

CRIME AND PAKISTAN'S LEGAL FRAMEWORK: A CRITICAL ANALYSIS

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ABSTRACT

The prevalence of criminal activities in Pakistan poses a constant challenge, exerting a detrimental impact on the well-being of its populace and the overall socio-political stability of the country. This research piece critically analyzes the intricate correlation between crime and the legal structure in Pakistan. This study examines the efficacy of Pakistan's criminal legislation, the implementation strategies employed, and their influence on crime rates inside the nation. This essay endeavors to illuminate the complex issues encountered in the suppression of crime in Pakistan by analyzing the merits and drawbacks of the legal system. Additionally, it proposes potential avenues for reform. This research offers unique insights into the complex interplay between crime and the judicial system in Pakistan by conducting a thorough analysis of the historical backdrop, contemporary concerns, and possible remedies.

Keywords: Crime, Effectiveness, Legal framework, Pakistan, Reform

INTRODUCTION

The problem of crime in Pakistan is marked by its enduring nature and intricate nature, exerting a significant influence on the welfare of its citizens and presenting considerable obstacles to the overall stability of the nation. The focus of this study pertains to the intricate dynamics between criminal activities and the legal framework within the context of Pakistan. In a nation characterized by a legal framework comprising a heterogeneous assortment of laws inherited from the colonial era, alongside statutes promulgated after achieving independence, it is imperative to grasp the intricate dynamics between these legal provisions and the prevalence of criminal behavior. This study aims to conduct a thorough analysis of the complex relationship between Pakistan's criminal laws, the strategies employed for their enforcement, and their impact on the evolving crime landscape in the country. The legal framework

of Pakistan, rooted in its colonial history, raises fundamental questions about its ability to adapt and maintain relevance within the framework of a contemporary and independent nation. The legal system of Pakistan is burdened by the historical legacy of legal statutes, namely the Indian Penal Code of 1860 and the Code of Criminal Procedure of 1898. As we progress through this research, it becomes apparent that these remnants of colonialism may not be adequately equipped to tackle the changing dynamics of criminal activity in contemporary Pakistan (Hussain, N., Khan, A., & Chandio, L. A. 2023).

This research paper's main aim is to comprehensively evaluate the effectiveness of Pakistan's legal framework in addressing criminal activities. This analysis goes beyond simple observation as it critically examines the fundamental strengths and

flaws of the legal system. This study aims to provide insight into the various problems that consistently hinder the nation's attempts to mitigate criminal activity, jeopardizing its populace's safety and security. Furthermore, the primary objective of this study is to ascertain particular aspects within the legal structure that want prompt attention and revision. The statement emphasizes the importance of transforming Pakistan's legal apparatus as a necessary measure to pursue a fairer and more secure society. Through undertaking a comprehensive examination of crime and Pakistan's legal system, we aim to provide significant contributions to the ongoing scholarly dialogue on these matters. This endeavor aims to foster a deeper understanding of the complex interplay between legal systems and criminal activities within this dynamic and diversified nation (ur Rehman, T., Usmani, M. A., & Parveen, S. 2021).

HISTORICAL PERSPECTIVE

To fully comprehend Pakistan's present legal framework, it is imperative to delve into its historical foundations. Pakistan's legal system, like that of several former colonies, exhibits a lasting influence from the period of British colonial governance. The enduring impact of British colonial rule is evident in Pakistan's legal framework, as exemplified by the Indian Penal Code of 1860 and the Code of Criminal Procedure of 1898, which form the bedrock of the nation's criminal justice system.

The Indian Penal Code (IPC) of 1860, also called the IPC, was first enacted by the British colonial administration in India. The primary purpose of this Act was to establish a comprehensive legal framework for classifying and punishing criminal offenses. Its impact was far-reaching, encompassing the region that would afterward become Pakistan following the partition in 1947. The code mentioned above established a collection of penal statutes primarily influenced by the legal customs and principles of British origin, which were prominent during the 19th century. The Indian Penal Code (IPC) has undergone various adjustments and modifications. However, its historical roots in colonialism naturally raise inquiries over its appropriateness and applicability within the contemporary framework of an autonomous Pakistan (Bassiouni, M. C. 2001).

