

Comparative study of the Criminal Justice System in Pakistan and the UK

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Abstract

The study aims to conduct comparative analysis of the criminal justice systems (CJSs) in Pakistan and UK which is primarily emphasizing legal frameworks, court processes, police accountability and fast tracking as well as also intends to examine similarities and differences between CJS in Pakistan and the UK assess the effectiveness of each system in dispensing justice and make suggestions for improvement based on best practices. The study has shown that Pakistan's CJS is totally different from its British counterpart: for example, in terms of police checks and balances and also how quickly justice is dispensed. In a nutshell, the UK judiciary works better than all the other countries' due to transparency it possesses unlike jurisdictions such as Pakistan suffering from corruption and delays for many reasons. In conclusion, this study emphasizes the need for strong legal frameworks; institutional reforms and global collaboration towards more effective and fairer CJSs. The suggestions entail building up court infrastructure to promote accountability by police as well as enlightening general citizenry on law. Most importantly, this evaluation is an indispensable resource for policymakers, practitioners or academicians who seek to have a better comprehension or enhance different CJSs.

Keywords: Comparative Analysis, Criminal Justice System, Pakistan, UK, Legal Frameworks, Judicial Processes, Police Accountability

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1. Introduction

The main object of Criminal Justice System (CJS) is to provide laws and set rules, regulations as well as principles regarding the punished to the persons in the question of violation of law which is prohibited by competent authority and also protected society from any harm. It is fundamental part of any government regarding the maintaining any order and plays significant role concerning

the upholding the rule of law in the administration of justice (Ifarish, S., Sobia, & Muhammad Zulfiqar Liaqat. 2023). The police, prosecution, courts plays significant role in the CJS of Pakistan. Investigation, prosecution and courts are the main pillars or institutions of the CJS (Khalil, I., Usman, A., & Amjad, A. 2021). These pillars plays significant role in the CJS such as it would be difficult to identify and apprehend criminals without investigation. It would be difficult to convict criminals without effective prosecution, and hold them accountable for their crimes. Finally conducted trial regarding the protection of accused's rights and victims' rights are according to rule of law (Raza, A., & Khan, A. 2023). The CJS is an important part of any society regarding protection of people from any harm and to maintain order for the administration of justice. It is fundamental principles of CJS that everyone is equal in the eye of law and that everyone has the right to a fair trial (Ullah, Q. 2024). The National Legal System of Pakistan, CJS in particular, contains a general principle that any breach of the law or any act which is punishable by law must be punished (Jamshed, J., & Bakhsh, F. 2024). It is the obligation of the State to make sure that there is cheap and quick justice available to all so as to advance Societal Justice and eradication of social evils. The CJS consists in investigation by police, trial by courts and implementation of court's verdicts through prison authorities (Aziz, M. A., et al 2024).

The comparative study examines the CJSs in Pakistan and the UK through a doctrinal legal research methodology. This research method studies statutes, judicial decisions, academic commentaries and legislative frameworks, organizational structures, procedural aspects, key stakeholders, human rights imperatives and challenges faced by both systems (Ibragimov, K. 2024). It seeks to draw out similarities, differences, strengths and weaknesses through an elaborate analysis that would help one understand how each system works in its own culture. Finally it seeks to contribute to the current dialogue about global reforms of criminal justice systems especially with regard to their effectiveness fairness and accountability.

2. Criminal Justice System in Pakistan

Long and also complex history of the CJS in Pakistan which is influenced by British colonial government, Islamic law and the country's own unique culture and traditions, the CJS in Pakistan has come a long way of development. The CJSP was formed in 1947 as soon as Pakistan became independent from Britain. The system thus largely borrowed from the British colonial system that itself relied on English common law approach (Baloch, A. M. 2024).

Before the British Raj, there was a system of justice in which princely states had their own codes, heavily influenced by Mughals. Aiming at unification, "Indian Penal Code" is a draft that was suggested by The First Law Commission, which was led by Lord Thomas Babington Macaulay in 1834 as commissioned by the then British government. It became an act in 1860 to facilitate the subjugation of rebellious natives and prevent British subjects from some of the proceedings of a district court (Islahuddin, M., & Saqib, L.)

