

## **From Punishment to Progress: The Legal Evolution of Criminal Rehabilitation**

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### **Abstract**

*Within the domain of criminal justice, the conventional method of employing punitive actions and seeking vengeance is currently experiencing a significant and fundamental change. "From Punishment to Progress: The Legal Evolution of Criminal Rehabilitation" explores the changing perspectives in the legal system, as it increasingly moves away from solely punitive measures towards a more comprehensive approach of rehabilitating offenders. This article examines the historical and current patterns in criminal rehabilitation, analyzing the legal changes that acknowledge the capacity for personal growth and society reintegration of those who have engaged in criminal activities. The article chronicles the evolution of the legal system, from early forms of punishment to the development of rehabilitative programs. The article also explores the diverse legal frameworks, regulations, and efforts that advocate for rehabilitation as a fundamental component of the criminal justice system. The text explores the difficulties and achievements in executing rehabilitation programs, their influence on reoffending rates, and the ethical concerns linked to this change in approach. This article examines the legal progression of criminal rehabilitation, offering an understanding of the shifting concept of justice and emphasizing the possibility of a more empathetic, efficient, and comprehensive method of addressing offenders. This necessitates a thorough analysis of how the legal system may effectively reconcile the objectives of fairness, safeguarding the public, and reintegrating persons into society, hence fostering a more fair and forward-thinking criminal justice system.*

**Keywords:** *Criminal Rehabilitation, Holistic Justice, Legal Evolution, Punishment vs. Progress, Recidivism.*

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### **1. Introduction**

The process of rehabilitation involves the utilization of many tools and techniques, and requires the

participation of multiple stakeholders. The background of rehabilitation spans several centuries, including the early period, the middle ages, and rehabilitation throughout the modern eras. Rehabilitation occurs at both the institutional and community levels. It encompasses the functions of correctional facilities such as prisons, the probation and parole system, and community services. The objectives and advantages of rehabilitation are assessed based on a human rights perspective, as well as the political, social, economic, and administrative benefits it brings. The primary objective of every state is to ensure the safety and well-being of its residents. In order to guarantee security, a variety of mechanisms are employed. It encompasses a range of elements such as the establishment of diverse organizations, the creation of an administrative framework, and the implementation of a legislative framework. The convergence of all these factors leads to the serenity of the state. The rehabilitation system is designed to ensure the long-term peace and stability of society (Andrews, & Bonta, 2010).

Rehabilitation refers to a system or process that aims to modify an individual's conduct in order to prevent them from engaging in any illegal activities, such as felonies, crimes, and misdemeanors. Implementing rehabilitation can be challenging for certain criminals and individuals, while it may be comparatively easier for others. The primary objective of criminal rehabilitation is to reintegrate the offender into society and foster their transformation into a responsible member of the community. The rehabilitation system encompasses various components. Firstly, it concerns the favorable alterations in the conduct of an individual or offender. Criminality is characterized by aggression and a lack of charity. The rehabilitation approach aims to modify this behavior through positive transformation. Furthermore, the purpose of the rehabilitation process is to guarantee the successful reintegration of a convicted individual into their own community. Each community or state establishes specific regulations that are adhered to by every individual. Whenever an individual deviates from the correct path and breaks those regulations, he/she is subjected to punishment. The rehabilitation process transforms unlawful behavior into lawful activity. Furthermore, it is crucial to note that the term rehabilitation encompasses more than just reintegration. It also refers to the process of transforming a criminal into a responsible and productive member of society. During the rehabilitation process, the offender is engaged in purposeful activities that enable them to become a productive member of society (Covington, & Bloom, 2003).

## **2. The Evolution of Criminal Rehabilitation Throughout History**

Assuming that every society must confront the increase in crime and criminal behavior, it follows naturally that rehabilitation is an essential component in the effort to manage crime within society. Over time, the system of rehabilitation has undergone a series of progressive adjustments. Consequently, the approaches to manage and reintegrate the offender have undergone significant changes. The chronicle of rehabilitation can be broadly categorized into three distinct divisions.

### **2.1. The Ancient Period**

During ancient times, the concept of rehabilitation would be regarded as antiquated in the present era. During antiquity, civilization was distinguished by rigid traditions and practices. The criminal justice system employed a method of trial and tribulation to both punish and rehabilitate offenders. The criminals were subjected to various trials, such as enduring exposure to fire and experiencing waterboarding, in order to discourage criminal behavior and facilitate their rehabilitation. During such periods, the implementation of severe penalties was employed to reform the offenders. An exemplary illustration of the ancient era can be observed in the implementation of Socrates (Cullen, & Gilbert,

2012).

