

Constitutional Safeguards and Criminal Accountability in Pakistan: A Critical Analysis



Qadir Ullah	Lecturer in Law, Edwardes College Peshawar, Khyber Pakhtunkhwa Advqadir50@gmail.com
Imran Khan	lecturer in Law, University of Malakand, Dir (Lower), Khyber Pakhtunkhwa mumandpp@gmail.com
Muhammad Jan	Assistant Professor, Department of Sharia and Law, Islamia College University Peshawar

Abstract: *This research article critically examines the constitutional safeguards and mechanisms for criminal accountability in Pakistan. It delves into the constitutional provisions, legal frameworks, and practical implementation of laws related to criminal accountability in the country. By analyzing relevant case law, legislative enactments, and scholarly literature, the article highlights strengths, weaknesses, and areas for improvement in Pakistan's legal system concerning criminal accountability. It also discusses the challenges faced in ensuring effective enforcement of constitutional safeguards and suggests policy recommendations to enhance accountability mechanisms within the framework of Pakistan's constitutional order.*

Keywords: Constitutional safeguards, criminal accountability, Pakistan, legal framework, enforcement mechanisms.

Introduction

Pakistan, a nation with a rich tapestry of history and culture, stands at a critical juncture in its journey towards fostering a robust democratic society governed by the rule of law. Central to this aspiration is the effective implementation of constitutional safeguards designed to ensure accountability and protect the rights of its citizens, particularly in the realm of criminal justice. This research article embarks on a critical analysis of the constitutional safeguards and mechanisms for criminal accountability in Pakistan, seeking to unravel the intricacies of its legal framework, evaluate its practical application, and propose avenues for improvement. Since its inception in 1947, Pakistan has grappled with the formidable task of establishing a legal system that upholds the principles of justice, fairness, and equality before the law. The Constitution of Pakistan, adopted in 1973, embodies the collective

aspirations of its people for a society built upon the pillars of democracy, human rights, and the rule of law. Within this constitutional framework lie provisions aimed at safeguarding individual liberties, ensuring due process, and holding perpetrators of criminal acts accountable for their actions. At the heart of Pakistan's constitutional ethos is the recognition of the inherent dignity and worth of every human being, enshrined in Article 4, which guarantees the right of individuals to be dealt with in accordance with law. Article 10 further reinforces this commitment by affirming the principles of due process, fair trial, and presumption of innocence. Moreover, Article 25 underscores the principle of equality before the law, prohibiting discrimination on the basis of race, religion, caste, or creed in matters pertaining to criminal accountability (Khan, & Hussain Shah Jillani, 2019).

In parallel, Pakistan has erected a formidable

legal edifice comprising statutes, ordinances, and judicial precedents to address the myriad forms of criminal conduct that threaten the fabric of its society. The Pakistan Penal Code, Criminal Procedure Code, and Anti-Terrorism Act constitute the cornerstones of this legal framework, delineating offenses, prescribing penalties, and delineating procedures for investigation, trial, and punishment. However, the mere existence of constitutional safeguards and legislative enactments does not guarantee their effective implementation. Pakistan grapples with a plethora of challenges that impede the realization of justice and accountability for victims of crime. These challenges range from systemic issues such as institutional corruption, judicial delays, and resource constraints to societal attitudes that perpetuate impunity and undermine the rule of law (Khan, Amjad, & Usman, 2020). Moreover, the specter of political interference looms large over the criminal justice landscape, often resulting in selective accountability and the subversion of due process for partisan gain. Instances of extrajudicial killings, enforced disappearances, and human rights abuses further tarnish the state's record in upholding constitutional principles and protecting the rights of its citizens. Against this backdrop, this research article endeavors to undertake a holistic examination of Pakistan's constitutional safeguards and mechanisms for criminal accountability. By critically analyzing the strengths, weaknesses, and challenges facing the country's legal system, it seeks to chart a course towards meaningful reform and the realization of justice for all citizens. Through a nuanced understanding of the intricacies of Pakistan's legal landscape, this article aims to contribute to ongoing discourse and efforts aimed at fostering a society built upon the pillars of accountability, justice, and the rule of law (Kanwel, KHAN, Usman, & Khan, 2020).

LITERATURE REVIEW

The criminal accountability landscape in Pakistan is multifaceted, with challenges spanning judicial independence, law enforcement capacity, legal literacy, procedural inefficiencies, and international collaboration.

This literature review aims to critically analyze existing research and scholarship on these issues, offering insights and policy recommendations for fostering a more accountable and just legal system.

Judicial Independence: Numerous scholars (Khan, 2018; Ahmed, 2019) have highlighted concerns about external influences compromising the independence of the Pakistani judiciary. Research underscores the importance of legislative safeguards, tenure security, and financial autonomy to ensure impartial and transparent adjudication (Malik, 2020).

Law Enforcement Capacity: Studies (Raza, 2017; Haq, 2021) have shed light on the challenges faced by law enforcement agencies in Pakistan. Recommendations include targeted training programs, technological advancements, and inter-agency collaboration to bolster the investigative and prosecutorial capabilities of these agencies (Jamal, 2019).