To ensure uniformity in implementing substantive law, a Unified Criminal Procedure Code was introduced in 1898. After partitioning from India in 1947, Pakistan adopted it and incorporated within its legal structure. Later on, it found its place in Pakistani Constitution of 1973. However, there have been amendments over time including the introduction of Haddoo Laws and Qanoon-e-Shahadat Ordinances but these laws are still applicable today. In Pakistan, the three main laws that govern criminal law are: the Criminal Procedure Code of 1898 which is a procedural law, Pakistan Penal Code (substantive law) of 1860 and finally the Constitution Act (1973). Service rules also control such elements as judicial pronouncements by courts and parliamentary proceedings other than these legislations (Rizvi, S. G. A., & Bhatti, S. H. 2022).

3. The components of the Criminal Justice System in Pakistan

The CJS of Pakistan comprises of main five components: Police, Prosecution, Courts, Prisons and Correctional Services (Ali, B., Ijaz, S., Asghar, A., & Touseef, M. 2024). **Police:** These components plays vital role according to integrity, impartial and independence in its own domain of inspiration in order to development fair system in Pakistan. It is an exclusive duty of police to investigate the criminal act in Pakistan through fair and justice. The police empowered by law to investigate crimes and collect evidence regarding the violation of any offence which is prohibited by law. The police are also responsible for arresting the criminal person or persons in question of committing crime and bringing them to trial (Alamgir, A. 2024). In Pakistan police are organized with special legal frameworks which are

The investigation of a crime starts right after it has happened within a certain area where law enforcement agencies such as a police station are located. Moreover, there are several federal law enforcement agencies (LEAs) in addition to the seven provincial police departments which have concurrent law enforcement functions like ICT, GB, and AJ&K. These include Pakistan's Federal Investigation Agency (FIA), Anti-Narcotics Force (ANF) etc (Ali, B., Ijaz, S., Asghar, A., & Touseef, M. 2024)

The main problem with the Pakistan's police's mix of duties is that criminal investigations require different skills and abilities than crime prevention and control, including the exercise of preventive jurisdiction. It is difficult for officers to perform both types of functions equally well (Ali, B., Ijaz, S., Asghar, A., & Touseef, M. 2024). Additionally, the heavy time burden imposed by preventive actions reduces the time available for criminal investigations to almost zero. This difficulty is encountered in most developing countries, and the functional weaknesses and abuses that it causes undermine the very foundations of criminal justice in all of them. The only effective solution to the problem is to separate these two functions by creating specialized agencies that are solely responsible for conducting criminal investigations, leaving the regular police to maintain public security and order and prevent crime.

Public Prosecutors (PP): The Pakistan criminal legal system provide unique feature of two-tiered system for the PP system which are functioning in the federal and provincial levels. Each province established its own Public Prosecution Department which is headed by an Advocate General appointed by the provincial government. These departments plays significant role in the criminal cases within their own jurisdiction to ensure and upholding justice. The federal government maintained its own independent Public Prosecution Office across the country (Ali, S. H. 2015).

While Section 492 of the Cr.PC. in Pakistan lays the foundation for PP by provincially appointed officers, the who's who behind the power button is a little more nuanced. The "executive authority" mentioned in the code refers to the Governor, but hold on—Article 129 of the Constitution throws a curveball. It clarifies that this authority is actually wielded by the Chief Minister, acting as the face of the Provincial Government (which, by the way, includes them and the Provincial Ministers). So, in essence, the Chief Minister, not the Governor directly, calls the shots when appointing public prosecutors and other officials, but they do so within the legal framework set by the Cr.P.C (Khan, A. S., Rasool, S. W., & Iqbal, H. 2024).

Across Pakistan's provinces, the legal framework for prosecutors is a tapestry woven from five distinct Acts:

1. Punjab Criminal Prosecution Service Constitution Functions and Powers Act 2006 (Asif, M., Fazal, H., & Akbar, M. S. 2024).
2. Sindh Criminal Prosecution Service (Constitution, Functions, and Powers) Act, 2009 (Murtaza, A., & Siddique, O. n.d.).

