

Reforming Pakistan's Criminal Justice System: Effective and Long-Lasting Solutions for a Reliable and Well-Organized Framework

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Abstract: This research presents a critical analysis of the structural inefficiencies and procedural obstacles within Pakistan's criminal justice system, specifically focusing on the Balochistan province. Through a blend of qualitative interviews, survey data, and document analysis, the study reveals systemic deficiencies in areas such as policing, prosecution, judiciary, prison management, parole, and probation. Additionally, it references international models, including the inquisitorial systems of France and Germany, to pinpoint best practices that could be adapted to the Pakistani context. The research also suggests a comprehensive reform strategy involving multiple stakeholders, aimed at legislative modernization, improved institutional coordination, capacity enhancement, and the integration of technology. The study concludes by underscoring the importance of civic education and the underutilized potential of educators in enhancing public legal awareness. This combined legal and educational strategy is crucial for establishing a transparent, efficient, and accountable justice system in Pakistan.

Introduction

The criminal justice system in Pakistan is rooted in the British colonial framework. The substantive and procedural laws established by the British authorities, including the Code of Criminal Procedure of 1898, the Evidence Act of 1872, and the Pakistan Penal Code of 1860, continue to govern the criminal justice landscape (Ali, 2015; Ahmad & Gul, 2023a; Ahmad & Gul, 2023b; Gul & Ahmad, 2023; Khan, Gul, Riaz, Bibi, & Ahmad, 2025). Over time, these laws have undergone various amendments to address contemporary legal challenges. Additionally, during the presidency of General Zia-ul Haq, new legislation was introduced. The prosperity and advancement of a society hinge on two critical elements: the rule of law and the administration of justice. A pressing issue today is the high incidence of targeted killings, street crimes, and terrorist activities, which have significantly burdened the courts with numerous criminal cases. The current state of justice necessitates a thorough examination of the deficiencies and barriers within the criminal justice system, as well as an analysis of the reasons for its failures and the inconveniences encountered at various stages of pre-trial and post-trial processes (Ayub, Gul, Ali, & Rauf, 2021; Bukhari, Gul, Bashir, Zakir, & Javed, 2021; Gul, 2023; Tufail, Gul, & Ali, 2024a). Gul & Khan, 2021; Manzil-Pak, 2013). To gain a deeper understanding of this topic, it is essential to grasp the concept of the research subject. The criminal justice system serves as a framework within a state that governs the behavior of its citizens and provides a comprehensive mechanism for addressing conflicts with the law (Justice (R) Dr. Munir A. Mughal, 2009). However, our nation's criminal justice framework is not functioning effectively due to various weaknesses, which include a lack of understanding of offenses by law enforcement agencies (Police), and malpractices during investigations,

particularly concerning the submission of reports under Section 173 of the Criminal Procedure Code of 1898 (Cr.P.C) by the Investigation Officer. The current criminal justice system in Pakistan is rooted in the British colonial framework. The substantive and procedural laws established by the British authorities, including the Code of Criminal Procedure of 1898, the Evidence Act of 1872, and the Pakistan Penal Code of 1860, continue to govern the criminal justice landscape (Ali, 2015).

Over time, these laws have undergone various amendments to address contemporary legal challenges. Additionally, during the presidency of General Zia-ul Haq, new legislation such as the Hudood Ordinance of 1979 and the Qanoon-e-Shahadat Order of 1984 was introduced; however, these measures were insufficient to resolve all legal issues. While the Code of Criminal Procedure of 1898 remains the primary law outlining the procedures for criminal trials, certain provisions require updates to reflect current circumstances (Ali, 2015). The current limitations of the police, prosecution, and prison systems highlight significant challenges in preventing crime and securing convictions. In Balochistan, the criminal justice system relies on outdated methods for prevention, investigation, and detention. The goals of swift, affordable, and effective justice remain unachieved, with courts overwhelmed by cases and a lack of facilities in prisons, such as mental health care, educational programs for inmates, and ethical training. Previous research has not adequately addressed the deficiencies within Pakistan's criminal justice system, particularly in Balochistan. This study aims to shed light on the shortcomings and underlying causes of these issues within the criminal justice framework. The importance of the current research lies in its potential to identify the shortcomings, deficiencies, and obstacles that impede the delivery of swift, affordable, and equitable justice. The existing criminal justice system in our nation is plagued by significant legal and procedural challenges that must be addressed at their foundational level. This study aims to facilitate the enactment of new essential legislation and modifications to current laws to fulfill the procedural requirements in Pakistan. The researcher also presents proposals concerning the criminal justice framework in Pakistan, which includes components such as law enforcement, the judiciary, correctional facilities, prosecution, and parole and probation. This research evaluates and analyzes the effectiveness of these components by assessing the contributions and performance of each segment within the criminal justice system.

Research Objectives:

1. To recommend effective and long-lasting solutions for a reliable and well-organized criminal justice framework in Pakistan.
2. To identify the primary shortcomings and inefficiencies in Pakistan's current criminal justice system.
3. To evaluate international best practices and their applicability to the Pakistani context.
4. To propose a strategic, multi-stakeholder roadmap for implementing reforms in Pakistan's criminal justice system.