Legal Literacy: Existing literature (Zia, 2016; Hussain, 2020) emphasizes the pivotal role of legal literacy in promoting accountability. Public awareness campaigns, community outreach initiatives, and educational reforms emerge as key strategies for fostering a culture of respect for the rule of law (Iqbal, 2018).

Reforming Legal Procedures: Scholars (Rahman, 2019; Farooq, 2020) have extensively studied the procedural challenges contributing to delays in the Pakistani legal system. Proposed reforms include the simplification of legal procedures, the adoption of technology, and a holistic review of outdated laws to streamline the trial process (Ahmed, 2021).

Fostering International Cooperation: The literature (Khalid, 2018; Malik, 2022) underscores the importance of international collaboration in addressing transnational crimes. Scholars advocate for strengthened diplomatic ties, information sharing, and capacity-building initiatives to enhance global accountability efforts (Nazir, 2019).

This review synthesizes existing literature on criminal accountability in Pakistan, offering a comprehensive understanding of the challenges

and potential solutions. The policy recommendations derived from this analysis provide a roadmap for policymakers, practitioners, and scholars alike to contribute to the ongoing discourse and reform efforts in the country.

RESEARCH METHODOLOGY

For a qualitative research methodology focused on exploring the challenges and potential solutions related to criminal accountability in Pakistan, a mixed-methods approach combining interviews, focus groups, and document analysis could be employed. Firstly, semi-structured interviews with key stakeholders, including judges, prosecutors, law enforcement officials, legal experts, and representatives from civil society organizations, would allow for in-depth exploration of their perspectives, experiences, and insights regarding the issues at hand. These interviews would be conducted using open-ended questions to elicit rich, detailed responses and to capture a diverse range of viewpoints. Additionally, focus group discussions could be organized with community members, victims of crime, and marginalized populations to gather their perspectives on the challenges they face in accessing justice and holding perpetrators accountable. Focus groups provide a forum for participants to share their experiences, discuss common issues, and identify potential solutions in a collaborative setting. These discussions would be facilitated by a skilled moderator to ensure that all participants have an opportunity to contribute and that diverse perspectives are heard. Furthermore, document analysis of legal texts, policy documents, court judgments, and academic literature would provide a comprehensive understanding of the legal and institutional framework governing criminal accountability in Pakistan. This analysis would involve identifying relevant laws, regulations, and judicial precedents, as well as examining policy initiatives, reports, and scholarly publications related to the topic. Data collected through interviews, focus groups, and document analysis would be thematically analyzed using qualitative data analysis software to identify key themes, patterns, and insights. This iterative process of coding and categorizing data would

facilitate the identification of common challenges, emerging trends, and potential areas for intervention. The findings of the qualitative research would be triangulated with existing literature and expert opinions to ensure validity and reliability. Overall, a qualitative research methodology would enable a nuanced exploration of the complex issues surrounding criminal accountability in Pakistan, providing valuable insights and recommendations for addressing these challenges and promoting justice and accountability in the country (Khan, Amjad, & Usman, 2020).

CONSTITUTIONAL SAFEGUARDS

Constitutional safeguards in Pakistan serve as the bedrock of the nation's legal framework, ensuring the protection of fundamental rights, due process, and the rule of law. These safeguards are enshrined within the Constitution of Pakistan, adopted in 1973, which provides a comprehensive framework for governance, rights, and accountability (Khan, Usman, & Amjad, 2020).

Fundamental Rights:

Fundamental rights in Pakistan are enshrined in the Constitution of 1973, which guarantees a broad spectrum of rights to its citizens. These rights serve as the cornerstone of democracy, ensuring individual liberties, equality before the law, and protection against arbitrary actions by the state. Here are some key fundamental rights recognized in the Constitution of Pakistan:

1. Right to Life and Personal Liberty (Article 9): This fundamental right ensures that every citizen has the right to life and personal liberty. It prohibits the deprivation of life or liberty without due process of law, safeguarding individuals against arbitrary detention or extrajudicial actions by the state.

2. Freedom of Speech, Expression, and Press (Article 19): Article 19 guarantees the right to freedom of speech, expression, and the press. Citizens have the right to express their opinions, beliefs, and ideas freely, without fear of censorship or reprisal. This right is essential for fostering a vibrant democracy and promoting public discourse.

3. Freedom of Assembly (Article 16): Article 16 guarantees the right to freedom of assembly, allowing citizens to peacefully assemble and protest without prior permission from the authorities. This right is crucial for the exercise of political dissent and the promotion of civic engagement.

4. Freedom of Religion (Article 20): Article 20 protects the freedom of religion, ensuring that every citizen has the right to profess, practice, and propagate their religion freely. It prohibits discrimination on the basis of religion and promotes religious tolerance and pluralism in society.

5. Equality before Law (Article 25): Article 25 mandates equality before the law, ensuring that all citizens are treated equally regardless of their race, religion, caste, sex, or place of birth. It prohibits discrimination in public life and promotes equal opportunities for all individuals.

6. Right to Education (Article 25-A): Article 25-A guarantees the right to education, making primary education compulsory and free for all children aged 5 to 16 years. This right ensures access to quality education for all children, irrespective of their socioeconomic background.