The Code of Criminal Procedure of 1898, also referred to as CPC, is an additional manifestation of British colonial influence that has been passed down to Pakistan. The document outlined the specific protocols and methodologies that should be adhered to in implementing the criminal justice system. Although this code has undergone multiple amendments, its fundamental foundation is heavily influenced by the legal traditions of the British colonial era. The historical importance of this legislation should not be underestimated. The individuals above have had a lasting impact, serving as the foundational basis upon which the legal system of Pakistan was established.

Nevertheless, the enduring impact of these statutes from the colonial era raises an essential inquiry: do they possess the capabilities to effectively tackle the current issues and intricacies of criminal activities in a contemporary, sovereign Pakistan? The necessity to implement change and adjust policies in response to Pakistan's unique social, economic, and political circumstances becomes apparent. Although modifications have been implemented to address evolving cultural norms and difficulties, the enduring influence of colonialism remains, prompting an increasingly contentious discussion on the necessity of a legal framework that more effectively corresponds to Pakistan's distinct circumstances and objectives. As we engage in a comprehensive examination, it becomes evident that Pakistan's legal structure and efficacy in addressing crime are significantly influenced by the country's historical adoption of laws from the colonial era. The subsequent portions of this study will delve deeper into how this historical groundwork intersects with present-day crime-related complexities and the ramifications for Pakistan's legal and justice frameworks (Bassiouni, M. C. 2001).

LEGAL FRAMEWORK AND CRIME RATES

Like other countries, Pakistan faces a wide range of crime-related difficulties that deeply penetrate its societal structure and erode its security and stability. The difficulties discussed involve various criminal activities, such as terrorism, violent crime, white-collar crime, and cybercrime. Each of these offenses poses unique risks to public safety and the overall welfare of society. The evaluation of Pakistan's legal

structure becomes crucial when considering the diverse nature of the criminal scene.

The diverse and complex character of criminal activities in Pakistan underscores the need for a legal framework that is both strong and flexible, capable of effectively addressing and adapting to the ever-changing methods employed by criminals. Notwithstanding the substantial endeavors undertaken with time to revise and update legislation, the enduringly prevalent high levels of criminal activity observed in Pakistan give rise to inquiries over the sufficiency and effectiveness of the current legal framework.

1. **Terrorism:** Pakistan has been confronted with the persistent challenge of terrorism, as it has experienced the presence and activities of diverse extremist organizations within its territorial boundaries. Pakistan has implemented legislative measures, exemplified by the Anti-Terrorism Act, to address the issue of terrorism. However, the continued occurrence of terrorist acts suggests that obstacles persist in effectively enforcing and prosecuting these policies (Khan, A., Iqbal, N., & Ahmad, I. 2022).
2. **Violent Crime:** Violent crimes, such as homicides and armed robberies, continue to be a prevalent issue of concern. The effectiveness of legislation in discouraging and convicting individuals who commit acts of violence is frequently compromised by factors such as protracted legal proceedings and instances of misconduct within the criminal justice framework.
3. **White-Collar Crime:** White-collar crime, encompassing embezzlement, fraud, and corruption, has exerted a significant influence on both the economic and governance aspects of Pakistan. The efficacy of the legal structure in ensuring the accountability of persons and entities for such offenses is frequently impeded by intricate legal procedures and limitations in available resources.
4. **Cybercrime:** In contemporary society, the advent of the digital era has given rise to a notable menace known as cybercrime, which encompasses a range of illicit activities, including hacking, identity theft, and online

fraud. The ability of the legal framework to effectively confront emerging kinds of criminal activity is sometimes impeded by antiquated legislation and insufficient resources allocated to the enforcement of cybercrime (Tamilarasi, P., & Rani, R. U. 2020).