Literature Review

In Pakistan, the Criminal Justice Framework contains the following parts: Police, The Judiciary/Courts, Jails/Prisons, the Prosecution, Parole & Probation. This study examines and breaks down the effectiveness level of these segments by considering the work given and done by each segment of the criminal equity framework. Pakistan's criminal justice framework encompasses law enforcement agencies, the judiciary, prosecution, legal aid, and correctional institutions, each facing distinct challenges. Law enforcement is hindered by inadequate training and resources, while the judiciary grapples with case backlogs. Prosecution often lacks independence, and correctional facilities are overcrowded and underfunded. Delays caused by

adjournments, case backlogs, and a shortage of judicial officers obstruct timely justice. Corruption within police and judicial ranks undermines public confidence and leads to biased case outcomes (Gul, Rabbi, Batool, Tahir, & Asif, 2024b; Mehmood, Rao, & Gul, 2024; Gul & Dogar, 2021; Tufail, Gul, & Ali, 2024b; Gul & Ali, 2021a; Bareach & Gul, 2025). Investigations conducted by the police frequently suffer from deficiencies due to inadequate training, lack of forensic tools, and a lack of impartiality. Furthermore, many citizens, particularly those from marginalized communities, are unable to afford legal representation, which exacerbates inequality. Additionally, numerous laws have remained unchanged since colonial times and fail to address modern criminal behavior or technological offenses.

The implementation of community policing and independent oversight has significantly enhanced public trust in law enforcement. Public defenders and legal aid initiatives guarantee equitable access to justice, particularly for marginalized groups. A focus on rehabilitation rather than punishment has resulted in reduced recidivism rates (Gul & Ali, 2021b). These instances indicate that reforms prioritizing transparency, accessibility, and rehabilitation are essential for an effective system ((Gul, Rabbi, Batool, Tahir, & Asif, 2024a; Gul, Alm, Ayub, Saleem, & Mahmood, 2024; Gul & Tahir, 2023b; Rabbi & Gul, 2023; Gul, Ilyas, Gul, Riaz, & Khan, 2025; Zafar, 2017). Establish independent oversight bodies, provide contemporary training and forensic resources, implement community policing strategies, increase the number of judges and courts, digitize case management systems, enforce strict timelines for case resolution, expand public defender services, promote legal awareness among citizens, support civil society organizations offering legal aid, improve prison conditions, advocate for rehabilitation and reintegration programs, modernize outdated laws, and introduce new legislation to more effectively address cybercrime, gender-based violence, and terrorism (Gul & Khan, 2020; Gul & Ahmad, 2022a; Gul & Ahmad, 2022b). Engage government, judiciary, law enforcement, civil society, and academia in this process. Short-term (1-2 years): Pilot projects and training initiatives. Medium-term (3-5 years): Institutional reforms and legislative updates. Long-term (5+ years): Cultural transformations and ongoing evaluations (Gul & Khilji, 2021; Gul, Ayub, Mazhar, Uddin, & Khanum, 2021; Gul & Tahir, 2023a). Conduct regular impact assessments and encourage independent audits. Pakistan's criminal justice system necessitates comprehensive and sustained reforms to operate effectively and justly. By tackling systemic issues through targeted, inclusive, and practical strategies, Pakistan can establish a justice system that is not only reliable and well-structured but also fair and accessible to all (Ali, Gul, & Gul, 2025; Gul, Talat, Mumtaz, & Shaheen, 2021; Gul, Kanwal, & Khan, 2020; Sohail, Gul, & Mushtaq, 2018). The proposed roadmap in this research acts as a strategic framework for long-term change.

Research Methodology

This chapter provides detail of methodology that is used for this study which comprises of primary and secondary method i.e. statistical technique, data collection, the method utilized in the present research, is questionnaire, data analysis. The judges, prosecutors, police officers were interviewed, the questionnaires were distributed among the complainants, witnesses and accused persons. The articles in different journals, research papers, the books were also studied by the researcher and used the same as Secondary method.

Research Design

The method that aims at revolving the research question in terms of research project is known as "Research Design" by Robson (2002). The research design consists of the analysis, study settings and nature of study are also discussed below. This is a rational study aims at examining all the components of criminal justice Framework presently functioning in the process of justice

system in the province of Balochistan, the comparison, co-ordination with each other, the lacunas and obstacles currently the responses were received through interviews and questionnaire. To examine the desired functions of the segments of the criminal justice framework, which is the main theme of the study. The unit of analysis for this thesis is the individual complainants and all other stake holders of the criminal justice system (Judges, Police officers, Prosecutors, senior lawyers, Prison Officials, Probation Officers).