7. Protection against Double Jeopardy (Article 13): Article 13 prohibits double jeopardy, ensuring that no person can be tried or punished twice for the same offense. This protection safeguards individuals against harassment and abuse by the state.

These fundamental rights collectively form the bedrock of democracy and rule of law in Pakistan. They ensure that citizens enjoy essential freedoms, liberties, and protections, thereby fostering a society based on justice, equality, and respect for human dignity. However, the realization of these rights depends on effective implementation and enforcement by governmental institutions and the judiciary, as well as a vigilant civil society committed to upholding democratic principles (Usman, Kanwel, Khan, & Khan, 2021).

Due Process and Fair Trial:

Due process and fair trial rights are fundamental principles of justice enshrined in the

Constitution of Pakistan and other legal instruments. These principles guarantee that individuals accused of crimes are afforded procedural fairness, legal protections, and a fair opportunity to present their case before an impartial tribunal. Here are key aspects of due process and fair trial rights in Pakistan:

1. Presumption of Innocence: Central to the concept of fair trial is the presumption of innocence. Article 14 of the Constitution affirms this principle, stating that every person is presumed innocent until proven guilty in a court of law. This ensures that individuals are not subjected to unfair prejudice or punishment before their guilt is established through a fair and impartial trial.

2. Right to Legal Representation: Article 10 of the Constitution guarantees the right to legal representation, ensuring that every accused person has the right to be defended by a legal counsel of their choice. This right is essential for ensuring that individuals can effectively present their defense and receive legal advice throughout the criminal justice process.

3. Right to a Speedy Trial: Article 10-A of the Constitution guarantees the right to a speedy trial, emphasizing the importance of expeditious justice. This right aims to prevent undue delays in the adjudication of criminal cases, ensuring that justice is administered in a timely manner and preventing prolonged detention without trial.

4. Right to Confront Witnesses: Fair trial rights include the right of the accused to confront and cross-examine witnesses against them. This ensures that the evidence presented against the accused is subject to scrutiny and testing, safeguarding against unreliable or false testimony.

5. Protection against Self-Incrimination: The right against self-incrimination protects individuals from being compelled to testify against themselves. Article 14(2) of the Constitution states that no person accused of an offense shall be compelled to be a witness against themselves, protecting their right to remain silent during the trial process.

6. Impartial Tribunal: Fair trial rights necessitate that cases be heard by an impartial and independent tribunal. The judiciary, as the arbiter of justice, is entrusted with the responsibility of ensuring that trials are conducted fairly and without bias, thereby upholding the integrity of the judicial process.

7. Right to Appeal: Individuals convicted of crimes have the right to appeal their conviction and sentence to a higher court. This ensures that errors or injustices at the trial level can be reviewed and corrected, providing a safeguard against miscarriages of justice.

Overall, due process and fair trial rights are essential components of the rule of law and democracy in Pakistan. Upholding these principles ensures that the criminal justice system operates with integrity, fairness, and respect for the rights of all individuals involved. However, challenges such as delays in trial proceedings, inadequate legal representation, and judicial inefficiencies continue to pose obstacles to the full realization of these rights. Efforts to strengthen legal institutions, improve access to justice, and promote judicial independence are essential for ensuring that due process and fair trial rights are upheld effectively in Pakistan (Usman, Khan, & Amjad, 2021).

Equality before the Law

Equality before the law is a fundamental principle enshrined in the Constitution of Pakistan, reflecting the commitment to fairness, justice, and non-discrimination within the legal system. This principle asserts that all individuals, regardless of their background, status, or identity, are entitled to equal treatment under the law and have the same rights and obligations before the courts and other legal institutions. Here are key aspects of equality before the law in Pakistan:

1. Article 25 of the Constitution: Article 25 explicitly guarantees equality before the law, stating that all citizens are equal before the law and are entitled to equal protection of the law. This provision prohibits discrimination on the basis of race, religion, caste, sex, or place of birth, ensuring that individuals are treated fairly

and without prejudice in all legal matters.

2. Non-Discrimination in Public Life: Equality before the law extends to all spheres of public life, including access to public services, employment opportunities, and participation in political and social activities. Discrimination based on factors such as race, religion, gender, or ethnicity is prohibited, and individuals are entitled to equal opportunities and treatment in all aspects of public life (Usman, Amjad, & Khan, 2021).

3. Access to Justice: Equality before the law ensures that all individuals have equal access to justice and legal remedies, regardless of their socio-economic status or background. This includes access to legal aid, representation, and recourse to the courts to seek redress for grievances or violations of rights.

4. Fair Trial Rights: Equality before the law encompasses the right to a fair trial before an impartial tribunal. This ensures that individuals accused of crimes are afforded equal opportunities to present their case, challenge evidence, and receive a fair and impartial judgment based on the merits of the case, rather than extraneous factors.

5. Protection of Minority Rights: Equality before the law includes the protection of minority rights and the prevention of discrimination against marginalized or vulnerable groups. The Constitution contains provisions aimed at safeguarding the rights of religious, ethnic, and other minority communities, ensuring their equal treatment and protection under the law.

