

Justice delayed, justice denied: Structural and institutional failures in Pakistan's criminal justice system

Faisal Khan

Department of Law, Dadabhoy Institute of Higher Education, Pakistan

Email. faisalhasanzai2060@gmail.com +923401809137

Dr. Tansif Ur Rehman

Department of Law, Dadabhoy Institute of Higher Education, Pakistan

Email. tansif@live.com +923002337763

Arbaz Khan

Department of Law, Dadabhoy Institute of Higher Education, Pakistan

Email. arbazkhanafri@icloud.com +923436377522

Abstract

Several issues within the Pakistani criminal justice decrease the productivity of its outcomes and their equity. Litigation backlog and high numbers of pending cases have often led to continuance of litigation, which deprives the litigants of seeking quick justice. An issue of corruption in the law system, as well as the justice system, also further complicates the problem because people think that the system is unfair. Part of the problem is that insufficient funds and outdated systems greatly slow investigations and court cases. Meanwhile, more crime convictions and justice can't be achieved without basic witness protection and up-to-date forensic resources. Because the system is said to be biased, inefficient, and not transparent enough, many people still lack confidence in it. Justice will not be achieved in the criminal justice system unless large-scale changes are made. As a result, there will be endless inefficiency and lack of trust, hurting every citizen.

Keywords: corruption, delayed trials, inadequate resources, judicial reforms, public trust

Introduction

The criminal justice system in Pakistan does not provide justice due to some considerable obstacles (Khan et al., 2024). Among the most essential issues, it is necessary to point out that the volume of pending trials is exceptionally high so that justice can be delayed multiple times in a row (Gondal & Hatta, 2023). According to Masudi and Mustafa (2023), today, there are thousands of cases, which are far more than the number that existed in the past, yet to be dealt with in various courts. The claims by Shah (2011) are that nepotism and bribery affect all walks of the legal and law enforcement systems and dent the credibility of the same. As evidenced by Khan and Ahmed (2024), in Restructuring Pakistan's Justice System, low salaries to judges make them practice unethical acts and corruption.

According to Imran et al. (2024), Pakistan continues to have some of the most extensive delays in its justice system, and people affected by cases may have to wait years for justice. District courts will handle almost 2.1 million backlogged cases, showing that the system is not prepared for these cases. The lack of honesty and funds in the justice system is increasing people's doubts about its effectiveness. In addition, a study by Javaid (2010) found that 68% of people think the country's judiciary is corrupt. It makes people less likely to trust our government with public affairs. Improving justice for all will require new resources, better laws, and more accountability (Ali et al., 2024).

Research Justification

Even though an essential part of government, the criminal justice system in Pakistan is hindered by a number of problems that affect its effectiveness. Investigating such cases helps in finding major issues and thinking of ways to solve them. People trust the courts less due to widespread delays in finishing cases, many acts of corruption, and not having much money. We will also point out why inclusive policies are needed by looking at the social and financial barriers that interfere with justice for those who are underprivileged.

It tries to demonstrate the human side of these challenges since crime victims often do not have any other solution. With these experiences captured, the study provides essential information to support better accountability and justice. The ultimate aim here is for Pakistan to build a criminal justice system that treats everyone fairly, is more open, and works better.

Research Objectives

1. To discuss the historical context of Pakistan's criminal justice system.
2. To highlight the theoretical context of Pakistan's criminal justice system.
3. To analyze the laws regarding Pakistan's criminal justice system.
4. To identify the key challenges regarding Pakistan's criminal justice system.
5. To explore the opportunities for Pakistan's criminal justice system.
6. To propose effective prevention and intervention strategies.

Research Methodology

This study employed a systematic review methodology, with research objectives established accordingly. A comprehensive literature review was conducted (Komba & Lwoga, 2020). Research findings were categorized based on their content (Hiver et al., 2021; Petticrew & Roberts, 2006), and classified information was incorporated into the study by organizing it into headings (Gan et al., 2021; Pawson et al., 2005). The evaluation of classified information and titles formed the basis of the study (Page, 2021; Rahi, 2017), ensuring the integrity of the research subject and its contents (Egger et al., 2022; Victor, 2008). The criteria for selection are enlisted.