Socrates was a prominent figure of ancient Greece during the classical period. Socrates was a nonconformist who would impart philosophical teachings to the young members of his society, which was plagued by numerous customs and the worship of misguided deities. He was found guilty. The ancient Greek authorities known as the "Thirty Tyrants" sought to restore their reputation by offering various incentives. However, in the end, they were handed a poisoned chalice, leading to their demise.

## **2.2. The Classical or the Middle Ages**

Once the classical period began, the previous system of punishment was substituted with a more rigorous and predictable form of punishment. Cesare Beccaria and Jeremy Bentham made significant contributions to the study of criminology throughout the classical period. Both individuals were proponents of the utilitarian school of philosophy and applied its principles to the field of criminology. According to utilitarian principles, when an individual commits a crime, they evaluate the nature of the offense and the circumstances in which it is committed. According to this theory, an individual's decision to commit or not commit a crime is influenced by the pain and pleasure principle. During this period, there was ongoing discussion about how to create a system in which criminals or potential criminals could be effectively rehabilitated. For that objective, it offered numerous mechanisms for the rehabilitation of criminals. These encompassed many approaches such as the notion of specific deterrence, broad deterrence, and the concept of routine behaviors theory (Hudson, 2016).

## **2.3. The Modern Age**

In historical context, the primary emphasis before the modern era was on use punishment to rehabilitate individuals and so deter the occurrence of crime. During the contemporary period, several factors emerged that fostered the development and success of modern rehabilitation equipment. The modern age is characterized by the occurrence of the Renaissance and the subsequent spread of liberal principles. During this era, the concept of social contract was discussed extensively, aiming to establish that the state has the responsibility of safeguarding its citizens and must undertake specific measures to prevent societal disorder.

The liberal ideas permeate every facet of the state, particularly the criminal justice system. It was around this period that the doctrine of positivist concept of criminality evolved. The origins of this ideology can be traced back to the works of Cesare Lombroso, who conducted a study on Italian prisoners and concluded that criminals should be seen as patients rather than just criminals. The earlier school of thought emphasized that crime was a purposeful act done by an individual. The positivist school of thinking challenged the traditional notion and instead emphasized that crime is a phenomenon that lies outside an individual's control. Hence, it is imperative to implement a series of measures aimed at enhancing the system's compassion and rehabilitating the offender, enabling them to reintegrate into society.

The most significant advancement throughout the modern era was the emergence of the behavioral school of thinking. According to this perspective, the actions of individuals dictate all outcomes. It was contended that achieving successful rehabilitation necessitates a favorable alteration in behavior. During this period, a significant development occurred with the introduction of more compassionate aspects of rehabilitation. It differed from the previous rehabilitation strategy that solely emphasized

punishment (Hussain, Khan, & Chandio, 2023).

### **3. The Instruments of Rehabilitation**

The rehabilitation system is a complex process that involves multiple processes, procedures, and the participation of various stakeholders. Therefore, the process of rehabilitating convicts should not be limited to the responsibility of a single entity, namely the state. Overall, the rehabilitation system can be classified based on the instruments or mechanisms employed to rehabilitate convicts.

#### **3.1. At Institutional level**

At the institutional level, there are multiple mechanisms by which criminals can be rehabilitated and transformed into responsible and engaged members of their community. The mechanisms at the institutional level encompass the following elements.

#### **3.2. Correctional Institutions**

Correctional establishments can be classified into two main categories: prisons and rehabilitation centers. Prisons are commonly referred to as "Total institutions". Prisons, from a sociological standpoint, are comprehensive organizations that enforce socialization and compel individuals to become members of society. The prison system is commonly referred to as a total institution due to its use of coercion to prevent criminals from leaving the premises. This type of constrained environment leads criminals to realize that the benefits of committing a crime are outweighed by its repercussions. The recognition of this fact, along with the subsequent detachment from loved ones and society, can lead to a successful process of rehabilitating criminals. The constrained setting also fosters greater self-discipline in him. Michael Foucault presents a similar idea of incarceration in his book "Discipline and Punish" (Khan, A. S., Bibi, A., Khan, A., & Ahmad, 2023).

Additionally, there exist specialized rehabilitation facilities that cater particularly to individuals involved in criminal activities. These centers are provided with advanced amenities such as medical facilities and the presence of social workers. They all collaborate together to facilitate the rehabilitation of the offender.

