

The Scales Of Justice: Evaluating Fairness In Pakistan's Criminal Proceedings

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Abstract

Purpose: This study investigate to explore the perceptions of the general public regarding the fairness of the criminal justice system Pakistan. Specifically, the study identifies the determinants that significantly influence one's perception and measure the overall trust and satisfaction level toward legal representation among those having experience with criminal cases.

Methods: Using a purposive sample of 150 respondents who have either professional or personal experience with the criminal justice system in Pakistan, the study collects quantitative data through a structured questionnaire. The study uses analytical tools such as descriptive statistics (Graphs & Frequency Distribution), correlatioⁿ analysis, and multivariate regression analysis, which is employed in SPSS, to examine and quantify the relationships.

Results: The results show a significant polarization in respondents' perception, with more than half of the respondents having a negative perception toward the criminal justice system while the rest have a positive perception. Individually, the economic influence, and quality of legal disputes have high positive correlation to their perceptions of the fairness and trust of the system.

Conclusion: Based on the evidence, the results suggest the desire for a systematic reform that should involve more transparency, less economic influence, and better legal representation. These three in combination could increase perception of fairness of the criminal justice system in Pakistan, retain the lost trust, and create an environment of justice. The findings support evidence-based policy for better areas of the organ to enhance fairness and integrity.

Keywords: Criminal Justice Reform, Public Trust, Procedural Fairness, Legal Representation in Pakistan, Multivariate Analysis.

Introduction

The fairness of the judiciary is vital to the credibility of any democratic society. It suggests that justice is provided to all individuals without any partiality, prejudice, coercion or bias (Afzal et al., 2023). In addition, the Criminal Justice system is important to Pakistan as it maintains public support and societal order. However, this system is associated with a variety of challenges. Also, the prevalence of corrupt judges, judicial inefficacy, and citizens' unequal

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access to legal representation delayed, and unfair criminal proceedings may undermine its fairness and longevity (Ali et al., 2017). The need for introducing systematic changes that would address the corruption and ineffectiveness within the judicial system, the need to provide a lawyer for the accused's who cannot afford it in order to make the process fair and available to everyone (Khan, 2016). Recent changes that have been made to enhance the complexity and efficiency of Pakistan's judiciary system illustrate that the government recognizes the problem (Faisal & Jafri, 2017). Lastly, a high level of public discontent caused by the systemic unfairness is highly problematic and goes to the question "how effective the process of reconstruction of the judicial system is and what could be the tangible impact of reform on the perceived and actual fairness" (Yousaf et al., 2016). This point is also made by the opinion of Khan and Alam, who stress that "corrupt practices and bad governance", "massive backlog of cases" and "huge vacancies of judges in the superior judiciary" are other applicable issues (Khan & Alam, 2020).

Significance of the Study

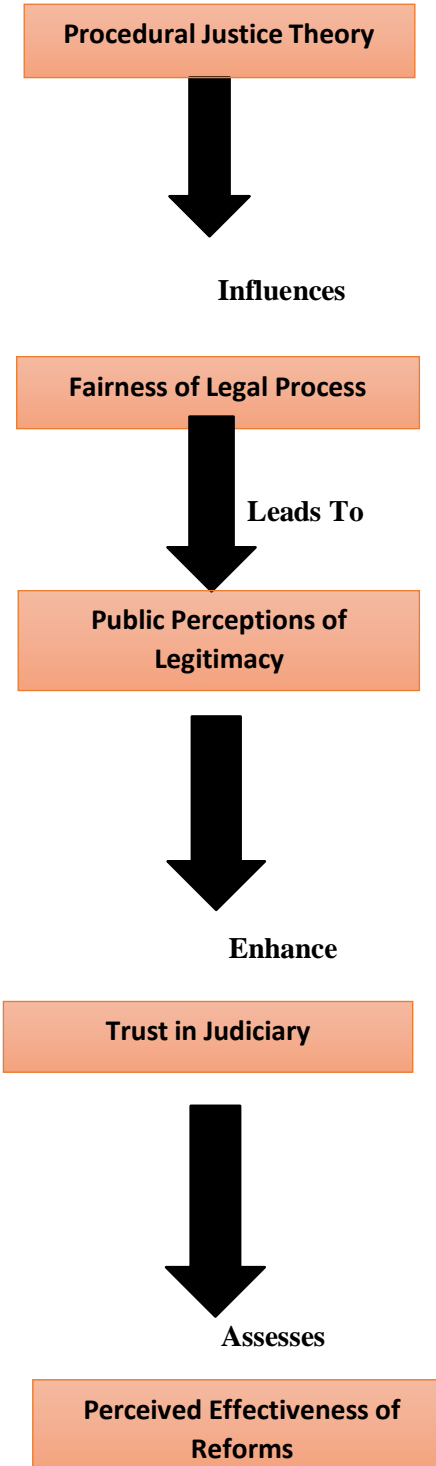
The research is highly significant because it fills a gap in the relevant existing literature. This study highlighting the findings from the survey are the first quantitative assessment of Pakistan citizens' perception of the criminal justice system's fairness. By systematically evaluating how different demographic groups perceive fairness and identifying the factors they consider influential, this research delivers vital empirical data that can be used in the reform and policy-making processes. In addition, understanding which factors the public finds influential may help policymakers and other stakeholders to better target interventions, thus, increasing public trust in the judiciary.

