

Reimagining Justice: Modern Legal Reforms for Pakistan in the 21st Century

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Abstract

In the framework of the twenty-first century, the research intends to address the urgent need for contemporary legislative reforms in Pakistan's criminal justice system. Its main objective is to improve the legal process's effectiveness, accessibility, and openness. The objective is to assess the system's weaknesses objectively and suggest changes that would bring Pakistan's justice system up to date with the rest of the world. The primary purpose is to assess the structural inadequacies in Pakistan's criminal justice system, identify gaps in law enforcement and court procedures, and provide recommendations that can improve the overall efficacy of the system. Additionally, the study aims to assess Pakistan's judicial system against successful models from nations that have successfully incorporated technology into their legal systems, such as China, the UK, and South Korea. To uncover structural flaws in the legal and investigative systems, the study uses a qualitative research methodology. It also involves speaking with legal professionals and law enforcement representatives. The literature review explores the global adoption of E-justice systems, focusing on China, the UK, and South Korea. China uses AI-driven smart courts, the UK uses digital platforms for case management and online hearings, and South Korea integrates E-justice frameworks for electronic filings and case tracking. The study suggests Pakistan's courts should adopt a digital case management system, enhance investigative protocols with advanced training and forensic technologies, and increase judicial transparency. In line with what China, the UK, and South Korea have done, the article recommends that Pakistan update its legal system and use technology. Large expenditures in digital infrastructure, training for legal professionals, and ensuring internet availability in remote areas are all necessary to

achieve this. These upgrades would enable a decrease in human error, the removal of delays, and an increase in public trust in Pakistan's legal system.

Keywords: modern legal reforms, Pakistan criminal justice system, E-justice systems, technology integration, judicial transparency, digital case management, law enforcement gaps, global legal models

Introduction:

The goal of "Reimagining Justice: Modern Legal Reforms for Pakistan in the 21st Century" is to resolve the issues that Pakistan's criminal justice system is now facing. The system is beset by inefficiencies, bureaucratic bottlenecks, and a dearth of contemporary resources, even despite its solid legal base. There are serious problems with low conviction rates and lax enforcement of the law, especially when it comes to crimes against women and other vulnerable groups. The problem is further complicated by the lack of enough political will and funding. The system still lacks the resources to deliver prompt and equal justice, undermining public confidence even after new courts were established and statutes were amended. To modernize the system, Pakistan needs to introduce reforms that leverage technology, streamline legal processes, and improve investigative protocols. Digital platforms for case management, online filings, and real-time access to court documents would significantly reduce delays. Enhancing the capacity of law enforcement agencies and the judiciary through proper training and gender-sensitive policies would create a more efficient and responsive system. However, these reforms must be supported by a political commitment to judicial independence and adequate resource allocation. In the 21st century, an e-justice system is no longer an option but a necessity for Pakistan to meet the demands of its growing population and evolving legal challenges. Pakistan can draw on models from countries like China, the UK, and South Korea to implement its e-justice reforms, starting with secure digital platforms and improving internet access in remote areas. (Khan, 2024)

Pakistan's culture of silence prevents women from reporting crimes, which lowers the possibility that justice would be served. To remove procedural, legislative, and cultural impediments, a complete overhaul of the court system is required, with a particular focus on women's access and navigation. With the integration of digital tools and technologies like AI-driven case management tools, online reporting systems, and e-justice platforms, this redesigned court system has the potential to completely transform Pakistan's judicial system. These developments would provide a more discreet means of reporting crimes and pursuing justice while also improving accessibility, efficiency, and openness. Digital platforms might also give judges and law enforcement officials better tools and training so they can respond to situations of violence against women in a humane manner. Pakistan's legal system, rooted in Islamic, colonial, and customary law, is facing a crisis of legitimacy and public confidence due to issues like excessive politicization, corruption, and incompetence. The modern judicial system is plagued by a massive backlog of cases, lengthy court proceedings, adjournments, and new cases, disproportionately affecting vulnerable groups who lack the resources to negotiate effectively. The protracted litigation process raises fees for parties involved and undermines public trust in the legal system, making it a major obstacle to justice. (Naem, 2024)

Now Pakistan's legal system is being modernised to regain the public's trust in it. The Justice Reform Project seeks to establish an independent, compassionate, and effective court that can effectively serve the interests of common people. Improving court services, streamlining case administration, and using technology to expedite procedures are among the main goals. A substantial backlog of cases, corruption, restricted access to legal assistance, political meddling, a lax rule of law, discrimination, human rights abuses, and a lack of transparency are among the issues plaguing the court system. The modernization of the legal system involves the adoption of digital technology across all components, including police, prosecution, courts, and corrections. This includes a unified digital case file system, electronic record management, and improved communication. Cybersecurity measures are crucial to protect sensitive information. Investment in training programs for judges, legal professionals, and court staff is necessary for successful implementation. Building public trust in digital court processes requires transparency, education, and public awareness campaigns. Digital case files can streamline processes, enhance accessibility, and reduce delays. Automated workflows and integration with other technologies can improve legal research and decision-making quality. (Dueholm, 2024)