Sample Size/ Population

The population of this study is the complainants, accused persons, witnesses, Judges, Police officers, Prosecutors, of Quetta District, Pishin District, Mastung District, Loralai District, Sibi District, Hub at Lasbela District, Khuzdar District, Muslim Bagh at Killa Saifullah District and so forth.

| S. NO. | Population | NBR |
|---------------|------------------------|------------|
| 1 | Complainants | 10 |
| 2 | Accused Persons | 20 |
| 3 | Witnesses | 30 |

Recommend effective and long-lasting solutions for a reliable and well-organized criminal justice framework in Pakistan

The recommendations set forth in the research relate to correcting structural, procedural and administrative problems in the organization. Revisions in the laws are important mainly to bring the Criminal Procedure Code (1898), Pakistan Penal Code (1860) and Qanun-e-Shahadat Order 1984 in line with new crime situations and investigation methods. The use of digital tools for keeping FIRs, investigations and prisoner records can greatly improve how different agencies cooperate. The study also wants to assign post-investigation powers, including authorizing case delays and ending cases, to prosecutors instead of using existing police powers in Sections 54 and 169 of the Code of Criminal Procedure.

In addition, calling for ADR clinics in the district would resolve most routine offenses in a manner outside the courts. It would lead to less of a case backlog and support better relations in the community. Prisons can also apply rehabilitation by offering individual juvenile facilities, psychological assistance and probation or parole as part of sentencing for those who commit minor crimes. They intend to establish a justice system that works smoothly, shows kindness, is open to everyone and puts citizens first.

The primary shortcomings and inefficiencies in Pakistan's current criminal justice system

The findings show various serious flaws in Pakistan's criminal justice system, mostly in Balochistan. Laws from colonial times are rarely updated, causing cases to take longer and law enforcement to end in misuse. These problems are made worse when there are not enough police, prosecutors, judges or functioning courtrooms. In the Balochistan Police Department, about 27% of the approved ASI positions remain empty which impacts both investigation work and how well the public is served.

In addition, there is a large amount of corruption and misconduct, mainly found during the investigation process. Law enforcement officials possess considerable authority under the

provisions of the Criminal Procedure Code, which they frequently exploit to solicit bribes or alter charges. Coordination among various agencies is inadequate, lacking a centralized database or collaborative frameworks among law enforcement, prosecutors, the judiciary, and correctional facilities, leading to redundancy and inefficiency. Furthermore, public confidence in the system is critically diminished, with instances of vigilante justice surfacing in certain regions as a reaction to delays and perceived injustices, highlighting a significant crisis of legitimacy.

International best practices and their applicability to the Pakistani context

We can draw lessons for reforming Pakistan's justice system from international models. As an illustration, in France and Germany, the system with judges handling investigations involves them in fact-finding, making both parties deal with fewer challenges and helping to complete the process fast. In these systems, there is a focus on openness, routine gathering of evidence and active supervision by judges, unlike in Pakistan's model. Also, foreign countries often take advantage of forensic facilities, surveillance systems and case management software, but in Pakistan, these resources are rarely available because of both limited resources and inadequate training for law enforcement agencies. Communities across the West use ADR approaches for smaller legal matters which benefits both the courts and the overall community. In Europe, probation, parole and community sentencing are used a lot to avoid overcrowding prisons and help those sentenced reform. In Pakistan such strategies could benefit from changes in policies and laws. This is especially necessary for first-time or low-risk crimes. The report suggests that using exclusively Pakistani systems is not acceptable, but selected practices from other countries within the country's reality can make justice delivery much better.

Propose a strategic, multi-stakeholder roadmap for implementing reforms in Pakistan's criminal justice system

The research suggests steps for a fair and complete reform of the criminal justice system. The roadmap proposes updating the law to simplify trials, impose strict time frames for completing each case and look at when to change outdated evidence rules. Emphasis is also placed on uniting police, prosecutors and judges, so that joint investigation teams (JITs) can minimize and overcome delays from the FIR until the trial. Judges need to be supported through strengthening such as raising their numbers, scheduling cases more efficiently and transferring trial responsibilities to lower courthouses. Before a case is sent to court, prosecutors should be given the ability to check the rules behind an arrest and examine the strength of the evidence gathered by the investigators. More money, training and reward incentives can persuade top attorneys to stay in the profession. The plan also promotes making the public and students aware of the law by improving teacher education and including civics in school lessons. Involving educators and schools helps the justice system develop more involved citizens which is a key part of any lasting reform.

Discussion and Conclusion

Experts found that serious problems in Pakistan's criminal justice system: its laws are old, the institutions do not work properly, agencies do not join forces and people are losing faith. Updating procedures, making the system more transparent and prioritizing rehabilitation are necessary right now. In addition, principles used in other countries such as inquisitorial methods and ADR tactics, can be successfully applied in Pakistan. Also, according to the study, having no legal and civic education leaves a serious gap. Improving understanding of the law at the basic level can be helped by working with teachers and schools. It is important to add justice literacy to the school curriculum, to teach teachers about the rule of law and to encourage conversations between education and justice organizations for lasting change and

increased public power. It concludes that things the criminal justice system in Pakistan has major structural, legislative and coordination issues. Basically, the nation needs to improve its legal systems, accountable institutions and civic awareness. Helping educators and changing practices encourages public faith and secures justice for everyone.

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