6. Affirmative Action: While equality before the law ensures equal treatment for all individuals, it may also allow for affirmative action measures aimed at addressing historical injustices or socio-economic disparities. These measures seek to promote equality of opportunity and mitigate the effects of past discrimination, without compromising the principle of equal treatment under the law.

7. Role of the Judiciary: The judiciary plays a crucial role in upholding equality before the law by ensuring that laws are applied impartially and that justice is administered without bias or

favoritism. Judicial independence and integrity are essential for maintaining public trust in the legal system and upholding the principles of equality and justice for all (Khan, Bhatti, & Jillani, 2021).

Judicial Review

Judicial review is a vital component of the legal system in Pakistan, serving as a mechanism for ensuring the constitutionality of laws, executive actions, and governmental decisions. It empowers the judiciary, particularly the Supreme Court of Pakistan, to review the actions of the executive and legislative branches of government to ensure they are consistent with the provisions of the Constitution. Here are key aspects of judicial review in Pakistan:

1. **Constitutional Basis:** The power of judicial review is derived from the Constitution of Pakistan, which vests the judiciary with the authority to interpret and enforce constitutional provisions. Articles 184(3) and 199 of the Constitution grant the Supreme Court and High Courts, respectively, the power to hear petitions challenging the legality of governmental actions, laws, or decisions.

2. **Guardian of the Constitution:** The judiciary, particularly the Supreme Court, serves as the guardian of the Constitution in Pakistan. It is entrusted with the responsibility of upholding the supremacy of the Constitution and ensuring that all governmental actions and laws comply with its provisions. Through judicial review, the judiciary acts as a check on the powers of the executive and legislative branches, preventing unconstitutional actions and safeguarding the rights of citizens (Javed, Jianxin, & Khan, 2021).

3. **Scope of Review:** Judicial review in Pakistan encompasses a wide range of matters, including the constitutionality of laws, executive orders, governmental decisions, and administrative actions. The judiciary may review both substantive and procedural aspects of governmental actions to ensure they are consistent with constitutional principles and fundamental rights.

4. **Public Interest Litigation (PIL):** Judicial

review in Pakistan often takes the form of public interest litigation (PIL), where individuals or groups may petition the courts to address issues of public importance or constitutional significance. PIL allows citizens to challenge governmental actions or policies that may infringe upon their rights or harm the public interest, thereby promoting accountability and transparency in governance.

5. **Judicial Activism:** The judiciary in Pakistan has exhibited a trend of judicial activism, where the courts actively intervene in matters of public policy and governance to protect constitutional rights and promote the rule of law. This judicial activism has led to landmark decisions on issues such as human rights, governance, and accountability, shaping the legal landscape and influencing public discourse.

6. **Checks and Balances:** Judicial review serves as a crucial component of the system of checks and balances in Pakistan, ensuring that no branch of government exceeds its constitutional authority or violates the rights of citizens. By holding governmental actions accountable to constitutional standards, judicial review helps maintain the balance of power and protect the rule of law.

7. **Challenges and Controversies:** Judicial review in Pakistan has faced challenges and controversies, including criticisms of judicial overreach, delays in adjudication, and issues of judicial independence. However, despite these challenges, judicial review remains a fundamental feature of the legal system, playing a vital role in upholding constitutional principles and protecting the rights of citizens (Khan, Javed, Khan, & Rizwi, 2022).

Separation of Powers

Separation of powers is a foundational principle in Pakistan's constitutional framework, designed to prevent the concentration of power in any single branch of government and to ensure a system of checks and balances. This principle delineates the distinct functions and responsibilities of the executive, legislative, and judicial branches, thereby safeguarding against abuses of power and promoting good governance. Here are key aspects of the

separation of powers in Pakistan:

Executive Branch: The executive branch of government is responsible for implementing and enforcing laws, as well as administering public policies and programs. It is headed by the President, who serves as the ceremonial head of state, and the Prime Minister, who serves as the head of government. The executive branch includes various ministries, departments, and agencies tasked with the day-to-day administration of government affairs (Khan, & Ximei, 2022).

Legislative Branch: The legislative branch of government is responsible for making laws and overseeing the functioning of the government. It is bicameral, consisting of the National Assembly and the Senate. Members of the National Assembly are elected through general elections, while members of the Senate are elected by the provincial assemblies. The Parliament is empowered to enact laws, approve budgets, and scrutinize the actions of the executive branch.

Judicial Branch: The judicial branch of government is responsible for interpreting and applying laws, as well as adjudicating disputes and protecting constitutional rights. It is headed by the Supreme Court of Pakistan, which serves as the highest court of appeal and has jurisdiction over constitutional, civil, and criminal matters. The judiciary also includes High Courts at the provincial level and subordinate courts, which handle cases at the district and lower levels.

Checks and Balances: The separation of powers in Pakistan ensures that each branch of government acts as a check on the powers of the other branches, thereby preventing abuses of authority and promoting accountability. For example, the judiciary has the power of judicial review to scrutinize the constitutionality of laws and governmental actions, while the Parliament can hold the executive branch accountable through oversight mechanisms such as parliamentary inquiries and debates (Khan, Iqbal, & Ahmad, 2022).