The enduring prevalence of elevated crime rates in Pakistan prompts significant inquiries on the efficacy of the legal structure in deterring criminal conduct and upholding principles of justice. Other elements contribute to this condition:

- **Delays in the Legal Process:** The legal system in Pakistan is widely recognized for its protracted procedural delays, resulting in a significant time lapse before cases are ultimately resolved. Consequently, a state of impunity is fostered among individuals engaged in criminal activities, undermining the efficacy of legal deterrence.
- **Corruption in Law Enforcement:** Corruption among law enforcement agencies has a detrimental impact on the public's confidence in the criminal justice system, enabling criminal networks to operate with a heightened sense of impunity.
- **Outdated Laws:** A significant number of legislative provisions in Pakistan have not undergone revisions to address contemporary manifestations of criminal activities effectively. The existing imbalance in resources and capabilities of law enforcement agencies hinders their ability to effectively address the growing challenges posed by emerging threats, such as cybercrime and terrorism.
- **Inadequate Resources:** Law enforcement agencies frequently have resource limitations that restrict their capacity to address criminal activity and uphold legal regulations efficiently (Morawetz, N. 2000).

It is imperative to thoroughly assess the efficacy of the legal framework in Pakistan in tackling criminal activities. The comprehensive examination of criminal justice entails an analysis of the legal statutes in place, the efficacy of their implementation, and the broader socioeconomic determinants that influence unlawful conduct. The present research holds significant importance in

identifying areas requiring reform and the development of methods to strengthen the efficacy of the legal framework in addressing the multifaceted and dynamic issues presented by criminal activities in Pakistan (Jendryke, M., & McClure, S. C. 2019).

CHALLENGES AND WEAKNESSES

1. **Delays in the Legal Process:** The prolonged nature of court proceedings is a significant and persistent concern within Pakistan's legal framework. The nation's judicial system is widely recognized for its protracted pace, characterized by cases enduring in the court system for prolonged durations, frequently spanning several years. The persistent and prolonged duration of the judicial procedure undermines public confidence in the justice system and fosters a significant perception of impunity among individuals engaged in illegal activities. Victims and witnesses have prolonged periods of waiting for their cases' outcome, eroding their confidence in the legal system's capacity to administer justice promptly.
2. **Corruption in Law Enforcement:** The issue of corruption inside law enforcement agencies is widespread and well-established, presenting a significant obstacle to the successful implementation of crime control measures. Acts such as bribery, extortion, and abuse of power by law enforcement agents compromise the integrity of investigations and prosecutions. Corrupt practices serve as facilitators of illegal operations and contribute to the erosion of public trust in law enforcement agencies, including the police. The erosion of trust might discourage individuals from cooperating with law enforcement agencies, intensifying the difficulties associated with crime control (Khan, A., Javed, K., Khan, A. S., & Rizwi, A. 2022).
3. **Outdated Laws:** The legal structure in Pakistan encounters the obstacle of insufficiently addressing contemporary manifestations of criminal activity, including cybercrime and terrorism. Numerous national laws have not undergone adequate updates or revisions to adapt to the swift advancements in criminal techniques

and technologies. This regulation gap poses a significant obstacle for law enforcement organizations, impeding their ability to address growing threats effectively. Comprehensive legislative reform is needed to ensure the legal framework's relevance and adaptability to contemporary criminal activity.

4. **Inadequate Witness Protection:** Pakistan's lack of comprehensive witness protection provisions represents a significant deficiency within the country's judicial system. Individuals concerned about potential reprisals or personal injury due to their collaboration with law enforcement agencies exhibit hesitancy in coming forward to report criminal activities or offer testimonies. The apprehension of facing retaliatory consequences not only contributes to the phenomenon of underreporting but also erodes the general transparency and efficacy of the judicial framework. Implementing robust witness protection programs is crucial to foster individuals' active involvement in the criminal justice system, thereby mitigating concerns over their personal safety.

It is imperative to acknowledge and confront these issues and inadequacies to bolster the efficacy of Pakistan's legal framework in the fight against criminal activities. Implementing reforms aimed at expediting legal proceedings, eliminating corruption, modernizing laws to address current forms of crime, and establishing effective witness protection measures can significantly help achieve a more equitable and secure society. These reforms can enhance the legal system's integrity and cultivate public confidence in its functioning. Consequently, they can create a conducive atmosphere wherein criminal activities are efficiently discouraged, investigated, and prosecuted (Khan, A., Bhatti, S. H., & Jilani, M. A. H. S. 2021).

