectively without a CJS. The three primary institutions that make up the CJS in the modern world are the police, the prosecution, and the judiciary. These three key institutions make up the system in practically every nation on Earth. However, names may differ from one nation to the other. Out of 139 countries evaluated for conformance with the rule of law, Pakistan came in at position 130. This study's goal is to provide a critical examination of Pakistan's CJS. The approach used in this study is qualitative research. According to this research, Pakistan experienced 319 terrorism-related incidents in 2020, killing 169 civilians. It finds that the ineffectiveness of Pakistan's CJS seriously affects domestic, regional, and global security.

Key Words: Criminal Justice System of Pakistan, Crimes, Judiciary, Police, Prosecution

Introduction

Governmental agencies entrusted with accusing and convicting criminals comprise the criminal justice system (CJS). The CJS includes all branches of law enforcement, the courts, correctional facilities, and laboratories providing forensic evidence. These structures are in place to uphold the principles of law and justice (Thakre, 2019). What we call "due process" in the legal system is a compromise between a citizen's rights and the state's duty to uphold those rights. These fundamental

liberties are not protected without the constant dedication of offense justice specialists. A violation of the law is an offence. By addressing the myriad causes of crime and violence, efforts may be taken to reduce the chance of crimes occurring and their detrimental effects on individuals and society (Ur Rehman et al., 2021). It is mostly focused on how the prosecution, courts, and police behave during criminal proceedings, as well as topics like victim protection, restorative justice, prisons, and alternatives to incarceration. A universally acknowledged human right is having access to swift and cheap justice. The prosecution and conviction of offenders are the responsibility of the CJS, a network of governmental organizations. The CJS comprises four interwoven pillars: law enforcement, judicial systems, and prisons. These pillars were built to support the concepts of legal justice (Solan & Tiersma, 2019). The concept of "due process" states that legal justice is achieved by weighing a person's rights against the state's obligation to defend and safeguard these legal rights. These constitutional rights cannot be offered or protected without the ongoing dedication of CJ experts. They must thus adhere to the moral requirements of the legal system and sustain a continual level of character integrity. It is done through adhering to a sincere code of conduct for professionals that demonstrate expertise, dependability, responsibility, and general trustworthiness. According to the World Justice Project's analysis of 139 countries, Pakistan is placed 130th in terms of "adherence to the rule of law." Afghanistan was the only nation in the region to perform worse than Pakistan (Shahzad et al., 2021). In the same way, the CJ and civil justice systems of Pakistan came in fourth out of the six countries that were looked at. Even Pakistan's Prime Minister said that reforming the CJS is his top concern. Pakistan's CJS is not working well, which is a big problem for internal, regional, and world security. The South Asia Terrorism Portal says that 169 civilians died in 319 terrorism-related events in the Islamic Republic of Pakistan in 2020. One must use foreign data from comparable nations since Pakistan lacks a thorough, systematic response to counterterrorism (Saeed et al., 2018).

Since the current go-to tactic is criminal prosecution, reconsidering enforcement and regulatory tactics against extremism are essential. Due to its length, expenses, obsolescence, delay, and ineffective deterrent, Pakistan's CJS is unproductive. The weaknesses of the CJS are a common rallying cry for all extreme groups to gain public support. Because of the CJS's shortcomings in the past, extremist religious movements have gained support. Most people agree with the radicals' concept of speedy justice, unlike those who have gained enlightenment (Munir et al., 2021). In light of the approaching tsunami of all forms of extremism, re-establishment of Pakistan's criminal law is an outmost priority. It has to be given high priority on the government's agenda. To achieve this goal, one must solve the flaws in the CJS, jail system, and courts; otherwise, they risk the wrath of people that have been radicalized. The country's both (criminal and civil laws) may be significantly altered right away. In order to modernize the system and ensure justice, it is essential to put the desired result above onerous procedural niceties. For national, international, and regional security, Pakistan's ineffective CJS has serious consequences. Pakistan's low conviction rate, estimated at between five and ten percent is unsurprising given investigators' lack of data and instruments and undertraining (Ali, 2015). These attorneys are unable to contribute much to investigations. Multiple notorious criminals frequently receive bail releases or have their cases dragged out for years while they plan their attacks from behind bars. A minor number of convictions also come from terrorism trials. In a number of developing countries, cases are already

in peril before they have ever entered the courts owing to intimidation, and foreign meddling in trials, notably by military intelligence services. This is especially the case in cases involving high-profile defendants (Shah et al., 2020). Police and lawyers often rely on illegal statements from the accused because there aren't enough scientific ways to gather proof and reliable programs to protect witnesses.