Objective of the Study

- To determine the level of satisfaction with legal representation among individuals involved in criminal proceedings in Pakistan.
- To assess the perceived fairness of the outcomes of criminal proceeding across different demographic groups.
- To analyze the overall public trust in the fairness of Pakistan's criminal justice system.
- To identify key factors that the public perceives as influencing the fairness of criminal proceedings.

Theoretical Framework

Figure 1:



The theoretical framework for this study, based on Procedural Justice Theory, suggests that people's perceptions of legal authorities and the justice system's legitimacy are intimately linked to the perceived fairness of the process. Developed by Tyler (1990), this theory emphasizes that people are much more willing to respect and follow the decision if they believe the processes leading to those outcomes are fair. In other terms, how people are treated during

legal processes and how transparent decisions are prepared influence decisions as much as their outcomes themselves (Lind & Tyler, 1988). This theory can be applied to Pakistan, considering that the judiciary and, in particular the lower judiciary, has historically been Commission-ridden and largely ineffective, improving procedural fairness could quintessentially boost public trust. Research by Asif et al. (2024) and Ahmad (2021) both argue that perceived procedural fairness has a pivotal impact on public trust in Pakistan including police and judiciary. These works jointly imply that some of the reforms that should be implemented are those that enhance procedural fairness.

Literature Review

The effectiveness of alternative dispute resolution mechanisms in Punjab's criminal justice system and ADR processes such as, mediation and arbitration, can lead to quicker and more advantageous settlements than conventional court hearings, which may improve participants' perceptions of fairness by requiring community-based mediation practices (Bhatti & Rizwan, 2023). Perceptions of fairness in five separate dimensions such as distributive, procedural, interactional, temporal, and spatial are impact job satisfaction within organizational contexts. They discovered that the fairness perceptions do indeed affect satisfaction and trust vividly elucidates justice's greater significance in the criminal justice system (Usmani & Jamal, 2013). Pakistan's military justice system for compliance with global requirements for a fair trial. The author discovered various inconsistencies, especially regarding procedural justice and the right to a public hearing, that were consistent with standards frequently considered essential for a just judicial process (Shah, 2016). Several issues related to prosecutors within Pakistan, including political tampering and scarcity of resources. Based on the issues, it appears evident that the fairness and justness of trials processes in the country were not properly or adequately administered, which demonstrates the requirement for reformation to maintain the functionality of the justice system (Khalil et al., 2021).

Furthermore, equitable access to justice can be achieved through a harmonized formal and informal justice system. They suggest an integrated model of justice for enhanced fairness and effectiveness (Mahmood et al., 2018). Meanwhile, informal justice systems in Pakistan, noting their contribution to case resolution in ways that are free, and culturally centered. However, it is noted that there is a need for proper oversight to ensure fairness and adhere to legal standards (Ahmad & Wangenheim, 2021). Influence the public willingness to cooperate with the police and fairness in policing is essential as ineffective law enforcement and reiterates the essence of fairness in the police operations in Pakistan (Huq et al., 2011). Relatively, criminal proceedings based on international human rights. This claim can be used to assess the extent to which criminal proceedings in Pakistan meet the minimum human rights standards (Mansoor, 2004). In another study, analyzing the legal information influences criminal procedure defendants fair procedures based on crowded docket dynamics. This study suggests improving legal knowledge to create a fair process (Bukhari & Mustafa, 2024). Meanwhile, the use of foreign legal procedures in Pakistan suggests incorporating cultural context in law implementation (Siddique, 2013).