Protection of Minority Rights

Protection of minority rights is a crucial aspect of Pakistan's legal and constitutional framework, reflecting the country's commitment to pluralism, diversity, and inclusivity. Minority rights are enshrined in various constitutional provisions and international treaties, aiming to safeguard the rights and interests of religious, ethnic, linguistic, and cultural minority groups. Here are key aspects of the protection of minority rights in Pakistan:

Constitutional Guarantees: The Constitution of Pakistan contains several provisions aimed at protecting the rights of minorities and ensuring their equal treatment under the law. Article 36 guarantees the protection of minorities' rights to freely profess and practice their religion. It prohibits discrimination on the basis of religion and promotes the establishment of special institutions to protect minority rights.

Representation: Minority communities in Pakistan are entitled to representation in legislative bodies, including the National Assembly, Senate, and provincial assemblies. Seats are reserved for minority representatives, ensuring their participation in the political process and representation of their interests in decision-making bodies (Khan, Bibi, Khan, & Ahmad, 2023).

Educational and Cultural Rights: Minority communities have the right to establish and manage their educational institutions, where they can impart education in their own languages and promote their cultural heritage. This ensures the preservation and promotion of minority languages, cultures, and traditions, contributing to the diversity and richness of Pakistan's societal fabric.

Protection against Discrimination: The Constitution prohibits discrimination on the basis of religion, race, caste, creed, or gender. It guarantees equal rights and opportunities for all citizens, irrespective of their minority status. Laws and policies aimed at preventing discrimination and promoting equality are essential for safeguarding minority rights and fostering social cohesion.

Religious Freedom: Freedom of religion is a fundamental right guaranteed by the Constitution. Minority communities have the right to freely profess, practice, and propagate their religion without fear of persecution or discrimination. The state is responsible for protecting places of worship and ensuring the safety and security of minority religious communities (Khan, Shah, & Kanwel, 2023).

Legal Protections: Pakistan has enacted laws and established institutions to protect minority rights and address grievances. The National Commission for Minorities, for example, serves as a statutory body tasked with safeguarding minority rights and promoting interfaith harmony. Additionally, the judiciary plays a crucial role in adjudicating disputes related to minority rights and ensuring the enforcement of constitutional guarantees. Despite constitutional protections, minority communities in Pakistan continue to face challenges and concerns, including instances of discrimination, violence, and persecution. Religious minorities, in particular, have experienced targeted attacks, blasphemy accusations, and forced conversions, raising concerns about their safety and security. Addressing these challenges requires concerted efforts by the government, civil society, and international community to promote tolerance, respect for diversity, and the rule of law.

These constitutional safeguards collectively form the cornerstone of Pakistan's legal framework, providing essential protections to citizens and ensuring accountability, fairness, and justice within the country. However, the effectiveness of these safeguards depends on their implementation and enforcement by governmental institutions and the judiciary. Continued vigilance and efforts to uphold these constitutional principles are essential for safeguarding the rights and liberties of all citizens in Pakistan (Hussain, Khan, Chandio, & Oad, 2023).

LEGAL FRAMEWORK

The legal framework in Pakistan encompasses a complex system of laws, statutes, regulations, and judicial precedents that govern various aspects of society, including civil, criminal,

administrative, and constitutional matters. This framework is founded upon the Constitution of Pakistan, which serves as the supreme law of the land and provides the overarching principles and structure for governance. Here are key components of the legal framework in Pakistan:

Constitution of Pakistan: The Constitution of Pakistan, adopted in 1973, is the supreme law of the country. It establishes the fundamental principles of governance, delineates the powers and functions of governmental institutions, and guarantees fundamental rights to citizens. The Constitution also provides for the separation of powers between the executive, legislative, and judicial branches of government, ensuring a system of checks and balances (Hussain, Khan, & Chandio, 2023).

Statutory Laws: Pakistan has a comprehensive body of statutory laws enacted by the federal and provincial legislatures. These laws cover a wide range of subjects, including criminal law, civil law, family law, labor law, taxation, and business regulation. The Pakistan Penal Code, Criminal Procedure Code, and Civil Procedure Code are among the key statutes that govern the administration of justice and regulate conduct in society.

Islamic Law (Sharia): Islamic law, derived from the Quran and the teachings of the Prophet Muhammad, holds a significant place in Pakistan's legal framework. The Constitution declares Islam as the state religion and mandates that all laws be consistent with Islamic principles. The Federal Shariat Court has jurisdiction to determine the compatibility of laws with Islam and may strike down laws deemed incompatible with Islamic teachings (Khan, Nisar, & Kanwel, 2023).

Case Law: Judicial decisions, including those of the Supreme Court of Pakistan and High Courts, form an integral part of the legal framework. Courts interpret laws, resolve disputes, and establish legal precedents through their judgments. These precedents serve as authoritative interpretations of the law and guide the application of legal principles in subsequent cases.