Literature Review

Criminal Law-Making Processes

According to King (1984) the legislative, judicial, and executive branches make up Pakistan's CJS. The legislature creates criminal laws by outlining forbidden behaviour and establishing punishments. The state constitution also grants the legislature the right to amend or reject bills as it sees fit. The legislature must also pass a procedural measure and a crime bill. The responsibilities of the executive branch (search, seizure, arrest, custody, grant of bail, etc.) and the judicial branch (trial, proceedings, and sentencing) are defined here. In Pakistan, a legislature, a criminal justice organization, a public person, or a group of citizens can start legislation from scratch. A legislative committee is studying this bill, and aid from lobbyists and interest organizations is also used because they have knowledge and clout on the subject (Wasti, 2008). The bill is sent to the state legislature for final approval before being sent to Congress and bicameral bodies for a vote. If neither chamber can come to an agreement, it is sent to the joint legislative committee of both houses, which studies it and attempts to find a solution (Phillips & Bowling, 2020). The compromise-affected law has been sent back to the state assembly for approval. The bill is then delivered to the governor if both chambers approve it of the state legislature. If the law is vetoed at this stage, it can be discarded or returned to the legislature for more discussion. The bill is finally signed into law by the president.

The Pakistan's Legal System and the Criminal Justice System

Article 175 of country's laws (The Islamic Republic of Pakistan's Constitution, 1973) calls for a split between the judiciary and the executive, although this has not been implemented (Ali & Hassan, 2022). The enduring ruling party has maintained its relevance to power by keeping the legislative and judicial departments on the edge and controlling the money. Because of convention, privilege, regulations, and practise, the legislature has been unable to enforce its power. The Supreme Court, High Courts, and Federal Shariat Court were all formed under the constitution, and their respective jurisdictions over constitutional, criminal, and administrative matters were spelt out. Understanding the roles of the national and provincial legislatures, the constitutional courts, and basic rights provides the constitutional basis for Pakistan's offense justice system (Rajput & Benavides-Vanegas, 2022).

The Role of Federal and Provincial Governments

Federally controlled territories such as Azad Jammu & Kashmir, Gilgit Baltistan, and the Islamabad Capital Territory (ICT) are part of the federation, which works in tandem with the provinces under Articles (142 & 143) (Tabassum et al., 2021). Each province has its own government that is responsible for enforcing the law in accordance with constitutional mandates. Each province's Home and Prosecution Departments are responsible for managing the CJS. Additionally, the Interior

Department works on behalf of the federal government to coordinate criminal prosecutions among provinces. The Federal government also runs the FIA, which is a federal police agency that looks into and prosecutes organized crime, such as hacking, slavery and human trafficking, and illegal immigration (Hilal, 2021). Before making any changes to the CJ governance structure, it is important to fully understand how the federal and provincial governments balance their control over the CJS through distinct business regulations.

UNODC's Role in Pakistan's Criminal Justice System

The UNODC says that a working justice system is needed to produce the rule of law, which supports justice procedures, civil freedoms, and political rights and protects the right of all people to be treated equally before the law (Nadeem & Khan, 2017). By supporting police reform and procedure enhancement, enhancing prosecution and judicial services, removing obstacles to prison management reform, and addressing alternatives to incarceration while respecting cross-cutting areas of vulnerable group human rights protection, Sub-Program II (SPII) aims to strengthen Pakistan's CJS (Ur Rehman et al., 2021). By detecting and eliminating corruption, SPII also helps the Pakistani government increase transparency and accountability in the judicial system. The following are the key SPII areas:

- i. Building on the successes of the last Country Programme, boosting public awareness of their rights under the CJS.
- ii. Better collaboration and coordination amongst CJ stakeholders.
- iii. Developing the ability of individuals, institutions, and tailored training academies.
- iv. Align the regulatory and legal frameworks of all law enforcement agencies in the CJ chain with global norms and standards.

The mission of SPII is to assist the government of Pakistan in establishing a safe and prosperous society where the rights of all citizens are protected by a CJS that is both just and responsive to the needs of its citizens (Thakre, 2019). In addition, SPII works with the government to foster a climate of transparency and accountability across all departments and agencies, with a commitment to eliminating any and all instances of corruption. The comprehensive approach taken by SPII helps advance Pakistan's Vision 2025 and, ultimately, Sustainable Development Goal 16 (which focuses on institutions, justice, and peace).

Research Methodology

This study was carried out using a systematic review methodology. This method identifies the study goals and thoroughly analyses the literature on the issue. The study's findings are classified into categories depending on their content. The research incorporates data that has been categorized by categorizing the data into themes. The flow of the research is determined by how the information and names are organized. Thus, honesty is ensured by demonstrating how the research subject and its contents vary.

Components of the Criminal Justice System in Pakistan

Crime and justice (CJ) examine the organizations that governments use to combat crime, whereas criminology analyses crimes. The US provides many education programs and has a history of generating CJ experts (Surette, 2015).

According to US educational practice, the CJS in Pakistan may be divided into the following four categories:

- (i) police
- (ii) prosecution
- (iii) courts
- (iv) jails and corrections (Ali, 2015).