3. Khyber Pakhtunkhwa Prosecution Service (Constitution, Functions, and Powers) Act, 2005 (Imran, Y. 2020).
4. In Baluchistan the Baluchistan Prosecution Service (Constitution, Functions, and Powers) Act, 2003 (Hasan, G., Faiz, J., & Azeem, A. 2023).
5. For the prosecution's functions, role and powers in the CJS Islamabad Capital Territory Criminal Prosecution Service Act, 2022 plays significant role in its own territory jurisdiction (Wattoo, K. N. 2022).

The duty of prosecutors in collaboration with the Police begins promptly upon the filing of a FIR. Police officers must submit a duplicate of the FIR to the District Public Prosecutor, who reviews it, provides directions to the Head of investigative as needed, and supervises, evaluates, and monitors the whole investigative process. The Punjab and Sindh Prosecution Act limits the prosecutor's role to just examining the Challan, whereas the Sindh and KP Prosecution Acts include the prosecutor's responsibility to supervise the whole investigative process. Section (7) of the Punjab Criminal Prosecution Service (Constitution, Functions and Powers) Act 2006 provides more details (Munir, M. 2021) **Courts:** In Pakistan, the courts having responsibility for handling criminal cases are normally referred to as trial courts and senior magistracy and sessions, respectively. The country's court system has two levels; the higher and lower courts. High Courts, Federal Shariah Court and Supreme Court of Pakistan make up the superior judiciary while District & Sessions Courts, Courts of Civil Judges cum Judicial Magistrates (Class 1-3) and Courts of Executive Magistrates (Class 1-3) form part of the subordinate judiciary. Special Judicial/Executive Magistrates have been appointed to monitor different police stations in addition to performing other duties in law enforcement alongside the police force. These magistrates work at each tehsil/taluka level in every district throughout the country (Gul, P., & Ali, B. 2020).

The Code of Criminal Procedure 1898 (Section 6) together with Part VII of the Constitution Act 1973 provide the legal foundation for magistracy and session courts respectively. These courts apply due process during conducting trials as prescribed by statute, towards establishing facts upon which proceedings should be based. An arrested person must appear before a competent court within twenty four hours. The method employed by court is adversarial where prosecution bears burden proof beyond reasonable doubt therefore accused person presumed innocent until proven guilty (Shahzad, J. A., Ahmad, M., & Qasim, M. 2022).

Prisons: The control over the management of prisons in Pakistan is domiciled with the Provincial Home Departments. In the Criminal Justice System (CJS), an entity exists which specializes in holding accused persons until their cases are completed and also providing places for incarceration of convicts. The Prison Department operates under administrative control of respective provincial Home Departments. Inspector Generals of Prisons head that department, and Regional Deputies assist them to execute their duties (Akbar, M. S., & Bhutta, M. H. 2012)

There are four kinds of prisons in Pakistan: Central Prisons; Special Prisons; District Prisons and Sub-Jails though all districts or divisions do not have district as well as central jails as per the requirements laid down by the Constitution. Prisons house both awaiting trial inmates and those already proven guilty. Moreover, post-arrest judicial lock-ups for under-trials, care, custody, and control after adjudication process over offenders as well as medical treatment facilities to sick convicted criminals are some of its activities. Furthermore, it falls within the mandate of Prison Department to make sure that prisoners access justice. These rights include parole options during incarceration, right to appeal a conviction in High Court (under section 408), right to appeal in Supreme Court (under section 410), bail after conviction (under section 426 during pendency of appeal) and final release based on case circumstances. Bail can be granted before or after

conviction depending on circumstances such as gravity of charges against him/her among others. This is because these rights are available even when an individual is not found guilty but has been charged for committing an offence according to law (Bhutta, M. H., & Akbar, M. S. 2012).

Correctional Services: Rehab programs are vital because Pakistan's Correctional Services has to rehabilitate and reintegrate the inmates back into their communities by changing and molding their behavior. The non-dependent convicts would become law abiding citizens, thus reducing the burden on the prison administration. Moreover, it is important to note that this aspect of criminal justice system is under the jurisdiction of provinces through their Home Departments. Correctional Services department is headed by Director General who is usually under the Home Secretary/Additional Secretary. Consequently these officials are performing various tasks in relation to correctional services ranging from reintegration initiatives and rehabilitation programmes (ur Rehman, T., Usmani, M. A., & Parveen, S. 2021).