#### **3.3. Purposeful Activities**

During their incarceration in prison and rehabilitation facility, criminals participate in intentional activities that greatly contribute to their recovery. According to the proverb, when someone is not busy or engaged in productive activities, they are more likely to engage in negative or harmful behavior. When offenders are occupied with certain activities, it leads to their focus on those activities and deters them from committing further crimes. Criminals are exposed to a range of activities and taught numerous approaches through education and vocational training, both within and outside the prison.

#### **3.4. Educational Facilities in Prison**

The importance of education in all human endeavors and in all parts of society cannot be underestimated. Criminological perspectives posit a clear correlation between the perpetration of crime and the amount of education. Individuals with a lower degree of education are more susceptible

to engaging in criminal behavior compared to those with a higher level of education. This approach arises from the understanding that education encompasses not just the transmission of knowledge, but also serves as a social endeavor, equipping individuals with the necessary tools to actively participate in their community. The school system has a crucial role in fostering a strong sense of civic responsibility, which ultimately helps prevent crimes in society. The important nature of education in the rehabilitation system cannot be overlooked (Khan, A., Bhatti, & Jillani, 2021).

Various educational opportunities are offered to individuals in jail to cultivate a sense of responsibility among the criminals. The benefits of education in terms of fostering responsible citizenship can significantly deter future criminal behavior.

### **3.5. Vocational Education**

During their incarceration, prisoners get a range of vocational training programs. It fulfills two functions. Initially, it involves individuals in meaningful activities that enable them to generate income within the prison, so fulfilling their diverse need. Furthermore, engaging in these activities can significantly contribute to preventing him from succumbing to a multitude of social issues, as it equips him with the ability to generate cash upon his release from jail. Various crafts are taught during the process, such as tool-making, utensil-making, cap-making, and bead-making.

### **3.6. At Community Level**

The process of rehabilitation extends beyond the release of the criminal from prison and involves the participation of numerous stakeholders. Upon the criminal's release from jail, it is the duty of the community and administrative officers to effectively address the rehabilitation process.

### **3.7. Probation and Parole**

Probation and parole are distinct strategies aimed at reintegrating a criminal into their community through rehabilitation. Both entities play a crucial part in the recovery process and their significance cannot be underestimated. These two strategies, although distinct, are closely interconnected in the context of rehabilitation. These are the predominant systems utilized worldwide for the rehabilitation of offenders.

The probation system refers to an alternative to punishment. These are primarily offered for minor offenses and are intended for individuals who are first-time offenders and old, and due to numerous objective circumstances, cannot be incarcerated. The assumption is that incarcerating the culprit can exacerbate their criminal behavior. The court primarily grants probation. On this aspect, it also diverges from the parole system.

Parole is a system that allows for the premature release of a prisoner from incarceration. These types of amenities are offered by the government's executive branch. The early release of the prisoner is guaranteed upon determining their exemplary behavior and their compliance with specific conditions (Khan, A., Javed, K., Khan, & Rizwi, 2022).

Both probation and parole serve as rehabilitation instruments that can effectively deter the increase of criminal activity in society. The significant impact that both parties may have on the rehabilitation of criminals cannot be overstated.

### **3.8. Community Service or Volunteer Work**

Community-level voluntary work serves as an alternative kind of punishment and a means of rehabilitating convicts, ultimately reintegrating them into society. Upon their release from jail, the criminals are compelled to participate in community-level labor or engage in social initiatives such as assisting fellow criminals, aiding the impoverished, supporting women, and assisting other marginalized groups within society. Implementing these measures can significantly deter the increase of criminal activity and foster their integration into society in the long term.

## **4. The Purpose and Benefits of the Rehabilitation of Criminals**

### **4.1. Human Rights Oriented Approach**

Several human rights activists have described and conceptualized it within the framework of a human rights perspective. They argue that continuous imprisonment violates an individual's fundamental rights in several ways. Several factors clearly indicate this. Firstly, long-term imprisonment denies an individual the ability to live autonomously. A significant number of human rights activists argue that imprisonment results in the deprivation of an individual's liberty. According to them, it violates some of the rights outlined in the International Human Rights. As an illustration, the United Nations Declaration on Human Rights in 1948 stipulates, in article 3, that no individual should be denied the protection and freedom of their person. Furthermore, the criminal justice system is plagued by numerous additional issues, hence necessitating the conclusion that the sole path to societal advancement is the rehabilitation of offenders. Considering the numerous shortcomings of Pakistan's criminal justice system, such as the persistent issue of case delays. In such circumstances, the incarcerated under trials exacerbate and exacerbate the issues faced by the criminals.