These sectors each have roles, hierarchies, budgets, operational procedures, and legal frameworks. The Home Department manages a traditional provincial CJS with assistance from the police and prisons (Imran, 2019). The descriptions of each element are provided below.

Police

The term "policing" refers to locating and eliminating criminal activity (Sajid et al., 2020). There are the KPK Police, the Punjab Police, the Sindh Police, and the Baluchistan Police in Pakistan. Here is a distinct body of legislation that governs the operation of each province. The Baluchistan Police are controlled by the Baluchistan Police Act of 2011, the Sindh Police by the Sindh (Repeal of the Police Act, 1861 and Revival of the Police Order, 2002) Amendment Act of 2019, and the Khyber Pakhtunkhwa Police by the Khyber Pakhtunkhwa Police Act of 2017 (Mateen & Tariq, 2019). The Code of Criminal Procedure of 1898 gives all police departments the power to execute the law. The legal framework for policing provides a legal basis for investigations and punishment. It also gives police groups some limited ways to avoid crime, which backs up the discovery model of policing.

Prosecution

The prosecution is in charge of monitoring both the frequency and quality of prosecutions and assessing the evidence presented by law enforcement. Each province in Pakistan has had its own department of prosecution since 2003 (Khalil et al., 2021). These bureaus are organized and run in accordance with provincial statutes. In 2006, the Punjab Prosecution Department was formally constituted by the Punjab Criminal Prosecution Service (Constitution, Functions, and Powers) Act. The Sindh Prosecution Service works in tandem with the Sindh Law Department. It is governed by the Sindh Criminal Prosecution Service (Constitution, Functions, and Powers) Act of 2010, enacted that same year (Rajput & Rajput, 2020). The KPK Prosecution Service (Constitution, Functions, and Powers) Act 2005 and the Baluchistan Prosecution Service (Constitution, Functions, and Powers) Act 2003 constitute the prosecution institutions of Khyber Pakhtunkhwa and Baluchistan, respectively.

Courts

Criminal cases are heard and decided by session's courts and judges. In contrast to constitutional courts, which are made by the government and have binding power over it, judge and sessions courts were made by the 1898 Code of Criminal Procedure and only deal with finding out what happened (Hussain, 2011). Magistrate courts have jurisdiction over many police precincts and have a significant function comparable to that of the police itself. Mr Asif Saeed Khosa, Pakistan's former Chief Justice, once compared the police and the courts to "conjoined twins" because of their interdependence. Criminal cases are resolved by the courts when fair trials are held, and evidence is presented (Newberg, 2002). There are magistrate courts and additional sessions in every district at the Tehsile / taluka level. Conflict is inherent in a courtroom setting. Everyone accused of a crime must appear in court within twenty-four hours, as stated in Article 10 of the Constitution. The defendant is presumed innocent unless guilt is established beyond a reasonable doubt.

Prisons and Corrections

The home affairs departments in each province oversee the administration of their respective prison systems (Akbar & Bhutta, 2012). A prison system that puts a high value on locking people up would be hard for any country to pay for. Decriminalization is happening more and more all over the world. Theoretically, each congressional district should have a district prison, and each division should have a central prison. However, district and central cells have been spread out unevenly. Sindh is the only province that doesn't run its own bars. However, the Sindh Jails and Correctional Services Act 2019 was passed to change that Pakistan has regular prisons and correctional facilities that help people get used to life outside of prison (Anwar & Shah, 2016). The correctional system isn't as good as it could be because it lacks funding, and prisons have taken over its infrastructure. In 1927, the Home Department set up the Directorates of Parole and Probation as an option for going to jail. After each province got its own government, the Home Department set up a similar department for that province. Given the situation in Pakistan, it is important to lay the groundwork for three important ideas in the area of rehabilitation and reintegration (Ur Rehman et al., 2021):

- **Corrections:** According to Section 4(l) of the Sindh Prisons and Corrections Services Act, 2019, services and initiatives are provided for rehabilitation and reintegration of prisoners into society.
- **Suspension:** The Good Conduct Probationer's Release Act of 1926 and the Probation of Offenders Ordinance of 1960 are the legal forefathers of the modern concept of probation. The notion of probation allows the court to release first-time offenders on bond. Prison time may be substituted with probation.
- **Parole:** There is no definition of "parole" in the Act. The Good Conduct Probationer's Release Rules, published in 1927, talk about the parole officers who watch over criminals who are on "parole." If a prisoner behaves well, regional governments may delay his sentence and grant him conditional parole.