1. **Relevance:** Researches that directly addressed the questions posed by this study are included.
2. **Quality:** Studies that meet a certain quality threshold (e.g., methodological rigor, bias risk) are included. Most of the research is from Scopus-indexed and Clarivate Analytics journals and reputed publishers.
3. **Recency:** Consideration of the publication date to ensure that the review reflects the most current evidence. Most of the studies are from the last three years.
4. **Language:** Only studies published in English are included.
5. **Data Completeness:** Previous studies must provide sufficient data on outcomes of interest for practical synthesis; it is also ensured in this research.

This study did not use primary data from human participants; therefore, no ethics clearance letter from the ethics committee was required.

Literature Review

According to Imran et al. (2024), Pakistan's justice system cannot manage cases well;

there are more than 2 million cases in just the district courts. Khan et al. (2024) pointed out that long waits for justice negatively affect underprivileged communities and predictably intensify inequality and instability in society. Insufficient court officials and substandard court buildings are primarily responsible for these delays, asserts Mears's (2017) research, which strongly recommends urgent reform to fix the system. There is also a lot of discussion and documentation about corruption within the criminal justice system. Shah (2011) argues that many legal problems result from nepotism and bribery. Masudi and Mustafa (2023) note that low salaries and poor workplaces for court staff are regularly found with widespread corruption. The problem is increased when organizations do not have strong systems to control misbehavior (International Commission of Jurists, 2024).

The test measures developed by O'Hara and Sainato (2019) results indicate that measures of long-term improvements are not possible without addressing the issue of corruption and enhancing efficiency via improving transparency. These findings demonstrate that, as a whole, measures against corruption are needed so that the legal system can be trusted by people again. Justice cannot be served immediately since new forensic resources are not available, there is no good protection given to the witnesses, there is a problem of corruption, and there is a massive backlog of cases to be taken up by the courts. According to Asif & Qayum (2023), the criminal justice system of Pakistan is not able to investigate and solve crimes accurately because of the limited number of well-trained specialists and aging forensic labs.

In fact, Baloch (2024) states that the legal framework established during the times of colonization did not manage to change to incorporate the current trends with regard to forensic science and investigations, and, hence, justice might turn out to be a slow process in this case. Major success in the criminal justice system of Pakistan depends on the enhancement with rapidity in the forensic infrastructure of the country and the protection of witnesses. Because there are few good witness protection programs, many witnesses are intimidated, and their cases are sometimes not brought to court, worsening this issue. According to Baloch (2024), witness intimidation is still a problem, and many cases are unsuccessful due to witnesses feeling unsafe.

Historical Context of Pakistan's Criminal Justice System

This research aims at looking at how, when, and why the issues with the criminal justice system in Pakistan began and how they have evolved across history. It is aimed at following the origins of the modern problems in the system, which are partly due to specific historical events and transformations that occurred after independence. Masudi and Mustafa (2023) explain most of the judicial ills in Pakistan through the strict and bureaucratic British system that was bequeathed to this nation. According to research carried out by Khan and Ahmed (2024), since independence, a lot of delays in processing and millions of corruption have been witnessed due to political disorders. The same study suggests that the system is struggling now due, in part, to not receiving the resources needed in the past. Another purpose is to look at ancient problems and how they still influence our perceptions of the justice system and its management.

Ali et al. (2024) answered this question, stating that due to the lack of change, there has been an increase in cases, and the trust of the people towards any change in Pakistan is going down. Indeed, according to Baloch (2024), the past attitude of disdain toward forensic and investigative skills has damaged the operation of prosecution. To correct the evils in the past, Pakistan is the key to obtaining trust and any unjust treatment (Gondal & Hatta, 2023).

Theoretical Context of Pakistan's Criminal Justice System

The priority focus of this study shall be to investigate the technical theories behind the issues related to the lack of legislation justice system in Pakistan and to underline the key factors as to the manner it is operated. Through the close comparison of different theories of justice, the concept of the rule of law, and the way institutions are set up, the research will determine through what levels they are (or are not) linked to what transpires in the system. This discussion will provide reasons as to why the theory and practice gaps are enormous; hence, it is easy to understand why critical issues such as delays and corruption remain widespread.

The study will also be in a position to research how social, political, and cultural aspects affect the use of these frameworks in Pakistan. The paper will take into account the element of powerful traditions and ancient laws that led to the application of criminal law. The objective of the research would be to point out that immediate measures involving both demonstrable theories and value to the national situation are needed. This research will mainly aim at

enhancing the theory-practice relationship by providing valuable recommendations that might guide the establishment of new and equitable criminal justice policies in Pakistan.