Significantly, human rights activists express their opinions strongly on the use of jail as a method to address the increasing crime rates. According to their perspective, the persistent confinement of a wrongdoer results in the loss of their identity and has various detrimental effects on their societal and financial development (Lipsey, & Cullen, 2007).

### **4.2. Political Benefits**

Adopting an inclusive approach in politics yields numerous advantages. The principles of democracy mandate that the worries and considerations of every citizen in the state are to be given equal weight. Failure to establish an environment conducive to harmony can lead to the emergence of divisions and conflicts that ultimately disrupt the peace of society. The rehabilitation process should be founded upon the principles of the rule of law and the acknowledgment of the rights of the offenders. Criminals should not be vilified during their rehabilitation; instead, they should be treated with proper respect.

Effective rehabilitation processes yield various political advantages. Initially, this results in the criminals perceiving that the rewards of engaging in illicit activities are smaller in comparison to the negative outcomes linked to committing a crime. This view has the potential to create a feeling of civic duty among the criminals. Once this mentality is cultivated, it results in comprehensive development of the state as offenders acknowledge the supremacy of the state's laws. Criminals are individuals who engage in activities that contravene the legal statutes of the state. Once an individual begins to comply with the laws, the occurrence of criminal behavior is instantly eliminated.

### **4.3. Economic Benefits**

The perpetual incarceration of the offender not only imposes a financial burden on the state's treasury but also overwhelms the criminal justice system. An increase in the number of criminals necessitates additional resources and funding to address their diverse demands. Furthermore, once the criminal has undergone rehabilitation, they have the potential to become a productive member of society and make valuable contributions to the economic growth of the nation. Therefore, the economic advantages cannot be disregarded (Sveaass, 2013).

#### **4.4. Social Benefits**

Society, as viewed through a functionalist lens in sociology, is a cohesive entity in which each component functions in accordance with its designated duty. The proliferation of crime and criminal behavior is an unavoidable occurrence in any civilization. The presence of such atrocities cannot be excluded. However, after a crime has been committed, it is necessary to establish a framework to avoid future crimes. During the rehabilitation process, convicts are reintegrated into society and afterwards adhere to the culture, tradition, and customs of the society. Therefore, the rehabilitation system also offers numerous advantages in terms of the social benefits it provides for various parts of the state.

#### **4.5. Administrative Advantages**

Ensuring the prevention of crime in society is a significant administrative undertaking. Numerous developing nations have been unsuccessful in curbing the escalation of criminal activities within their societies. It has caused numerous issues for the state's administrative framework. The rehabilitation of criminals will alleviate the strain on the state's administrative system, since the emphasis will then be placed on social development, ultimately leading to societal prosperity (Vitiello, 1990).

### **5. CONCLUSION**

Ultimately, the tools of rehabilitation have been crucial in transforming the framework of the criminal justice system. From a historical standpoint, we have observed the evolution of punitive measures into more compassionate and comprehensive programs that seek to rehabilitate offenders and support their successful reintegration into society. The methodologies and tactics utilized in rehabilitation programs have progressed over time, adjusting to our expanding comprehension of human behavior, psychology, and societal dynamics. These rehabilitation tools include many interventions, such as counseling, therapy, education, vocational training, and community-based support systems. Although the degree of success may differ, the primary objective remains unchanged: to disrupt the pattern of criminal behavior, decrease the likelihood of reoffending, and foster the possibility of constructive transformation among those who have engaged in unlawful activities. However, the endeavor to achieve efficient rehabilitation is not devoid of obstacles. The success of rehabilitation programs relies heavily on the crucial factors of accessibility, meticulous design, and sufficient funding. Furthermore, it is crucial to achieve a careful equilibrium between rehabilitation and the preservation of public safety, with the ultimate objective of establishing a fair and impartial society that upholds the rights of criminals while ensuring the protection of the public. Future advancements in rehabilitation tools will be driven by research, best practices, and a dedication to promoting positive transformation. It is crucial that we carefully and critically assess the efficiency and equity of these instruments as we progress, and also support their further integration into the criminal justice system. By adopting this perspective, we can aim for a more restorative and empathetic approach to the criminal justice system

that not only tackles the underlying factors behind criminal conduct but also fosters the advancement and welfare of individuals, their families, and society at large.

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