Criminal Activity in Pakistan

The National Police Bureau of Pakistan gathers and disseminates crime statistics for the general public based on First Information Reports submitted to neighbourhood police stations. Four provinces and the nation's capital, Islamabad, are where the statistics for the country as a whole are gathered (Jalil & Iqbal, 2010). According to Pakistani crime data, the assault rate is 0.2, while the murder rate is alarmingly high at 79%. According to Kassem et al. (2019), Pakistan's overall crime rate rose to 76.84% during the course of the three years (2015–2017). In addition, the Golden Crescent illegal trafficking problem has a significant impact on Pakistan and contributes to the country's high rates of opiate (0.8%) and cannabis (3.9%) usage (Asghar et al., 2016). Surprisingly, Pakistan receives \$4 billion annually from the illicit drug market alone (Ahmad et al., 2014). The rising rates of many types of crime in Pakistan might also be linked to the country's high concentration of drug misuse. Pakistan's crime rate has multiplied in recent years, which had a detrimental effect on the country's residents' perception of security. Kassem et al. (2019) pointed to the high unemployment rate, the low literacy rate, and the persistent difficulties within the legal system (lawlessness, double standards, and institutions using antiquated technology) as major causes of the rise in crime. In Pakistan, the necessary degree of governance to deal with the crime problem has not yet been fully fulfilled. Political crime governance, instead of research-based criminal governance, is to blame for these problems. Inadequate public administration systems and the nexus between criminals and politicians undermine Pakistan's government (Aboya et al., 2022). Additionally, the reactive actions taken by CJS machinery to solve the stated problems are insufficient, causing stress and dissatisfaction among victims and their families. This highlights Pakistan's inadequate victim redress mechanism. Pakistan's police culture is politically charged, and this politicization affects not only how policies are implemented but also how they are administered. The Chief Justice of Pakistan has announced a new judicial strategy that seeks to provide effective victim help in response to this damaging effect on the victim support-oriented approach (Hashmi et al., 2021). Although this step was made with noble intentions, much must be done before it can be implemented nationally. Additionally, no institution in Pakistan has conducted specialized empirical research on crime at the national level, leaving policymakers with a significant information deficit when developing tactics for successful intervention and capture. According to a poll by the Human Development Foundation, just 0.96 percent of respondents have a favourable opinion of Pakistan's judicial system, compared to 46.15% of the general population who have an unfavourable opinion of it (Thakre, 2019).

Issues in Police Administration

The Pakistani police haven't done anything to promote gender equality in police hiring. Benazir Bhutto established the nation's first women-only police station in Rawalpindi in 1994 (Suddle, 2003). After that, efforts to increase women's engagement in law enforcement were put on hold until Bhutto's administration was overthrown in November 1996. The authorities of Pakistan are now trying to get more women to join the police force. Enhancing Pakistan's police force is a hot topic right now. The police are seen negatively by experts in Pakistan, who describe them as “poorly managed, ill-equipped, poorly trained, deeply politicized, and chronically

corrupt” (Imam, 2011). Forensic labs, investigation facilities, and training are the areas that need to be upgraded. On a more upbeat note, the following are some positive measures Pakistan has made toward effective policing:

- The gender crime cell (unit) is responsible for keeping track of incidents involving violence against women and supporting national policymakers in putting better inclusive initiatives into practice. In order to lessen crimes against women, it will also be beneficial to encourage relevant research studies and reinforce gender sensitization.
- The “Police Record and Office Management Information System” (PROMIS) is now being developed in order to coordinate all of the efforts made by police stations operating throughout Pakistan's regions. So that they may act effectively and in unison; this will link all of Pakistan's police stations' crime data.
- The “Automated Fingerprint Identification System” (AFIS) was established in order to compile a nationwide database of fingerprints.
- A “Nationwide Integrated Trunk Radio System” (NITRS) has been created to improve communication and coordination among various police groups.
- On March 31, 2006, in Islamabad, the 2National Forensic Science Agency” (NFSA) received approval to promote prosecutions based on evidence.
- The “National Response Centre for Cyber Crime” (NRCCC) was formed to address computer-generated/related crimes in an efficient way in response to the growing threat of cybercrime.

The International Crisis Group said in 2005 that the poor working conditions of Pakistan's police are partly to blame for the country's low conviction rate of less than 10%. A study looked at a number of problems, such as political interference, a lack of training in gathering evidence, widespread bribery that slows down investigations, and unnecessary job requirements, such as VIP security (Imam, 2011). In exchange, though, there are problems with insufficient places to live, slow ways to get promoted and low pay. Each police station gets an average of Rs. 60,000 per month, even though they need at least Rs. 150,000. This difference in money has a negative effect on investigations right away, and the poor are often the ones who suffer the most. The Fraser Indian Police Commission of 1902–1903 said that reforming the police would help society in many ways. Later, dozens of police shift records were sent to the government of Pakistan. Malik and Qureshi (2021) found that many of the publications had the same problems, such as dishonesty, old study methods, political interference, and a lack of support from the public. According to study, the Pakistani police force needs to increase its level of democracy to close the gap between its officers, who are focused on policy, and its middle and lower-level police employees (Ullah et al., 2016). Accountability and fair play should be a part of making policing more democratic so that the whole police force can take the same method.