PROPOSED REFORMS

To effectively tackle the difficulties above and rectify the existing inadequacies, it is imperative to implement thorough reforms within Pakistan's legislative framework:

1. **Judicial Reform:** To mitigate the persistent delays in the legal process Pakistan should contemplate implementing extensive judicial reforms. Potential strategies for addressing the issue at hand encompass optimizing court procedures to enhance the efficiency of trials, integrating case management systems, and augmentation of judicial personnel to alleviate the accumulation of pending cases. Moreover, promoting alternative conflict resolution procedures, such as mediation and arbitration, can effectively alleviate the strain on the overwhelmed court system and expedite the resolution process for specific categories of cases.
2. **Anti-Corruption Measures:** Addressing corruption within law enforcement agencies and the more comprehensive criminal justice system is paramount. Pakistan should adopt and strengthen internal supervision mechanisms to efficiently supervise and scrutinize corruption cases within its law enforcement officers. Adopting strategies designed to promote transparency in law enforcement operations, such as the requirement for officials to disclose their financial information, can significantly reduce corruption occurrences. The effective deterrence and punishment of those engaged in corrupt activities necessitates the establishment of rigorous sanctions complemented by solid enforcement measures.
3. **Modernizing Laws:** To effectively address the contemporary challenges presented by criminal activity, it is crucial to enhance and contemporize the prevailing legal framework. It is advisable for Pakistan to contemplate formulating and implementing targeted legislation pertaining to cybercrime, terrorism, and white-collar crime. Developing legislation that considers future-oriented considerations is imperative, allowing for flexibility in response to the ever-changing landscape of criminal techniques and technology. Furthermore, it is imperative to provide continuous training and education to legal experts to guarantee

efficient enforcement of these specific fields of law (Cook, A. N., & Roesch, R. 2012).

4. **Witness Protection:** Pakistan must design and effectively execute comprehensive witness protection initiatives to incentivize individuals to provide testimony in criminal proceedings voluntarily. These programs should offer extensive assistance, encompassing physical safeguarding, relocation services, and psychological treatment, to witnesses and their families. Preserving witness anonymity is of utmost importance in safeguarding them against retaliatory actions. These programs have the potential to significantly augment citizens' inclination to collaborate with law enforcement and provide testimony in court, thereby ultimately bolstering the efficacy of the criminal justice system.

The reforms mentioned above embody crucial measures to tackle the issues and deficiencies within Pakistan's legal structure. Pakistan has the potential to enhance the fairness and efficiency of its criminal justice system by many measures, such as optimizing the legal process, addressing corruption, updating legislation, and implementing robust witness protection mechanisms. It is imperative to rigorously pursue these reforms, emphasizing fostering collaboration among governmental institutions, civil society, and legal experts. This collaborative approach is crucial to ensure the effective implementation of these reforms and to sustain their influence in reducing crime rates and advancing the principles of the rule of law throughout the nation (Hussain, N., Khan, A., Chandio, L. A., & Oad, S. 2023).

CONCLUSION

Crime remains a persistent and complex issue that continues to plague Pakistan, exerting a profound influence on the well-being of its populace and the general stability of the nation. The present critical research has demonstrated that the legal framework in Pakistan occupies a pivotal role in the nation's endeavors to tackle this urgent matter. The legal system substantially influences the nation's capacity to successfully address crime, spanning from its origins in the colonial era to its present-day limitations. The analysis of Pakistan's legal

framework has shown the imperative for significant revisions. The examination of historical context shed light on the lasting impact of laws established during the colonial period and their significance in present-day Pakistan as a sovereign nation. Examining crime rates has unveiled enduring obstacles that raise skepticism regarding the effectiveness of the current legal framework.

Moreover, the discernment of obstacles and deficiencies within the system has indicated notable impediments that impede the endeavor for justice and the discouragement of unlawful conduct. A set of suggested reforms were presented in light of these obstacles and limitations. The reforms mentioned above, encompassing judicial reform, anti-corruption measures, modernization of legislation, and witness protection, offer a strategic plan for Pakistan to rejuvenate its legal framework and bolster its ability to combat criminal activities successfully. In conclusion, the reformation of Pakistan's legal framework is not solely a matter of administrative adaptation; instead, it is necessary to establish a more secure and equitable society for its populace. The attainment of this objective necessitates collaborative endeavors from governmental entities, legal practitioners, non-governmental organizations, and the global community. By accepting these reforms and implementing them with resolute purpose, Pakistan has the potential to embark on a trajectory towards a more promising future characterized by the prevalence of the rule of law and the systematic reduction of crime. This would ultimately guarantee the well-being and security of its populace.