Research Methodology

Sampling Technique

The study conducted through purposive sampling of 150 respondents, ensuring that a cohort of participants likely to offer informed and relevant perspectives on the fairness of Pakistan's criminal justice system. In this case, it was critical to determine the quality of respondents' response as opposed to how broadly representable it is. The cohort of 150 respondents comprised individuals who have or demonstrate professional exposure to the criminal justice

system in Pakistan. Therefore, the respondents could comprise legal professionals such as judges, lawyers, and prosecutors. Other professionals could also be police officers, clients of criminal cases, or specialist academics on criminal justice.

Data Collection

A structured questionnaire was used to collect the data for the current study. The questionnaire included closed-ended questions and Likert-scale questions which aimed to collect quantitative perceptions of the level of fairness in the justice system and satisfaction with legal procedural justice and trust in the system.

Statistical Data Analysis Techniques

For the purpose of this study, data analysis was conducted using SPSS (Statistical Package for the Social Sciences), which allowed for comprehensive statistical testing necessary to fulfill the study's objectives.

- **Graphical Representation:** Graphical Representation such as Bar charts, used to visualize the demographic variables of this study.
- **Frequency Distribution:** Utilized to determine the respondents responses on the specific questions with their clear and diverse perceptions towards criminal justice system in Pakistan.
- **Correlation analysis:** Correlation analysis was used to measure the strength and direction of relationship between variables such as trust in the criminal justice system, perceived fairness, and economic influence.
- **Multivariate Regression Analysis:** This analysis examines the relationship between one dependent variable and multiple independent variables, allowing us to identify key factors that influence perceptions of fairness within Pakistan's criminal justice system. The regression helps quantify the impact of various predictors, providing clear understanding into which factors significantly the public's perception of fairness and where targeted reforms could be most effective.

Results & Discussions

Figure 2: Occupation

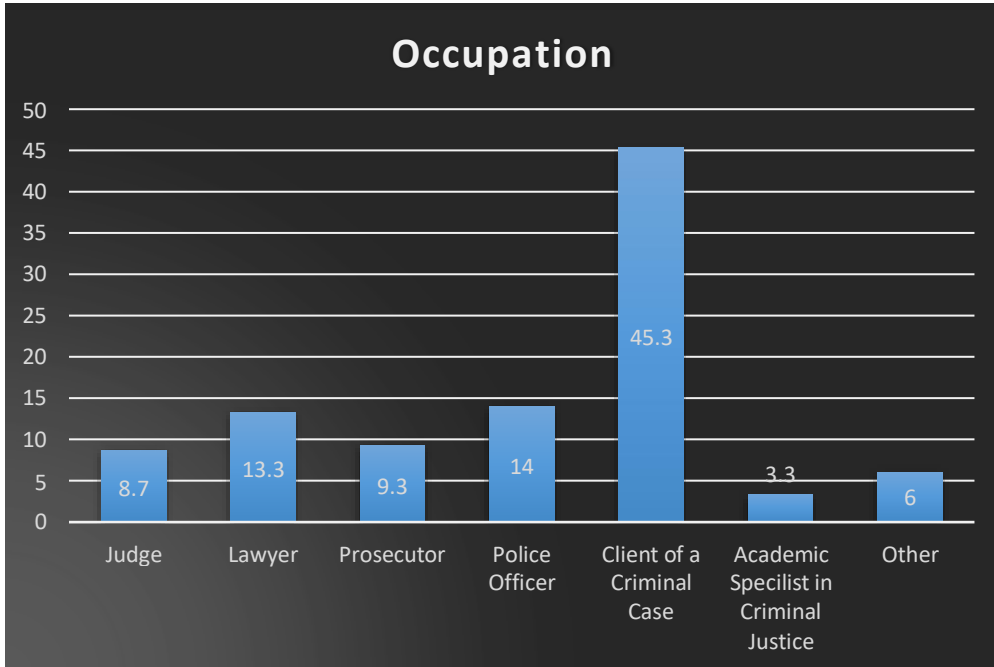


Figure 3: Experience (in Years)