Challenges of the Criminal Justice System in Pakistan

With the centralized issue of deficiencies in the design of the system and its huge effects on justice for every individual, this research attempts to identify and analyze the principal problems of the criminal justice of Pakistan. The analysis searches through the thousands of cases that have accumulated over the years, elongating the justice of the masses. In his recent article, Imran et al. (2024) point out that the number of active cases, amounting to 2 million, shows just how inefficient the system is. Based on Khan et al. (2024) research, delays in the legal system lead to more challenging times for vulnerable individuals and add to existing social unfairness. The LJCP (2024) has urged for fast changes and says that such delays are caused by both a shortage of judges and inadequate court infrastructure.

According to Shah (2011), bribery and nepotism are changing people's opinions about laws and the courts. The difficulty is aggravated by Masudi and Mustafa (2023), who report that poor pay and unpleasant working conditions can lead to ethical violations among court staff. Fighting corruption and struggling with resources is key to major transformation and winning back the faith of people. Overall, the findings from this research suggest how to help restore confidence and ensure fairer transparency.

Opportunities for Pakistan's Criminal Justice System

This paper seeks to discuss some of the possible solutions to the problems within the criminal justice system of Pakistan, primarily by proposing new and valuable strategies to shift the current inadequacies to positive features. The study will highlight the issues in which strategic assistance might dramatically enhance the system, such as the backlog in cases, corruption, and inadequate resources. Accordingly, we should verify ways through which the advancement of technology can enhance transparency and expediency of the delivery of justice. Does training provide the police and the judges with a better idea of how their enhanced competencies can be helpful in their work is also studied by the researchers.

Uncovering the factors in society that support transformation comes as a second aim of the research. The study will examine whether activities by civil society, community works, and public campaigns can encourage the public to trust and work together with the law. The purpose

of this study is to adapt the best policies from around the world to Pakistan so that any changes are both practical and reachable by the people. In addition, researchers will examine how law reforms, including revising outdated laws and introducing new policies, might catch up with existing trends in society.

In addition, the study will look at how these changes can benefit those who are weak and have suffered from crime. The project wants to demonstrate what an improved criminal justice system can do by sharing real stories and experiences. It explores whether choosing arbitration or mediation instead of a trial can decrease traditional court cases and give prompt justice. It will be investigated whether women's justice can improve when gender equality is considered in making policies.

The paper aims to propose the possible practical solutions to how to make the issues found in the Pakistani criminal justice system a chance to develop its potential to the greatest extent. In this paper, the research team will make suggestions they hope will help to make a fair, understandable, and successful system by giving pertinent recommendations. The study will encourage action that would inspire the population to trust the system, uphold justice, and follow the law through creativity, inclusiveness, and collaboration. This paper is intended to contribute towards a brighter future for the criminal justice system in Pakistan by presenting the essential solutions thereof and relating them to challenges.

Discussion

The Pakistani justice system has a lot of problems, and these problems exist due to structural issues, issues of procedures, and issues of sociology. Among the most significant concerns is the fact that there have been numerous incidences where victims fail to have a quick fix. Due to the fact that there are few judges, old laws, and unstable infrastructure, the system cannot operate properly. Things are even more horrible when corruption ensures that the mass loses their trust in people who are in charge of various things and often get away scot-free. The other major challenge may be that people with low incomes are not necessarily given justice. In many cases, gender-based violence complicates the further action of the victim as they have more obstacles to seeking prosecution because the system and society are turned against them.

It also leads to an inability to gather evidence appropriately, and hence, the convictions and worse-case occurrences are reduced. The process of updating legislation, improving

ability, and the use of technology should be implemented to make things easier and more efficient to deal with these problems. Communities and through the conduction of public information campaigns, we may assist in making people comfortable with the law. By engaging in value-inclusive, accountable, and just action, Pakistan would be able to create a criminal justice system that abides by the rule of law, that is, to provide justice to all individuals.

Conclusion

The criminal justice system of Pakistan suffers a number of issues, such as case delays, widespread corruption, and the inability of people in a sorry state to access justice. These primary problems are due to an obsolete legislation system, a lack of appropriate financing resources to support everyone, and the inefficiencies that cannot be avoided, causing difficulties in making justice timely and objective for everyone. All these can be addressed through the implementation of drastic changes like a revision of the laws, enhancement of the investigative system, and application of technology to enhance the manner in which operations are conducted.