Future Research Recommendations:

1. **Impact Assessment of Reforms:** Undertake a comprehensive study to evaluate the ramifications of the suggested legal reforms in Pakistan. This analysis aims to assess the efficacy of various measures, including judicial reform, anti-corruption activities, and the modernization of legislation, in diminishing crime rates, speeding legal proceedings, and bolstering public confidence in the justice system.
2. **Comparative Analysis:** Conduct comparative studies to examine the legal frameworks and crime rates in other nations encountering analogous difficulties to

Pakistan. Applying a comparative approach can provide valuable insights into efficient strategies and best practices that can be customized to accommodate the unique circumstances of Pakistan.

3. **Socioeconomic Factors and Crime:** The primary objective of this study is to investigate the correlation between socioeconomic factors and crime rates in Pakistan. This investigation explores the complex interplay between poverty, unemployment, educational attainment, and income inequality and their impact on criminal behavior. The present study possesses the capacity to yield valuable insights that can inform the formulation of targeted policies designed to tackle the fundamental causes that contribute to criminal conduct.
4. **Technology and Crime Trends:** The objective of this study is to analyze the ever-evolving nature of cybercrime and its implications for Pakistan. Perform a comprehensive inquiry into the strategies employed by individuals involved in cybercrime and assess the effectiveness of cybersecurity measures. The present study can yield significant insights that may contribute to formulating policies and legislation designed to tackle the problem of cybercrime effectively.
5. **Community Policing and Crime Prevention:** Examine the implementation and efficacy of community policing initiatives in Pakistan. This study aims to analyze the potential impact of community participation and collaboration with law enforcement agencies on the prevention and reduction of crime.
6. **International Cooperation and Counterterrorism:** Examine the significance of international collaboration in addressing the challenges of terrorism and extremism within Pakistan. This analysis aims to evaluate the efficacy of regional and global collaborations in addressing transnational threats and mitigating the process of radicalization.

7. **Victimology and Restorative Justice:** This study examines the lived experiences of victims of crime in Pakistan and how they communicate with the justice system. This analysis aims to evaluate the capacity of therapeutic justice methodologies to offer reparations, facilitate the process of healing, and diminish the likelihood of repeat offenses.
8. **Legal Aid and Access to Justice:** This study examines how legal aid services are available and accessible in Pakistan, specifically focusing on their provision for disadvantaged and vulnerable communities. Examine the effects of enhanced availability of legal representation on the equitable dispensation of justice through scholarly investigation.
9. **Drug Policy and Crime:** This study aims to analyze the correlation between drug policy and drug-related crime in Pakistan. This study aims to evaluate the effects of alternative drug policies, including harm reduction and decriminalization, on decreasing drug-related offenses and associated negative consequences.
10. **Longitudinal Studies:** Longitudinal studies should be conducted to monitor the fluctuations in crime rates, evaluate the efficacy of the legal system, and analyze the evolving public attitudes over an extended period. These studies have the potential to offer valuable insights into prevailing patterns and the efficacy of policy initiatives.
11. **Gender and Crime:** This study aims to analyze the gender dimensions of crime in Pakistan, specifically focusing on examining the prevalence and form of gender-based violence within the country. This study examines the efficacy of legal interventions and support structures in resolving the abovementioned challenges.
12. **Restorative Justice Programs:** This study aims to assess the outcomes and efficiency of restorative justice programs implemented in Pakistan. Evaluate their capacity to mitigate recidivism, foster reconciliation, and lessen the strain on the formal criminal justice apparatus.

The following proposals for further research include a broad spectrum of subjects and approaches, providing opportunities for thorough investigation and examination of Pakistan's criminal justice system and its endeavors in addressing criminal activity. Researchers have the potential to make valuable contributions to evidence-based policymaking and the ongoing enhancement of the legal framework in Pakistan by focusing on these specific areas.

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