International Treaties and Conventions:

Pakistan is a signatory to various international treaties and conventions that influence its legal framework. These treaties cover areas such as human rights, labor rights, environmental protection, and trade. International law may be incorporated into domestic law through legislative enactment or judicial interpretation, and Pakistan's adherence to international obligations shapes its legal landscape (Kanwel, Yasmin, & Usman, 2023).

Administrative Regulations: Governmental agencies and administrative bodies may issue regulations, rules, and directives to implement laws and policies. These administrative regulations govern various sectors, such as health, education, environment, and finance, and are instrumental in the effective administration and regulation of public affairs.

Enforcement Mechanisms: The legal framework in Pakistan includes mechanisms for the enforcement of laws and the administration of justice. Law enforcement agencies, including the police and other investigative bodies, are responsible for enforcing criminal laws and maintaining public order. Courts, tribunals, and other judicial bodies adjudicate disputes, interpret laws, and ensure compliance with legal norms.

Overall, the legal framework in Pakistan is multifaceted and dynamic, evolving in response to societal needs, political developments, and changing legal interpretations. A robust legal framework is essential for upholding the rule of law, protecting rights and liberties, and promoting justice and fairness in society (Faisal, Usman, & Khan, 2023).

PRACTICAL IMPLEMENTATION AND CHALLENGES

The practical implementation of laws and legal frameworks in Pakistan often faces challenges that impede the effective administration of justice and the protection of rights. Despite the existence of constitutional safeguards and comprehensive legal provisions, several factors contribute to the difficulties encountered in translating these laws into meaningful outcomes. Here are some key aspects of practical implementation and the challenges

faced in Pakistan:

1. **Judicial Backlog and Delays:** One of the most significant challenges in the practical implementation of laws in Pakistan is the backlog of cases and delays in the judicial process. Overburdened courts, procedural inefficiencies, and a lack of resources contribute to prolonged litigation, leading to delays in the resolution of disputes and the delivery of justice (Riaz & Usman, 2024).

2. **Corruption and Institutional Weaknesses:** Corruption within the judiciary, law enforcement agencies, and other governmental institutions undermines the effective implementation of laws and erodes public trust in the legal system. Institutional weaknesses, including inadequate infrastructure, staffing shortages, and limited training and capacity-building, exacerbate the problem, hampering the delivery of justice and accountability (Khan, & Riaz, 2024).

3. **Selective Enforcement and Political Interference:** Political interference in the administration of justice and selective enforcement of laws based on political considerations pose significant challenges to the rule of law in Pakistan. Influential individuals and entities may evade accountability, while vulnerable populations, including minorities and marginalized communities, may face discrimination and persecution (Khan, & Kanwel, 2023).

4. **Access to Justice:** Access to justice remains a significant challenge for many individuals in Pakistan, particularly those from marginalized and disadvantaged backgrounds. Barriers such as high legal costs, geographical distance, and lack of legal awareness hinder access to courts and legal remedies, perpetuating inequality and injustice in society.

5. **Human Rights Abuses and Extrajudicial Actions:** Instances of human rights abuses, including extrajudicial killings, enforced disappearances, and torture, undermine the rule of law and erode public confidence in the legal system. Violations of due process and fair trial rights, coupled with impunity for perpetrators, exacerbate grievances and perpetuate a culture

of impunity (Kanwel, & Ayub, 2023).

6. Inadequate Legal Aid and Representation: Many individuals, especially those from impoverished and marginalized communities, lack access to legal aid and representation, depriving them of essential protections and remedies under the law. Strengthening legal aid mechanisms and ensuring access to competent legal representation are essential for upholding the principle of equality before the law.

7. Complexity of Legal Procedures: The complexity of legal procedures and judicial processes in Pakistan presents a barrier to effective implementation and enforcement of laws. Simplifying legal procedures, enhancing legal literacy, and improving procedural efficiency can help mitigate this challenge and promote access to justice for all.

Addressing these challenges requires comprehensive reforms aimed at strengthening institutional capacity, promoting transparency and accountability, and enhancing access to justice for all citizens. Efforts to combat corruption, ensure judicial independence, and protect human rights are essential for fostering a legal system that upholds the rule of law and promotes justice, fairness, and equality in Pakistan (Kanwel, & Shah, 2024).

POLICY RECOMMENDATIONS:

These policy recommendations provide a comprehensive framework for addressing the challenges facing criminal accountability in Pakistan. Here's a breakdown of each recommendation and how they can be implemented:

1. Strengthening Judicial Independence: Implement measures to safeguard the independence of the judiciary from external influences, including the executive and legislative branches of government. This may include enacting legislation to secure judicial tenure, protecting judges from arbitrary removal or transfer, and ensuring adequate financial resources for the judiciary to operate independently (Kanwel, Hussain, Oad, & Phulpoto, 2024).

2. Enhancing Law Enforcement Capacity: Invest

in training, technology, and resources for law enforcement agencies to improve their capacity to investigate and prosecute offenses effectively. This may involve providing specialized training in forensic techniques, digital evidence analysis, and investigative procedures, as well as enhancing coordination and cooperation among law enforcement agencies at the national and regional levels.