The report aims to modernize Pakistan's legal and judicial system by integrating technology, AI tools, and digital platforms. It focuses on enhancing efficiency and case management through e-filing, online case management systems, automation of scheduling, and predictive analytics models. It also aims to improve access to justice by establishing online dispute resolution platforms, deploying virtual court hearing capabilities, and creating user-friendly legal information portals. AI-assisted legal research tools can help judges make informed rulings. Blockchain-based systems for the secure storage of court records and contracts enhance transparency. To overcome challenges, the government should prioritize the development of robust digital infrastructure, provide training and capacity-building programs, establish clear data governance and ethical frameworks, engage in multi-stakeholder collaboration, and secure long-term funding commitments to support the sustainable implementation and maintenance of these technological reforms across the legal and judicial system. It is important to create a thorough framework that addresses the moral and responsible use of AI-powered technologies in the legal system. This framework should prioritise the collection of varied and representative data, strict testing protocols, continuous monitoring and modification, and guaranteeing explainability and transparency. (Chohan, 2024)

Literature Review:

The literature study "Reimagining Justice: Modern Legal Reforms for Pakistan in the 21st Century" looks at how Pakistan's legal system has changed over time, from British colonial roots to the incorporation of Islamic legal ideas after the country gained independence. Systemic problems are identified by the inquiry, including impediments to judicial independence and law enforcement, antiquated colonial statutes, and discrepancies between secular and Islamic laws. Pakistan's constitution, established in 1949, emphasized sovereignty and Islamic principles. The first constitution in 1956 merged secular and Islamic legal traditions but faced political changes like martial law and constitution abrogation. The

1973 constitution, led by Zulfikar Ali Bhutto, established a stable framework. In the 1970s and 1980s, Pakistan underwent significant legal reforms under General Muhammad Zia-ul-Haq, including the Hudood Ordinances in 1979, which aimed to Islamize the legal system but faced criticism for its impact on women's rights and human rights. Post-Zia, Pakistan has seen several attempts at legal reform, including the Women's Protection Act of 2006. The Constitution established a federal republic with a parliamentary system and provisions for protecting fundamental rights. However, challenges such as military rule and political instability led to interruptions and amendments. The Women's Protection Act of 2006 aimed to amend and address controversial provisions, aligning with Islamic principles and contemporary human rights standards. (Adebisi, 2024)

Pakistan is working on enhancing judicial independence through legal reforms, including the Judicial Commission of Pakistan and the 18th Amendment to the Constitution. However, the country's legal system still faces challenges due to its colonial legacy, outdated statutes, and integration of Islamic principles with secular laws. To address these issues, Pakistan needs to modernize, update outdated laws, improve legal process efficiency, and strengthen the judiciary's independence. Comparative analysis with successful legal reforms can provide valuable insights. Pakistan's legal system is facing challenges due to terrorism and national security concerns, with anti-terrorism laws raising concerns about civil liberties and human rights. The Cybercrime Act of 2016 aims to address digital offences, but there are ongoing concerns about its effectiveness. The country's legal system also faces structural weaknesses and corruption, which undermine justice delivery. The *Khalid Anis v. State* case highlights the need for reforms to improve the judiciary's efficiency, while the *Panama Papers* case highlights the need for stronger anti-corruption mechanisms. Addressing these issues requires a multifaceted approach, including enhancing judicial efficiency, combating corruption, and improving institutional transparency. These issues significantly impact access to justice and public trust in the legal system. (Kanwal, 2024)

The fight for gender justice and minority rights in Pakistan is a complex issue that requires a multifaceted approach that includes legislative reforms, effective implementation, and cultural change. The Women's Protection Act of 2006 and the Domestic Violence Prevention and Protection Act of 2012 were implemented to address the Hudood Ordinances of 1979, but their goals are still being undermined by cultural attitudes and inefficient enforcement methods. The rights of religious and ethnic minorities are also a concern, as highlighted in the *Rimsha Masih* case (2012) and the *Ahmadis* persecution case (2021). Intersectional factors like socio-economic status, ethnicity, and geographic location also complicate the issues faced by women and minorities. Comparing legal reform experiences in other countries can provide valuable insights into Pakistan's pursuit of modern legal reforms. South Korea and India have successfully addressed structural and systemic issues, while Pakistan can learn from India's reform trajectory in addressing corruption and improving access to justice. By addressing these contemporary issues, Pakistan can work towards a legal system that better serves its citizens and ensures justice is not only enshrined in law but also realized in practice. The study "Reimagining Justice: Modern Legal Reforms for Pakistan in the 21st Century" uses modernization theory to understand the dynamics of legal change and

emphasizes restructuring legal institutions to reflect modern society's values and demands. (Zubair et al., 2023)