Issues in Judiciary

The history of Pakistan's government is marked by numerous periods of both stability and instability. Since the inception of Pakistan's first Constitution in 1956, both the armed forces and the courts have been crucial in the country's efforts to

develop effective administration and preserve law and order in the country's various communities (Ali & Hassan, 2022). Under the governor general's authoritarian rule, Pakistan was ravaged by a wide variety of severe social problems, which were eventually controlled by the country's superior judiciary through the implementation of court judgements and constitutional assemblies. There were a few important court judgements that were helpful, including the following: For example, take a look at the examples of Usif Patel, in which the consent of the Pakistani governor general was needed for every bill, and Asma Jilani, in which the installation of martial law was justified to support the administration rather than the people (Mahmood, 2021). In both of these situations, the governor-general of Pakistan was necessary to permit any bill to be passed. Accepting the responsibility to be a defender of popular liberties and human rights was a crucial factor in Pakistan's judiciary, playing an important role in the establishment of democracy and having a positive influence on society. Bar councils in Pakistan are tasked with a wide range of duties, including but not limited to: establishing guidelines for advocates practising in courts of law; monitoring and sanctioning punishments in cases of an advocate's misconduct; associating institutions that provide legal support and training; promoting and supporting law reforms; appointing attorneys; and establishing standards and procedures for legal education in Pakistani universities. Members of the Pakistan Bar Council and the provincial representatives (two from KPK, eleven from Punjab, six from Sindh, and one from Baluchistan) cast the votes. The 20 elected members of the Pakistan Bar Council serve as its chairpersons (ex-officio). The 18th Amendment to the Constitution has been the focus of much debate ever since it was implemented. It limited the judiciary's jurisdiction in some way regarding handing over control of a state to the armed forces (Sajid et al., 2020). In contrast to the Eighth and seventeenth amendments, the eighteenth Amendment to the Constitution, which backed a military rule, shifted discretionary powers in favour of political decisions. This resolved any future fears about a takeover by the military. As a result, one could conclude that Pakistan's 18th constitutional Amendment, which occurred during the time in question, endowed the country's prime minister, the judiciary, and popularly elected organizations with the extra power to govern. According to Saeed et al. (2018) there is potential for development in Pakistan's judicial system. They also advised that the experience barrier for civil judges be raised from the existing two years to five years. The present criterion is two years. In Pakistan, there are now just 12 judges for every million persons in the country. According to Ali and Hassan (2022), the number of pending cases at the Lahore High Court is 180,000, while the Supreme Court has 20,147 cases now under consideration. The most significant contributor to delays in the administration of justice is unnecessary filing work. Hence, the Supreme Court of Pakistan issued an order requiring all lower courts to use a more concise style when reviewing bail petitions. This was done in an effort to remedy the problem (Imran, 2019).

Issues in Prisons

In Pakistan, the National Academy of Jail Administration (NAPA) is the sole national-level training facility for jail personnel. To fulfil bare-minimum criteria in giving reformatory support to the convicts, there is a scarcity of personnel and financial resources in jail (Nabi et al., 2021). The Human Rights Commission of Pakistan found that the country's prison system lacked basic necessities such

contemporary security systems, proper medical care facilities, water treatment plants, and vocational and skill development programs. According to management, prisoners who need to travel to court sessions are compelled to board an overloaded bus (Akbar & Bhutta, 2012). These are all effects of decreased fiscal funding. In addition, placing youngsters, teenagers, and experienced offenders in regular jails and prisons defeats the very goal of reformation since it turns the prison into a breeding ground for new criminals. In Pakistan, crime has been steadily increasing over the past several years (on average, there has been a 17.86% increase in crime since 2007; nevertheless, there is a low conviction rate (less than 10%); this causes the jail population to be overcrowded (Aboya et al., 2022). According to the most recent data, there are around 80,000 convicts awaiting trial in Pakistani prisons, and the number is continuously growing along with the country's rising crime rate. The lack of efficient legal aid in Pakistan significantly delays the resolution of cases. Due to the Pakistan Bar Council's Free Legal Aid Section's policy that only allows one case to be accepted by the attorneys without payment every year, the bulk of impoverished convicts is left waiting in jails for their turn to be recognized (Rehman et al., 2021).