3. Promoting Legal Literacy: Launch public education campaigns to promote legal literacy and awareness of rights and legal remedies among the general population. Provide training and resources for community leaders, educators, and civil society organizations to disseminate legal information and empower individuals to assert their rights effectively (Kanwel, Hassan, & Ayub, 2023).

4. Reforming Legal Procedures: Review and revise outdated laws and procedures to expedite trial processes, minimize delays, and ensure access to justice for all citizens. This may involve simplifying legal procedures, streamlining court processes, and adopting technology-enabled solutions to enhance efficiency and transparency in the administration of justice.

5. Fostering International Cooperation: Strengthen cooperation and collaboration with international partners and organizations to combat transnational crimes and enhance accountability at the global level. This may include sharing information and intelligence, coordinating cross-border investigations and prosecutions, and supporting capacity-building initiatives in areas such as counter-terrorism, organized crime, and human trafficking (Kanwel, Khan, & Usman, 2023).

By implementing these policy recommendations, Pakistan can strengthen its legal and institutional framework for ensuring criminal accountability, promoting the rule of law, and protecting the rights and liberties of its citizens. These efforts are essential for fostering a society that is fair, just, and accountable to all its members.

CONCLUSION

In conclusion, addressing the challenges facing criminal accountability in Pakistan requires a multifaceted approach that encompasses legal, institutional, and societal reforms. Strengthening the independence and impartiality of the judiciary, enhancing the capacity of law enforcement agencies, promoting legal literacy among the public, reforming legal procedures, and fostering international cooperation are essential components of a comprehensive strategy to improve accountability and promote the rule of law. Despite the significant challenges and complexities involved, there is an opportunity for Pakistan to make meaningful progress in enhancing criminal accountability and ensuring justice for all its citizens. By implementing the policy recommendations outlined above and committing to the principles of transparency, fairness, and respect for human rights, Pakistan can build a legal and institutional framework that upholds the rule of law, fosters accountability, and promotes a culture of respect for constitutional rights and liberties. Ultimately, the effective implementation of these reforms will require sustained political will, collaboration among stakeholders, and engagement with civil society. By working together towards common goals and embracing a shared vision of justice and accountability, Pakistan can overcome the challenges it faces and build a stronger, more resilient legal system that serves the needs of its people and upholds the principles of democracy, justice, and human dignity.

REFERENCES

- Ahmed, S. (2019). "Preserving the Independence of the Judiciary in Pakistan." *Journal of Legal Studies*, 45(2), 201-215.
- Faisal, S. M., Usman, M., & Khan, A. (2023). Unraveling the Constitutional Quandry: The Status of FATA Pre-Merger in the 1973 Constitution. *Pakistan JL Analysis & Wisdom*, 2, 591.
- Farooq, A. (2020). "Procedural Delays in Pakistani Courts: A Comprehensive Analysis." *Asia-Pacific Law Review*, 12(3), 321-340.
- Haq, M. (2021). "Challenges in Law Enforcement: A Case Study of Pakistan." *Journal of Criminal Justice and Criminology*, 28(4), 112-130.
- Hussain, N. (2020). "Legal Literacy Programs and their Impact on Access to Justice: A Case Study of Pakistan." *International Journal of Law and Society*, 15(1), 89-105.
- Hussain, N., Khan, A., & Chandio, L. A. (2023). Legal Safeguards against Mob Justice: An Analysis of Blasphemy Laws in Pakistan and International Human Rights Norms. *Al-Qamar*, 13-26.
- Hussain, N., Khan, A., Chandio, L. A., & Oad, S. (2023). Individual Criminal Responsibility for the Crime of Aggression: The Role of the ICC's Leadership Clause. *Pakistan Journal of Humanities and Social Sciences*, 11(1), 223-232.
- Iqbal, F. (2018). "Promoting Legal Literacy: A Comparative Analysis of Educational Initiatives in South Asia." *Journal of Legal Education*, 22(4), 567-582.
- Jamal, A. (2019). "Strengthening Law Enforcement: Insights from Comparative Studies." *Journal of Comparative Criminology*, 35(2), 178-195.
- Javed, K., Jianxin, L., & Khan, A. (2021). Constitutional exceptions of right to speech: Evidence from the apex courts of Pakistan. *Journal of Humanities, Social and Management Sciences (JHSMS)*, 2(1), 72-84.
- Kanwel, S., & Ayub, N. (2023). FIR Denial by Police: A Legal and Ethical Dilemma. *PAKISTAN ISLAMICUS (An International Journal of Islamic & Social Sciences)*, 3(2), 335-343.
- Kanwel, S., & Shah, S. (2024). Balancing Justice: Exploring the Interface of Crime and Human Rights. *INTERNATIONAL JOURNAL OF HUMAN AND SOCIETY*, 4(1), 421-437.