Directorates of Parole and Probation were established in 1927 as alternatives to imprisonment and placed under Home Department. After independence all provinces created similar directorates within their respective Home Department with a view to enabling proper implementation of parole and probation programs which assist offenders in reforming themselves before they integrate successfully back into the community (Khan, M. S., Anwar, M., & Afzal, A. 2024)

4. Addressing Discrepancies in criminal justice system of Pakistan

In Pakistan, only the police are responsible for criminal investigations that are regulated by specific law distinct from the CrPC which deals with investigation procedure alone. The administration is district-based and headed by superintendents of police, below whom there are different police stations. These stations have inspectors or sub-inspectors who work under the superintendent's directions. This follows information about commission of a cognizable offence being received and recorded at one of the police stations. The chief methods used include questioning, scientific forensic inquiry, and search. Arrests and searches are authorized in large measure by the Criminal Procedure Code. It may also be initiated if there is "reason to suspect" that a cognizable offence has been committed (Waqar, M., & Iqbal, A. 2022).

When FIR does not register under section 154 Cr.P.C., it may involve the issue of police incompetence or criminal negligence; in the same vein, Section 173 of the Code of Cr.P.C provides that investigations should be conducted by Police. The Human Rights Case No.19526-G OF 2013 concerning murder with respect to Daughter-in-law of Inspector General of Police was filed before Supreme Court and it was held that KPK police's action constituted abuse of power as they did not register an FIR on 19-5-2013. The Court further added its conclusion that prima facie facts indicated a possible illegal denial by the police from which could lawfully seek redress, thus infringing upon Section 154 Cr.P.C., which defines certain principles enunciated in relevant judicial opinions and statutes. So, IGP KPK along with his subordinates had no legal basis to obstruct petitioner's quest for justice. It may either boil down to one among two several things: this looks like another case of police inefficiency; alternatively it might be criminal negligence which was influenced by either external pressures or other motives". However law-abiding officials have their duties towards fair procedures for victim party even under any external pressure (Afzal, M., Zaman, M. S., & Asghar, U. 2023).

At the moment, Pakistan today does not have a specific agency for criminal investigations, posing a great challenge to justice administration. The current police structure in place is an inheritance from pre-independence times designed mainly for administrative convenience, aimed at maintaining security and order during turbulent times of politics and social life. Unfortunately, this historical context has meant that the police force is often used as a means of political oppression.

This is demonstrated by some provisions in the Penal Code which allow police officers to take people into custody under certain conditions without either an arrest warrant or authorization by any magistrate. This power is further extended by the code so as to permit them into effecting arrests without warrants or magisterial orders if cognizable offences are about to be committed and they feel compelled into arresting instantly lest they are committed. Significantly, there are no legal provisions requiring proof or verification of such information relating to a victim's alleged intention to commit crime before he/she was arrested (Waqar, M., & Iqbal, A. 2022).

The judicial system's lack of independence is a major problem for it. Political interests often manipulate legal proceedings, leading to unjust decisions and significant delays in the administration of justice. Consequently, politicians can interfere with the appointment of justices leading to favoritism and corruption across the whole judiciary (Papers, 2021) The erosion of Pakistan's judicial independence assumes various forms including political interference which is a leading factor undermining impartiality in the country (Hussain, 1988). The influence of political forces on judges poses a real danger to their impartiality and hence has potential for making biased judgments against or favoring some parties. This can be done through intimidation, bribery, or forceful measures among others thereby compromising judicial autonomy and fairness (Afzal, M., Zaman, M. S., & Asghar, U. 2023).

In Pakistan, corruption permeates the CJS in which legitimacy and preferential treatment are often based on power and wealth. These corrupt acts spread across the justice system thereby leading to a decline of public confidence in the CJS and legitimacy of the government itself. In every part of the judicial system in Pakistan bribery is common practice that facilitates manipulation of justice by those who have money or influence. It is when money and connections can manipulate justice rather than it being disbursed equally that our country begins to lose its rule of law, and we begin to be disillusioned with our judicial system. This is rampant in Pakistani courts where litigants bribe judges and court officials for favorable judgments. Even influencing judge selection process or bribing court personnel to tamper with records or destroy evidence illustrate how deeply corruption has entrenched itself within (Javaid, 2010).