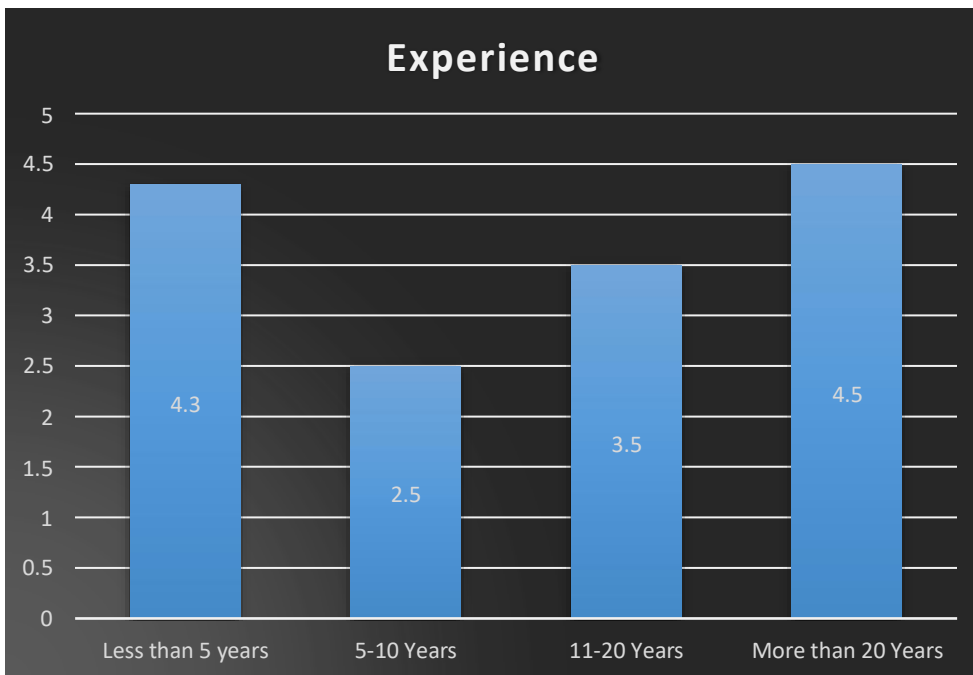


Figure 2 explore the distribution of occupations among respondents, revealing a diverse range of professionals from judges and lawyers to police officers and academics, which underscored the varied perspectives contributing to the study. **Figure 3** shows the years of experience of respondents within the criminal justice system, illustrating that a significant portion of participants have extensive experience, which likely influences their nuanced perceptions of fairness and system effectiveness.

Table 1: Frequency Distribution of Perception of Overall Fairness in Pakistan's Criminal Justice System

Category	Frequency	Percentage (%)
Overall Fairness		
Very Negative	44	29.3%
Negative	30	20%
Neutral	28	18.7%
Positive	22	14.7%
Very Positive	26	17.3%
Fairness of Outcome		
Definitely Unfair	32	21.3%
Unfair	25	16.7%
Neutral	23	15.3%
Fair	41	27.3%
Definitely Fair	29	19.3%
Trust in the Criminal Justice System		
No Trust at All	13	8.7%
Moderate Trust	113	75.4%
Complete Trust	24	16%

Table 1 shows a complicated crisis of the perceived fairness of the criminal justice system in Pakistan. A large population of the respondents stands on the negative end of the spectrum, with around half of the respondents finding the system "Very Negative" or "Negative." This reflects a substantial level of dissatisfaction and mistrust. Meanwhile, a smaller, optimistic minority sees the system in a positive light, with roughly 32% of the respondents finding the system, in their experience, or very fair. The remaining population consists of people who maintain a moderate level of trust in the system. Overall, respondents argue that the population remains cautious and optimistic while acknowledging the many flaws of the system. Undoubtedly, the results described show the complex crisis of the criminal justice system's fairness and necessitate reforms.