Modernization theory is a key tool in guiding legal reforms in countries transitioning from colonial legacies or traditional systems. In Pakistan, it advocates for reforming outdated legal structures that do not adequately address contemporary challenges. The current legal framework in Pakistan reflects a colonial design, aiming for control rather than justice. Modernization theory suggests enhancing judicial efficiency, integrating technology, and embracing economic development principles. It also emphasizes aligning legal reforms with socio-political reforms like education, corruption reduction, and accountability. The Human Rights-Based Approach (HRBA) is a legal framework that integrates human rights principles into legal systems, emphasizing the state's responsibility to respect and protect citizens' rights, especially marginalized populations. In Pakistan, adopting HRBA is crucial due to inequality, discrimination, and lack of access to justice. It calls for legal reforms, stronger accountability mechanisms, independent human rights commissions, and protections for whistleblowers and defenders. (Khan, 2021)

South Korea and the UK are pioneering e-justice systems, which are transforming the legal process by enhancing efficiency, transparency, and access to justice. These systems include digital case management, online filing, virtual hearings, electronic payment gateways, AI for research, digital evidence submission, integration with national ID systems, e-mediation, online dispute resolution, cybersecurity measures, and performance metrics and analytics. Digital case management systems have revolutionized legal proceedings by enabling legal professionals to access files electronically, track progress in real time, and manage large documents without physical files. This has reduced administrative burdens and expedited case resolution, allowing judges and lawyers to focus on decision-making. Online filing simplifies legal proceedings, making justice more accessible to everyone. (Das et al., 2024) The COVID-19 pandemic has accelerated virtual hearings, reducing costs and increasing flexibility in court cases. E-payments for legal fees are integrated, and AI tools aid in legal strategy formulation. E-mediation and online dispute resolution platforms allow faster, amicable dispute resolution outside traditional court settings, saving time and resources for courts and parties involved. (Cummings, 2018)

Pakistan is implementing E-justice reforms to modernize its legal system, aiming to improve accessibility, openness, and efficiency. These reforms include case management systems, digital platforms for filing petitions and documents, and online court services. However, challenges include inadequate digital infrastructure, technological constraints, and lack of court staff training. The effectiveness of these reforms is further limited by the need for stronger cybersecurity defences and improved internet connectivity in rural areas. Pakistan's e-justice system could learn from developed nations like South Korea, the UK, and China, which have implemented robust cybersecurity measures to protect sensitive legal data. The UK has concentrated on streamlining legal procedures with digital tools and remote hearings, while China has embraced technology with its smart courts and AI-driven legal analysis systems. Known for its effectiveness, South Korea has created a simplified E-justice system

that incorporates digital filing, real-time case monitoring, and electronic evidence submission. To overcome current obstacles and guarantee that justice is more accessible and effective, Pakistan can adopt components of these systems, such as safe and user-friendly platforms, extensive digital case databases, and improved training programs for legal practitioners. (Khan, 2010)

Methodology:

The thesis "Reimagining Justice: Modern Legal Reforms for Pakistan in the 21st Century" uses a qualitative approach to examine the legal system in Pakistan. The qualitative aspect involves analyzing historical, legal, and socio-cultural contexts that have shaped the legal system. This includes content analysis of legal documents, expert interviews with stakeholders, and thematic analysis to identify recurring patterns and themes. Key legal precedents, such as the Supreme Court's decision in the Asghar Khan Case (2012), are used to illustrate how judicial decisions have shaped legal reforms and the broader rule of law in Pakistan. (Khan, 2014)

Result and Discussion:

The study reveals that e-justice systems in China, South Korea, and the UK have revolutionized Pakistan's legal system by improving case management and speeding up proceedings. Digital platforms have simplified court procedures, increased accessibility, and increased transparency, resulting in more effective case management. South Korea's e-justice system has improved gender-based violence case management, ensuring victim protection and reducing delays. The UK's virtual hearings and online portals have also increased access to justice, particularly for marginalized groups. China's digital case management systems and artificial intelligence have significantly improved legal procedures nationwide. Pakistan's judicial system, however, is not as advanced, leading to delays and underreporting of violence against women. The conversation suggests Pakistan should implement a comparable e-justice system to improve efficiency, particularly in victim assistance, data management, and case tracking, to address disparities in crime prosecution. The justice sector is implementing electronic justice (E-Justice) to enhance public services, making justice more accessible, effective, efficient, and cost-effective. However, challenges include legal restrictions, ensuring judiciary independence, system design, user experience, and high interoperability. An integrated research framework is lacking due to the diversity of e-justice systems. The Supreme People's Court of China is using electronic technology in civil court cases to improve access, efficacy, and transparency. The United Nations Development Programme (UNDP) is working to create a shared framework for using technology to protect rights. (Flynn, 2024)

E-justice is a digital approach to managing judicial services, aiming to address the digital gap and social injustices. The United Nations Development Programme is working on digitalization and transformation to tackle this issue. China's Supreme People's Court is developing an intelligent court to address the lack of judges, public mistrust of the judiciary, and the need to update the legal system. AI is being used for automatic notice systems and trial transcripts, but not for judgment. China's e-justice initiative heavily relies on Internet courts for civil cases. Pakistan is implementing e-justice reforms to enhance accessibility,

transparency, and efficiency in its legal system. These include case management systems, digital platforms for document filing, and online court services. However, challenges include a lack of training for court employees, technological limitations, and insufficient digital infrastructure. Rural internet access and robust cybersecurity defences also limit the effectiveness of these initiatives. Pakistan could benefit from developing countries like China, the UK, and South Korea, which have implemented digital technologies to streamline legal procedures and enhance effectiveness. (Ahmed et al., 2022)

Conclusion:

Despite being based on strong legal foundations, Pakistan's criminal justice system confronts several obstacles that reduce its efficacy. The system faces challenges from antiquated legislation, dishonesty, ineffective bureaucracy, and insufficient funding. These elements play a part in poor conviction rates, case resolution delays, and general public mistrust of the legal system. The system still fails to provide prompt and equitable justice, especially in cases of gender-based violence and other crimes against vulnerable groups, despite legislative attempts to address these issues, including the creation of specialised courts and changes to criminal laws. Modernization is desperately needed. Pakistan's criminal justice system has to be reformed with an emphasis on expediting court procedures, strengthening investigation techniques, and utilising technology to increase productivity. To guarantee prompt and open justice, digital case management tools, online filing, and the utilisation of forensic evidence are crucial. The establishment of gender-sensitive procedures and the training of law enforcement personnel and court staff in contemporary investigation tactics can both improve the efficacy of the system. But for these reforms to be successful, there has to be a movement in culture towards accountability and the rule of law, as well as political will and adequate funding.

To satisfy the needs of modern society, the judicial system of today must change to an E-justice framework. Pakistan can learn a lot from the prosperous legal systems of China, the UK, and South Korea, which have incorporated technology to improve accessibility and efficiency. China's smart courts greatly cut down on delays by using AI to help with case processing and legal research. The UK has embraced a digital infrastructure that allows for online filings, remote hearings, and real-time access to case material, expediting the entire judicial process. With a completely integrated platform that allows cases to be managed electronically from submission to settlement, South Korea's justice system is especially effective at ensuring transparency and minimising human error. Pakistan can update its own system by incorporating elements of these models. Important actions include putting in place safe and usable digital platforms, enhancing infrastructure in far-flung locations, and giving court employees proper training. Furthermore, for the nation to develop confidence in an e-justice system, cybersecurity and data privacy must be guaranteed. Pakistan may overcome its present inefficiencies, promote more public trust, and develop a more open, transparent, and equitable system for all of its residents by taking inspiration from these overseas models.

E-justice systems are revolutionising the legal process by enhancing efficiency, transparency, and access to justice. South Korea and the UK are leading the way in implementing advanced

digital systems, including digital case management, online filing, virtual hearings, electronic payment gateways, AI, digital evidence submission, integration with national ID systems, e-mediation, online dispute resolution, cybersecurity measures, and performance metrics. These systems enable legal professionals to access files electronically, track case progress in real time, and manage large volumes of documents without physical files.

In summary, industrialised countries such as China, Korea, and the UK may impart valuable knowledge to Pakistan's e-justice system. China employs AI-driven systems and smart courts, while the UK has concentrated on digital tools and remote hearings. With digital filing, real-time case monitoring, and electronic evidence submission, South Korea boasts a streamlined procedure. To increase accessibility and efficacy, Pakistan can use these solutions, which include user-friendly interfaces, sizable digital case libraries, and enhanced legal practitioner training initiatives.

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