The incorrect application of suggestions from meetings and special orders designed to address issues associated with the correctional system is one of the key problems. For instance, the Police Order from 2002 calls for creating a national-level coordination committee to conduct unannounced inspections of jails across the country, but no such body has been established as of yet. The Police Order (2002) also advocated for forming a public safety commission. This commission would be accountable for ensuring that the fundamental rights of detainees are protected in compliance with international treaties and covenants (Thakre, 2019). If correctional facilities are to serve their intended purpose, they must pay equal attention to the “after-release” problem. It is necessary to keep the parole and probation programs in Pakistani prisons up to date (Ali et al., 2020). This necessitates the development of suitable training facilities, advances in technological capability, and effective transportation networks. The police can urge society to properly reintegrate the released criminal into society through excellent public relations, which is why the families and neighbours of prisoners should be included in the scope of the reformation and reintegration plan. Inmates' loved ones and the community should be part of the plan for rehabilitation and readjustment. Jalil and Iqbal (2010) conducted an in-depth study of the correctional facilities in Pakistan and made some suggestions for improving their administration. These included plans for the expansion of correctional institutions and the hiring of additional staff, the conduct of frequent judicial jail inspections and the provision of on-the-spot instructions, the provision of psychological counselling to all prisoners, the rewarding of excellence in work by prison staff with incentives and awards, and the conducting of an in-depth investigation.

Recommendations

The efficiency of Pakistan's CJS has decreased over time. Due to the interconnected nature of the universe, a disruption in any one component will have far-reaching effects. Pakistan's ability to handle crime well is also hurt by the lack of police, courts, and prisoners. All systems need to be updated immediately because crime is changing and getting more complicated. One creative, low-cost, and effective idea that can be implemented with a data-driven method is community policing. For

example, it would be helpful to research all four provinces so that a model could be made that truly shows how each is made up. Also, law enforcement agencies need to work hard to improve their picture in the public eye and get more people to volunteer. After the plans have been put into action, they should be carefully looked at. Down the road, there will be a lot of room for growth. Also, these methods will result in a large data collection that can be used in other projects.

- i. Police should not utilize filing FIRs or Amendment of laws to include FIRs as justification for detaining any accused. After the cops have looked at the information and followed court orders, they may be able to make arrests.
- ii. To get rid of the formal difference between crimes that can be punished and those that can't, so that all crimes are punished by the law.
- iii. Police officers should be able to use confessions as proof, which means that the Qanoon-e-Shahaadat law needs to be changed. Putting more stock in circumstantial evidence than in first-hand testimony.
- iv. Every month, the Deputy Commissioners and the Chief Secretary will look at the progress of the CJ components at the district and regional levels.
- v. The importance of police stations keeping digital copies of every FIR cannot be emphasized. People should be able to find out how their FIRs are going and make comments about bad service. If police records (FIRs), crime investigations, and court processes were all done online and shared with jail staff in a fast way, there would be more information available and less time would be wasted.
- vi. Infrastructure must be set up at the trial court and police station levels.
- vii. The state should hold all province High Courts and city courts responsible for how well they do their jobs. People in the legal system often use the term "judicial independence" to attack other public institutions for their own personal gain and selfish pleasure. Given that the public supports the judiciary, it should be subject to impartial processes and controls checks that hold it internally and externally accountable to the general public and the state.
- viii. Eyewitnesses for the defence and the prosecution must be present, and the way they are delivered digitally should be improved by creating a mechanism for simultaneously recording their testimony.
- ix. Investigations need to be realistically priced and funded.
- x. More staff members are needed, especially investigators and judges, to carry out prosecutions more effectively and lower the pending litigation.
- xi. To ensure that justice is served and that cases are prosecuted swiftly and successfully, correctional, judicial, and police staff must be continuously empowered and significantly expanded.
- xii. To ease the pressure on the current prison system, separate facilities for pre-trial and convicted offenders should be built, and the probation/parole system should be improved.

- xiii. By encouraging the use of multimedia, the number of times a suspected person has to be moved from a police station or jail to a trial can be cut down. This can save time and money.

Conclusion

Following the creation of Pakistan, a multiethnic, socioeconomically varied, and linguistically diverse culture was established. Tribal, Shariah, and statute laws are the three concurrently operating legal systems in Pakistan where complainants from various cultural backgrounds are seeking redress. A parallel legal system in Pakistan is organized as follows: According to a 2014 World Bank report, 62% of Pakistan's population lives in rural regions and relies on informal judicial systems in which Jirga courts are used to carry out tribal rules. The Federal Shariah Court implements Islamic Shariah laws, whereas the Civil Court, Lower / High / Supreme Court implements statute laws in the event of formal legislation. State police forces are in charge of enforcing both of the aforementioned formal legal systems. The weight of unjustified delays in justice is currently being felt by Pakistan's CJS (Ali et al., 2020). A second indication of the justice delivery system's slowness is that roughly two-thirds of those incarcerated are being held pending trial. In order to give bail quickly and reliably, the latest reform to the law has to be incorporated into Pakistan's legal system. In the absence of such displays, the public may perceive exceptional delays in the administration of justice and the ensuing stalling of ongoing cases negatively. In addition, Pakistan's socio-economic stability is harmed by widespread misperceptions about bad international relations and investment opportunities. The people in Pakistan have become resentful of the military's administration of justice in addition to the flaws in the country's CJS. Numerous people, primarily from political backgrounds, are imprisoned on suspicion of being involved in terrorism. In Baluchistan, Khyber Pakhtunkhwa (KPK), and the Federally Administered Tribal Areas (FATA), the Pakistani military routinely abuses civilians.