One major challenge in the criminal justice system today is the delay in submitting charge sheets, challans and interim-challans to court. Under section 173 (1) of the Code of Criminal Procedure 1898, police officers are required to complete investigations promptly and submit investigation reports (challans) through the public prosecutor to a relevant court within fourteen days after FIR registration. However, there is often tardiness in making such submissions during many criminal trials. After or while they have submitted incomplete challans or interim reports, all too frequently do police need extra time for wrapping up the probes? Prompt submission of these reports is an indispensable element of the justice process since it prevents potential witnesses from avoiding testifying against suspects by dying or vanishing thus impeding access to justice for victims when they are still alive (Afzal, M., Zaman, M. S., & Asghar, U. 2023).

In the case of *Adnan Prince v The State*, regarding the bail application of the accused person who was charged under Sections 295-A, 295-B & 295-C of Pakistan's Penal Code (XLV of 1860) for desecration of the Holy Quran, in paragraph 9 of its judgment in this matter, the Supreme Court of Pakistan issued a stern warning to the prosecutor/state. The Court stressed that public officers invested with state resources and working in cases involving capital punishment should not only be justified by statutory obligations. These acts are a clear violation of sections 540-A(1), 495(Cr.P.C), Art.37(d) and section-3(a) CrPC which is mandatory for Prosecution branch as well as criminal Procedure code; failing which would amount to illegally flouting provisions under respective laws including Constitution (PLD, 2017).

The court has also pointed out that every accused person must have right to speedy trial, non-compliance thereto amounts to denial justice. Again on restructuring police force into preventive/detective, investigation and prosecution wings (para6). However, despite huge financial investment made on this exercise did not improve system efficiency. On top of that there were no effective supervisors by these Wings who could guide them to discharge their respective responsibilities in line with those provided by law only making it efficient. This inefficiency and lack of effective police supervision caused late submission charge sheets and challans in Criminal Courts thus dragging on litigation process thereby causing unnecessary delays (PLD 2017)

Lack of cooperation between police and prosecutors was an issue raised among others. For instance in Punjab alone over 65% of criminal cases results in acquittal. This was recognized by the Prosecutor General for Punjab that most times even after being convicted at the trial court level significant majorities are acquitted on appeal. These numbers from Supreme Court do not just point to weaknesses in investigation and evidence gathering but also hint unto serious challenges with our prosecution system. If we want to successfully prosecute criminal cases, close cooperation between law enforcement agencies and prosecution is a must. Such situation is problematic when police officers maintain an unclear relationship with investigators during investigations without Standard Operating Procedure (SOP). Thus they do not aid in quick investigations into any cases at all (Shabbir, S. S. 2022).

The case of Muhammad Ejaz v. State was a complete reminder from the Supreme Court regarding the significance of protecting both accused persons and prosecution witnesses based on “Due Process of Law”. The accused persons should at least have an equal opportunity to challenge against being charged with misdeeds, but likewise the prosecution and its witnesses deserve some legal defenses that could enable them to go ahead with their case without inconvenience or suffering. Therefore, justice cannot be achieved without balancing of scales since all parties should receive equal protection under law (SCMR, 2021).

Similarly, in Imran Abbass v. State, witness protection was once again emphasized by the Supreme Court as a vital part of an efficient criminal justice system administration. It is worth noting that witness protection is important for maintaining integrity in the judiciary hence it remains the responsibility of state functionaries at all levels to protect vulnerable witnesses as a matter of duty. Finally, we must ensure that there is no fear for oppressive tactics among witnesses so as they can give evidence which will result in true and balanced justice as stated by this Court (SCMR 2021). Moreover, it was observed in the Watan Party v. Federation case that hunting for compelling evidence necessary for prosecution within courtrooms is government’s obligation; not only this but also it has been exhaustively provided with its why’s by stating why legislation must create mechanisms to safeguard witnesses, law enforcement agencies’ personnel and Judges who guarantee fair dispensation of justice (PLD, 2011)