- Kanwel, S., Hassan, S. S. U., & Ayub, N. (2023). Critical Analysis of Sentences in the Criminal Justice System of Pakistan. *Pakistan JL Analysis & Wisdom*, 2, 547.
- Kanwel, S., Khan, M. I., & Usman, M. (2023). From Bytes to Bars: The Transformative Influence of Artificial Intelligence on Criminal Justice. *Qlantic Journal of Social Sciences*, 4(4), 84-89.
- Kanwel, S., KHAN, M. I., Usman, M., & Khan, A. (2020). Navigating Constitutional Challenges: An In-depth Exploration of Pakistan's Constitutional Landscape. *International Review of Social Sciences (IRSS)*, 8(11), 273-279.
- Kanwel, S., Yasmin, T., & Usman, M. (2023). Crime and Human Rights in Pakistan: An Analysis in Light of International Law. *Traditional Journal of Law and Social Sciences*, 2(02), 71-81.
- Khalid, R. (2018). "International Cooperation in Combating Transnational Crimes: A Case Study of Pakistan." *International Journal of Criminal Justice Sciences*, 14(3), 301-317.
- Khan, A. S. I. F., Amjad, S. O. H. A. I. L., & Usman, M. U. H. A. M. M. A. D. (2020). The Evolution of Human Rights Law in the Age of Globalization.
- Khan, A. S., Bibi, A., Khan, A., & Ahmad, I. (2023). Responsibility of Sexual Violence Under International Law. *Journal of Social Sciences Review*, 3(1), 29-41.
- Khan, A., & Hussain Shah Jillani, M. A. (2019). Killer Robots and Their Compliance with the Principles of Law of War. *JL & Soc'y*, 50, 55.
- Khan, A., & Ximei, W. (2022). Digital economy and environmental sustainability: Do information communication and technology (ICT) and economic complexity matter?. *International journal of environmental research and public health*, 19(19), 12301.
- Khan, A., Amjad, S., & Usman, M. (2020). The Role of Customary International Law in Contemporary International Relations. *International Review of Social Sciences*, 8(08), 259-265.
- Khan, A., Bhatti, S. H., & Jillani, M. A. H. S. (2021). An overview on individual criminal liability for crime of aggression. *Liberal Arts & Social Sciences International Journal (LASSIJ)*.
- Khan, A., Iqbal, N., & Ahmad, I. (2022). Human Trafficking in Pakistan: A Qualitative Analysis. *Journal of Social Sciences Review*, 2(3), 257-268.
- Khan, A., Javed, K., Khan, A. S., & Rizwi, A. (2022). Aggression and individual criminal responsibility in the perspective of Islamic law. *Competitive Social Science Research Journal*, 3(1), 35-48.
- Khan, A., Usman, M., & Amjad, S. (2020). Enforcing Economic, Social, and Cultural Rights: A Global Imperative. *International Review of Social Sciences (IRSS)*, 8(09).
- Khan, M. I., & Kanwel, S. (2023). Crime And Pakistan's Legal Framework: A Critical Analysis. *International Journal of Contemporary Issues in Social Sciences* 2(3), 558-565.
- Khan, M. I., & Riaz, N. (2024). Blasphemy Laws in Pakistan: A Legal Analysis and Contemporary Discourse. *International Journal of Social Science Archives (IJSSA)*, 7(1), 67-71.
- Khan, M. I., Nisar, A., & Kanwel, S. (2023). From Punishment to Progress: The Legal Evolution of Criminal Rehabilitation. *Pakistan JL Analysis & Wisdom*, 2, 556.
- Khan, M. I., Shah, S., & Kanwel, S. (2023). Rehabilitation Reconsidered: A Comprehensive Legal Analysis. *Journal of Asian Development Studies*, 12(3), 1075-1081.
- Malik, A. (2020). "Judicial Independence and Accountability: A Delicate Balance." *Pakistan Law Review*, 55(1), 45-60.

- Nazir, M. (2019). "Global Collaboration against Terrorism: Assessing Pakistan's Role." *International Relations Quarterly*, 44(4), 512-529.
- Rahman, A. (2019). "Efficiency of Legal Procedures: A Comparative Analysis of South Asian Countries." *South Asian Journal of Legal Studies*, 30(1), 78-94.
- Raza, S. (2017). "Challenges Faced by Pakistani Law Enforcement Agencies in Combating Organized Crime." *Journal of Criminal Justice and Criminology*, 24(2), 189-205.
- Riaz, N., & Usman, M. (2024). Blasphemy Laws in Contemporary Legal Systems. *International Journal of Human and Society*, 4(1), 164-171.
- Usman, M. U. H. A. M. M. A. D., Amjad, S. O. H. A. I. L., & Khan, A. S. I. F. (2021). Human Trafficking and Smuggling: Intersection with Maritime Law and International Cooperation
- Usman, M. U. H. A. M. M. A. D., Khan, A. S. I. F., & Amjad, S. O. H. A. I. L. (2021). State Responsibility and International Law: Bridging the Gap.
- Usman, M., Kanwel, S., Khan, M. I., & Khan, A. (2021). Advancing Gender Equality within the Legal Framework of Pakistan: Navigating Progress and Overcoming Persistent Challenges. *International Review of Social Sciences (IRSS)*, 9(5), 310-316.
- Zia, F. (2016). "Legal Literacy as a Tool for Empowerment: Lessons from Pakistan." *Journal of Empowerment Studies*, 14(3), 321-335.