In a nation like Pakistan, learning is not frequently acknowledged. This is particularly true for a number of academic fields with direct application to everyday life. The current information emphasizes reform or improvement without accurately identifying the system or how it works. There is a major information gap in the judicial sector. On each day of the hearing, witnesses are called to testify throughout the judicial process. Finally, most choose not to participate in judicial procedures due to the hassle, expense, and stress involved. Even if they don't want to work together, some people can be intimidated or convinced to. Some of the 'padding' witnesses from the investigative stage are missing from this case. Due to these challenges, the violent criminals engaged in a horrifying robbery and dacoit successfully seek the dismissal of the charges brought against them by the court as they enter their third year as under trial prisoners. Usually, such instances are aggressively pursued by police and prosecutors. The defense counsel persuades the accused to enter a guilty plea in order to avoid a formal trial. As a result, judges frequently issue a hefty incarceration sentence of three years or more. The time spent in court custody as an under-trial prisoner up to that point takes the place of the punishment, and the day of the decision is basically the day the criminal is set free. The same day they are released, they return to their old ways with new organizations and the benefit of relationships they made with criminals during the pre-trial period. For offenders found guilty of multiple offences, concurrent application of penalties offers extra benefits. Experienced criminals never have to serve time in prison like convicted felons, where the pain of punishment is felt.

References

- [1] Aboya, Y., Ansari, N., Chishty, B. A., & Hussain, A. (2022). Comparative Study on The Socioeconomic Determinants of Crime in Pakistan and India: An Econometric Analysis. *Reviews of Management Sciences*, 4(1), 211-224.
- [2] Ahmad, A., Ali, S., & Ahmad, N. (2014). Crime and economic growth in developing countries: Evidence from Pakistan. *Ahmad, Arslan, Ali, Sharafat & Ahmad, Najid (2014). Crime and Economic Growth in Developing Countries: Evidence from Pakistan. Journal of Basic and Applied Scientific Research*, 4(4), 31-41.
- [3] Akbar, M. S., & Bhutta, M. H. (2012). Prison reforms and situation of prisons in Pakistan. *Social Sciences Review of Pakistan*, 1(1), 32-41.
- [4] Ali, F., Ibrar, M., & Shah, N. H. (2020). *Jostling for rehabilitation: the plight of prisons and prisoners in Pakistan. Pakistan Journal of Criminology*, 12(1), 31-44.
- [5] Ali, S. H. (2015). An Analytical Study of Criminal Justice System of Pakistan (with special reference to the Province of Punjab). *Journal of Political Studies*, 22(1), 17-42.
- [6] Ali, S., & Hassan, M. (2022). Evaluation of Pending Cases in the Judiciary of Pakistan: Figures and Statistics. *Pakistan Social Sciences Review*, 6(2), 592-602.
- [7] Anwar, Z., & Shah, S. Z. (2016). A history of prison reforms in Pakistan. *Global Regional Review*, 1(2), 35-47.
- [8] Asghar, N., Qureshi, S., & Nadeem, M. (2016). Effects of socio-economic and political factors on the crime rate in Pakistan. *Journal of Political Studies*, 23(1), 183-206.
- [9] Hashmi, M. A. I., Ullah, H., Ahmad, I., & Tabassam, M. A. (2021). A Comparative Study of Fundamental Rights of the Accused in Police Custody: *A Study of Pakistan. Harf-o-Sukhan*, 5(4), 149-180.
- [10] Hilal, A. (2021). *The Gap between the Juvenile Justice System Act 2018 within the criminal justice system of Pakistan: Time to reform the Act. Islamabad Law Review*, 5(1/2), 115-123.
- [11] Hussain, F. (2011). *The judicial system of Pakistan: Supreme Court of Pakistan.*