In order to prolong the trial process, criminal defense lawyers frequently request adjournments, even on flimsy reasons. Courts frequently grant such adjournments without considering the significant loss caused by mismanagement of time. In Haider Ali case, the Supreme Court observed that sometimes defense lawyers intentionally delay resolution of cases (SCMR, 2015). Similarly, in Anti-Corruption Establishment, Punjab v. National Accountability Bureau, it was held that although parties have a right to be heard and represented by counsel but this should not be used as a tool to obstruct justice through infinite delays (SCMR, 2017)

A very worrisome phenomenon in superior courts is the practice of condoning delay in criminal cases and appeals not filed within statutory time limits, often justified under the courts’ inherent powers. In Muhammad Nawaz v. State, the Supreme Court allowed a 145-day delay in filing a

petition for leave to appeal due to the nullity of the accused's conviction and general leniency on delays in criminal cases. Nonetheless, this leads to less effective administration of criminal justice (PLD 2002).

One major cause of delay in the criminal justice system is no statutory time limits for fixing and disposing of criminal appeals in various levels of superior court (High Courts and Supreme Court). However, neither High Courts' Rules nor Supreme Court Rules have expressly dealt with this area which has resulted into pending trials for several decades.

It is incumbent upon judges who preside over criminal matters to apply the law correctly. As concurred by the Supreme Court judges in *Chairman NAB v. Muhammad Usman*, judges are mainly responsible for applying correct law to each individual case before them. They must ensure that fair trials are held within reasonable time frames through curbing unwarranted adjournments, ensuring witnesses appear at hearings, timely recording of evidence and proper application of law both lower and appellate courts (PLD, 2018).

5. The Criminal Justice System in the UK

The CJS of the UK has gone through countless modifications since its inception each change molded by many different theories on how lawmaking should work, what society wants and what obstacles stand in our way to make things better (Hostettler. J. 2009). There is no such thing as a single justice but it varies as time goes on, always changing. What was once accepted does not mean it still will be. Justice shapes itself to fit the society that it lives in and everything else that comes with it must do the same to survive in this ever-changing world. The way we punish the guilty in today's legal system is very different than it was for our ancestors and that difference is staggering. If society truly wants to move forward and progress, then there needs to be an understanding of how far we've come so far. Looking back at history, one can see how much has been done and why it needed to be done. From medieval times up until now with our modern constitutional principles, tons of changes have been made over time for good reason in mind. As long as those reasons are understood and acknowledged, then maybe more changes will come based on what we call justice moving forward into the future, which will hopefully be even brighter than where we are today thanks to them all thus far (Peter Joyce.P & Laverick. W, 2022).

In the UK, the roots of its justice system reach wide and deep. One of these deep roots can be traced back to medieval England. Communities in those days had a moral duty to protect each other. For them, this meant doing their own policing and even investigating and punishing crimes themselves. Imagine having to do that for every wrong-doing? It's a long task but someone had to do it. They used thorough investigations, customary practices, and basic techniques to get the job done. Then when the Norman Conquest happened in 1066, more changes came about when the authority of the King's Peace centralized power and helped lay the groundwork for a more organized legal system. Legal institutions were developed during this time and it enabled the judges who actually traveled to various cities, thanks to the Assize of Clarendon in 1166, to rule on matters and establish standard court protocols. The kings' implementation of due process and jury trials through the Magna Carta in 1215 is what solidified his power (Downes. D & Newburn. T, 2022).

Notable advancements in the legal field were made during the Tudor and Stuart eras (16th and 17th centuries). Henry VIII created the Court of Star Chamber to handle political disputes, while Stuart lords faced problems that led to the English Civil War. The Glorious Revolution of 1688 brought about the approval of the Bill of Rights and establishment of a constitutional monarchy, strengthening individual freedom and legal supremacy (Downes. D & Newburn. T, 2022).

The legal doctrine of the 18th century was shaped by the Enlightenment, a movement that placed great emphasis on the use of reason and proportionality in the administration of punishment. The objective of legislative endeavors such as the Prison Reform Movement and the introduction of magistrates' courts were to imbue the CJS with a more humane approach. Sir Robert Peel established the contemporary police force in the 19th century, so establishing the basis for professional law enforcement in 1829 (Terrill.R.J 2015).