Moreover, the system could be strengthened with the involvement of people in their communities who are informed. Pakistan can attain justice for everyone by emphasizing the goal of inclusiveness rather than focusing on debt in the execution of its criminal justice. To make that work and to remain viable, we should have good leaders, good institutions, and a united desire to do better and make the judicial system the best for all.

Recommendations

1. Make police reforms stronger: Invest in refresher training, advanced equipment, and a focus on moral beliefs to help law enforcement work better and enjoy the public's trust. The police force must fight against corruption and must be held accountable.

2. Ensure people have access to justice: Building new courts in these regions saves time for the people who require justice and ensures that access to law is equal for everyone.

3. Raise the skill level of investigation in forensic tasks: Set up the latest forensic laboratories and show experts how to handle evidence using scientific methods. As a result, criminal cases will be more accurate, and investigators will depend less on old methods.

4. Legal aid for the vulnerable: To allow underprivileged groups, such as women,

children, and the impoverished, to fight for their rights in court and give them access to free legal support.

5. Lower the number of criminal cases in backlog situations: Faster settlement of cases and a way to address the significant backlog can be accomplished by establishing specialized courts and using other options for dispute resolution.

6. The public needs to know how judges behave and make decisions: Ensure that someone watches judges' actions and that court procedures are open to everyone. Trust in the court system will rise as a consequence.

7. Fight back against corruption: No one should be safer than the law, so independent organizations that investigate and treat cases of corruption in court should be established.

8. A campaign to inform the public: Work to tell people about their rights under the law and explain the workings of the criminal justice system. As a result, individuals can confidently fight for justice.

9. Reforming prisons: Dealing with overcrowding, offering programs to help rehabilitate inmates, and ensuring that human rights are observed can improve things in prisons. Help criminals return to society when they get released.

10. Enhance the program for protecting witnesses: Use strong methods to secure the safety of those being abused or intimidated by criminal acts. Additional people will share their experiences so that trials are fairer.

Research Limitations

A number of limitations influence the performance of this study into criminal justice in Pakistan. The thing is that due to a lack of openness among rules and officials, data cannot be accessed. Due to this reason, the analysis is not likely adequate in terms of reporting all crucial factors as well as reliability. The literature relied on in the research is also underused as the works that have already been published cannot describe the actual state or changes in the system completely. Third, due to such restrictions, the research cannot discuss each aspect of the criminal justice system in detail.

Furthermore, the perspectives of marginalized individuals are lacking, and they are not generally present in scholarly works. Pakistan, as a social and political area, is never fixed; hence, the earlier established conclusions may become dated once the new information/facts

come in. They indicate that these issues require further research so as to be in a better position to comprehend their solutions.

Research Implications

This discussion about the criminal justice system in Pakistan has essential implications for stakeholders, legislators, and all other citizens. It is due to this that a government has an easy path of addressing issues, and these include numerous cases that cannot be resolved, an abnormally high amount of cases with corruption, and an absence of equal access to justice. The report describes that in order to become better as a whole, it is essential to modernize the old laws, foster more transparency in court, and invest heavily in developing capacity. It emphasizes that all individuals need to be secure and equal, and justice is accorded to the suppressed individuals regardless of their economic status, rich or poor.

It was determined by researchers that introducing the technology and the community into the operations may lead to performance increase, increased levels of trust, and encourage people to care more. These findings even enable proposed solutions and innovative steps to address challenges that have been several years old. The report is essential in the way that it provides practical recommendations in the debate on criminal justice reform in Pakistan, as the aim is to ensure that the system is more just and equitable to all residents.

Future Research Directions

The additional research on the Pakistani criminal justice system should be focused on how the key weaknesses of the system that require a solution could be eliminated (such as the introduction of forensic tools and AI to the management of the case). More detailed studies can take into account the possible role of community initiatives and novel forms of conflict resolution to manage a bigger number of cases and simplify the process of accessing the legal system by all people. The feasible consequences of anti-institutionalized prejudice-related gender-sensitive measures will be analyzed in order to see what underrepresented populations will experience.

Also, one should direct the research to the role that the view (of people), the freedom of institutions, and government powers could play in the law. The usefulness of a change may be ascertained by examining it like a long-term study so as to get a sustained outcome. To put in place a better, more participatory, and fair criminal justice system in Pakistan whose

functioning helps all members of society, future research can take the help of the following main issues.

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