- [12] Imam, K. (2011). *Good governance and police administration in Pakistan. Journal of Political Studies*, 18(2), 133-154.
- [13] Imam, K. (2011). *Police and the rule of law in Pakistan: A historical analysis. Berkeley Journal of Social Sciences*, 1(8), 1-20.
- [14] Imran, M. 2019. Counter Terrorism Measures and Challenges facing the Criminal Justice System in Pakistan. Ph.D Thesis. Universiti Kebangsaan Malaysia.
- [15] Jalil, H. H., & Iqbal, M. M. (2010). Urbanisation and crime: A case study of Pakistan. *The Pakistan Development Review*, 741-755.
- [16] Kassem, M., Ali, A., & Audi, M. (2019). *Unemployment rate, population density and crime rate in Punjab (Pakistan): an empirical analysis. Bulletin of Business and Economics (BBE)*, 8(2), 92-104.
- [17] Khalil, I., Usman, A., & Amjad, A. (2021). *Challenges Faced by Prosecutors in the Administration of Justice in Pakistan. PalArch's Journal of Archaeology of Egypt/Egyptology*, 18(10), 2641-2651.
- [18] King, P. (1984). *Decision-makers and decision-making in the English criminal law, 1750–1800. The historical journal*, 27(1), 25-58.
- [19] Mahmood, M. T. (2021). *Doctrine of Political Question, Separation of Political and Legal Questions and Superior Judiciary of Pakistan. Issue 6 Int'l JL Mgmt. & Human.*, 4(6), 956-977.
- [20] Malik, N., & Qureshi, T. A. (2021). *A study of economic, cultural, and political causes of police corruption in Pakistan. Policing: A journal of policy and practice*, 15(2), 1446-1462.
- [21] Mateen, R. M., & Tariq, A. (2019). *Crime scene investigation in Pakistan: a perspective* (Vol. 1, pp. 285-287): Elsevier.
- [22] Munir, R., Abbas, R. Z., & Arshed, N. (2021). *DNA profiling and databasing: An analysis of issues and challenges in the criminal justice system of Pakistan. Medicine, Science and the Law*, 61(1), 27-33.
- [23] Nabi, M., Hussain, S., & Kamran, M. (2021). *Overcrowded Prisons in Pakistan: Understanding The Critical Role of Probation, Parole Officers and Courts. Pakistan Journal of Social Research*, 3(01), 40-47.
- [24] Nadeem, M., & Khan, N. U. (2017). *Paradigm of criminal justice system: Problems and socio-legal reforms in Pakistan. JL & Society*, 48, 63-84.

- [25] Newberg, P. R. (2002). *Judging the state: Courts and constitutional politics in Pakistan: Cambridge University Press.*
- [26] Phillips, C., & Bowling, B. (2020). Racism, ethnicity, crime and criminal justice Crime, Inequality and the State (pp. 377-392): Routledge.
- [27] Rajput, M. A., & Benavides-Vanegas, F. S. (2022). *Reformation of Criminal Justice System of Pakistan. European Scientific Journal*, 18(5), 87-108.
- [28] Rajput, M. A., & Rajput, M. R. (2020). *Impact of Defective Investigation and Prosecution on Trial. Social Sciences*, 9(6), 265-268.
- [29] Saeed, N., Rehman, T. U., & Usmani, M. A. (2018). A Criminological Study of the Socioeconomic Factors of Criminality Among Pakistani Females. *International Journal of Civic Engagement and Social Change (IJCESC)*, 5(4), 19-29.
- [30] Sajid, I. A., Asad, A. Z., & Ashiq, U. (2020). *Juvenile Courts in Pakistan: Structure, Processes, and Issues. Pakistan Journal of Criminology*, 12(1), 45-64.
- [31] Shah, S. A., Balasingam, U., Salman, N. W., Dhanapal, S., & Ansari, K. M. (2020). Restorative Juvenile Justice System in Pakistan: An Overview. *International Journal of Criminal Justice Sciences*, 15(2), 266-282.
- [32] Shahzad, J. A., Ahmad, M., & Qasim, M. (2021). *Domestic Violence Supporting Felon Behavior in Pakistan in the Context of Criminal Justice System of Pakistan. International Research Journal of Management and Social Sciences*, 2(2), 220-232.
- [33] Solan, L. M., & Tiersma, P. M. (2019). *Speaking of crime: The language of criminal justice: University of Chicago Press.*
- [34] Suddle, M. S. (2003). *Reforming Pakistan Police: An Overview. United Nations Asia and.*
- [35] Surette, R. (2015). *Performance crime and justice. Current Issues in Criminal Justice*, 27(2), 195-216.
- [36] Tabassum, S., Kamboyo, S. H., Mangrio, I. A., & Siddiqui, I. H. (2021). *Evaluating Effect of Pendency of Cases on Dispensation of Justice in District Judiciary of Pakistan. International Journal of Management*, 12(2), 275-286.

- [37] Thakre, A. (2019). *Pakistan: Criminal Justice Processes and Issues of Crime, Policing, Judiciary, and Prisons Routledge Handbook of South Asian Criminology* (pp. 70-84): Routledge.
- [38] Ullah, F., Hussain, S., Alam, H., & Akhunzada, Z. U. (2016). *Factors influencing police image in public (A study of university students' perception in KPK Pakistan)*. *Pakistan Journal of Criminology*, 8(3), 134-148.
- [39] Ur Rehman, T., Usmani, M. A., & Parveen, S. (2021). *A critical analysis of the criminal justice system in Pakistan*. *Pakistan Journal of International Affairs*, 4(4), 740-756.
- [40] Wasti, T. (2008). *The application of Islamic criminal law in Pakistan: Sharia in practice: Brill*.