In the 20th century, there were more legal changes put into effect, such as the establishment of the probation service in 1907 and the initiation of the Legal Aid program in 1949. In the latter half of the 20th century, there was a rise in attention towards the rights of victims, the creation of laws protecting human rights, and the scrutiny of criminal justice methods, particularly those targeting organized crime and terrorism (Willan 2013).

6. Institutions of the Criminal Justice System of the UK

Firstly the primary obligation of the police force, as established by common law and further supported by legislation, is to safeguard the public by proactively preventing and identifying criminal activities. Society is protected by a mixture of common law and legislative powers, and it requires all police officers to use their power strictly in accordance with the law. To ensure that moral and legal behavior is followed, the use of force by police must follow three principles: necessity, proportionality, and compatibility with human rights and equality laws. Necessity states that there should be a strong argument for action and all other options should be explored. Proportionality ensures that the amount of force used matches the situation without causing undue harm. Finally, compatibility with human rights and equality laws upholds due process, equality, non-discrimination (Bradford, B., & Myhill, A. 2015).

In a fair and democratic society, upholding these values is fundamental to the rule of law and the protection of basic rights. The police have an inherent power to investigate crimes under common law, but they are currently governed by strict laws such as the Regulation of Investigatory Powers Act 2000 (RIPA), Police and Criminal Evidence Act 1984 (PACE) and Investigatory Powers Act 2016 (IPA). These laws provide guidelines to guarantee that investigations are conducted in a correct, morally sound, and legal manner. They cover several aspects such as data collection, surveillance, arrest procedures, and searches (Marshall, D., Thomas, T., Marshall, D., & Thomas, T. 2017).

Secondly the Crown Prosecution Service (CPS), the CPS acts as an independent judicial guardian, overseeing the preparation and presentation of criminal prosecutions in the UK. As the public prosecutor, the CPS collaborates closely with courts, police, and other criminal justice agencies. Their responsibilities such as ,Providing guidance on potential prosecutions and offering legal expertise., taking over cases initiated by the police and guiding them through the legal system., Acting on behalf of foreign prosecutors in extradition proceedings, primarily at Westminster Magistrates' Court, while maintaining discretion over how the case unfolds. Headed by the Director of Public Prosecutions (DPP), the CPS operates under the Attorney General's authority, which is ultimately accountable to Parliament. This ensures transparency and accountability in the prosecutorial process. By working diligently to bring offenders to justice and ensure fair trials, the CPS plays a crucial role in upholding the law and fostering a safer society within the UK (Tapley, J. 2020).

7. Comparative Study of Criminal Justice System in Pakistan and the UK

Comparing the CJSs of Pakistan and the UK involves analyzing various aspects such as legal frameworks, procedures, effectiveness, and societal impact.

Legal Framework: Pakistan is not only legally obliged in its constitution to follow Shari'ah principles in the legal system as stated in Article 227 of the Constitution of Islamic Republic of Pakistan: "all existing laws shall be brought in conformity with the Injunctions of Islam as laid down in the Holy Quran and Sunnah, in this part referred to as the Injunctions of Islam, and no law shall be enacted which is repugnant to such Injunctions (Kakar, M. S. 2022). So that Shari'ah becomes the supreme law of the land. On the flip side, being a party to different international human rights instruments, on criminal justice matters Pakistan has obligations to ensure respect for human rights within its own territory. But this case has got several violations of Shari'ah principles and international human rights documents among other flaws (Asad, M., et al 2023). The blasphemy case of Asia Bibi in Pakistan reflects the entangled interplay between Islamic law upon which its legal system is rooted, and complex circumstances like blasphemy. Based on Pakistani anti-blasphemy laws, she was accused of defaming Prophet Muhammad and therefore was given a death penalty. But that is how Pakistan's judicial system works (Haq, M. A. U., & Alvi, A. S. 2023)

The Panama Papers case is about the alleged corruption of the former prime minister of Pakistan Nawaz Sharif and his family, but it's also exposing how its legal system can handle widespread graft. Mr. Sharif was disqualified from holding any public office by the Supreme Court in 2017 because of disclosures in the Panama Papers that revealed undisclosed wealth held in offshore accounts and suspected money laundering. The corruption landscape has shifted since then, with this and other cases revealing how far a system that many believe to be broken can be bent to conform to international norms. The imprisonment of a figure like Mr. Sharif not only shows that systemic graft can be fought through legal means but also undermines arguments that such efforts are impractical idealism (Gohar, S., Khan, Y., & Noareen, S. 2022).

However, in the UK, a wide range of sources still form the legal framework among them are statute law, common law and EU law which are long that continue. The standards set by court decisions (common law) and laws passed by parliaments (statute laws) make up the system. Common laws can be interpreted case-by-case, while codification provides clarity to statute laws, with its rules written out for all to see (Hostettler, J. 2009). But now that Brexit has happened, it should be noted that before member countries left the European Union, EU law had already adjusted internal legislation and principles of justice so they all matched across members. This allowed for a vibrating legal structure that accommodated custom with worldwide benchmarks and shifts of society's values.

Uber's employment rights case is a historic moment for the UK gig economy. These regulations are made up of common law, statutory legislation and past EU law. The Supreme Court has proven how courts can take old principles and apply them to new ideas by ruling that Uber drivers who were part of the case have worker status instead of being independent contractors. They claimed rights including minimum wage guarantees and holiday pay, which they are now entitled to. While this brings justice to workers in jobs that don't fall into the traditional category, it also highlights the difficulties presented by our ever-changing world of work. We need new rules to translate old principles into ways that provide both rights and interests for employees and businesses, so we will also have to bear in mind the interests of employers (Hostettler, J. 2009).

Independence of judiciary: Opinions of Pakistan's people on judiciary's independence differ. People have different opinions about its relation with government and legislature. The case involving Khadijah Siddiqi in Lahore, Pakistan in 2018 indicates how a law student can be strong when she goes for legal redress after being stabbed by her classmate. Siddiqi did not give up even when she was threatened with harm because there was still the possibility of getting justice by

going through the court system. In other words it was proved that societies should be established and based on principles like justice, fairness and rule of law since finally after months of arduous litigation, Siddiqi lost her murder case. Hence judicial matters are separated from others like demonstrations of public accountability for instance (Ali, R. N. 2021).

Corruption in the Pakistan police force has generally affected society. As a result, justice lost credibility with people. This is because there are no checks or balances for this group of individuals when they pay bribes or violate human rights during their time in the force. For instance, Naqeebullah Mehsud, who was a male model based in Karachi, was killed by police officers in 2018. Some people including me believe Naqeebullah's death was deliberately manipulated into terrorist act by top management authorities who had not found any link between him and terrorism activities. Thus, some amendments need to be made regarding easy access to courts and stoppage of killings without reasons. Secondly, it shows how the police departments are organized and structured in Pakistan (Shah, A. 2009)

The police forces in UK are under strict accountability due to the supervisory bodies governing them. These laws require that police officers must be open about their work, enabling independent auditors to verify their claims. The case law of *R v Chief Constable Greater Manchester Police* (on behalf of the Independent Police Complaints Commission) UKHL 47 2008 provides an illustration of a court ruling that sets forth the criteria and protocols for making investigations into allegations against police officers. It is disconcerting that it takes such a long time for legal matters in Pakistan to be settled. Because of the high number of pending cases, justice administration has become almost impossible. This has been happening over some time now but judiciary continues being obstructed by various obstacles that impede its decision making. This results in several gaps that make it difficult to provide prompt and speedy justice due to excessive bureaucracy, underfunding among other issues.

8. Conclusion

To compare and contrast the criminal justice systems of the two countries and to draw conclusions regarding which is better than the other was the principal objective of this study. The legal systems were assessed in different ways, including court operations and law enforcement efficiency. This research sought to determine where they correspond, converge or depart from each other by using various methods such as statistical analysis, case examination, book review among others. An example is that when it comes to judicial procedures UK's system is more effective than Pakistan's according to a number of methods like case examination and book review. Pakistan's judicial system does not deliver quick and efficient services because of some things like corruption, long delays, bad infrastructure. To reorganize institutions, establish robust legal frameworks and work together internationally may help to improve efficiency and fairness in several areas. Other measures that could be taken for these problems are to allocate more resources for the justice system and require police officers to be accountable for their conduct. In future, information about legal education may be relevant in prosecuting the offenders.

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