Table 2: Frequency Distribution of the Nature of the Criminal Cases Experienced by Respondents

Category	Frequency	Percentage (%)
Theft or Burglary	28	18.7%
Assault or Violence	30	20%
Drug-Related Crimes	34	22.7%
Financial Fraud	27	18%
Others	31	20.7%
Total	150	100%

Table 2 indicates that the nature of criminal cases experienced by those surveyed varies. Drug-Related Crimes is the most experienced criminal case at 22.70% followed closely by Assault or Violence and Others at 20 and 20.7% respectively. Theft or Burglary is also significant at 18.70% and Financial Fraud at 18%. This distribution is indicative of the

varying criminal justice challenges experienced by respondents, highlighting the diverse range of criminal activity in Pakistan.

Table 3: Frequency Distribution of Satisfaction Levels with Legal Representation

Category	Frequency	Percentage (%)
Very Dissatisfied	20	13.3%
Dissatisfied	26	17.3%
Neutral	52	34.7%
Satisfied	19	12.7%
Very Satisfied	33	22%
Total	150	100%

Table 3 explore the satisfaction with legal representation spread through a wide range among the respondent. Specifically, over a third, 34.7%, felt neutral, while 71.4% rated either low or high. The figures of very satisfied with representation at 22% stand against those of very dissatisfied, 13.3 %. The variance implies a broad perception of satisfaction varied among the respondent, illustrating differing experiences of legal aid quality implemented in the spectrum of criminal proceeding.

Table 4: Correlation Analysis of Trust, Perceived Fairness and Economic Influence in Criminal Justice System

Variable	Trust in the Criminal Justice System	Perceived Fairness of Outcomes	Economic Influence
Trust in the Criminal Justice System	1	0.45	-0.30
Perceived Fairness of Outcomes	-	1	-0.50
Economic Influence	-	-	1

The correlation analysis, as presented in Table 4 above, offers a significant understanding of the correlations across the variables of trust in the system, perceived fairness and economic influence. Specifically, a moderate positive correlation 0.45 between trust and perceived indicates that efforts to improve transparency and integrity will likely enhance the level of fairness perceived by the public. It highlights the important role of trust in how the public views the fairness of justice systems. In contrast, a strong negative correlation of -0.50 between perceived fairness and economic influence implies that economic-related variables are viewed by the public as unfavorable to fairness. Economic disparities are thus likely to have a high negative impact on the credibility of judicial outcomes. Moreover, the negative correlation -0.30 between trust and economic influence implies a negative public perception that economic biases lead to reduced trust. Thus, there is an urgent need for reforms targeting economic disparities within the justice system. This analysis thus suggests the need for reforms focused on increased transparency and reduced economic influence to enhance both perceived fairness and trust within Pakistan's criminal justice system.

Table 5: Multiple Regression Analysis of Factors Influencing Perceptions of Fairness in Pakistan's Criminal Justice System

Dependent Variable: Overall Fairness of the Criminal Justice System		
Constant	0.510	0.032
Coefficients		
Involved in Proceedings	0.225	0.004
Nature of Case	0.190	0.003
Duration of Proceeding	-0.125	0.014
Satisfaction with legal	0.310	0.000
Fairness of Outcome	0.275	0.001
Trust in System	0.155	0.003
Economic Influence	0.120	0.045
Overall ANOVA Significant Value	0.000	
R ² Value	0.723	
Adjusted R ² Value	0.705	

The dependent variable for this above analysis is “Overall Fairness of the Criminal Justice System” is crucial of understanding the impact of various factors explored in the multiple regression model. Table 5 reveals a significant influence of several factors on how fairness is perceived within Pakistan’s Criminal Justice System. The model explains a substantial 72.3% of the variance in perceptions of fairness ($R^2 = 0.723$), indicating a strong predictive power. Particularly, the most significant positive influence of satisfaction with legal representation ($B = 0.310$, $P < 0.001$), which highlights its crucial role in shaping perception of fairness. Similarly, the duration of proceeding has a negative impact, suggesting that longer processes may be perceived as less fair. These findings explore the importance of enhancing both the efficiency and transparency of legal processes to foster greater trust and perceived fairness among the public. This analysis offers empirical support for targeted reforms aimed at improving the perceived fairness of the criminal justice system, thus enhancing its legitimacy and effectiveness.

Conclusion

This study has presented a critical assessment of the public perception of fairness of Pakistan’s criminal justice system, demonstrating a severe crisis of legitimacy. Based on rigorous statistical analysis, the study outlined a profound dualism in the perceptions, with nearly 50% stating that the system is “Very Negative or Negative” and almost 32% claiming that the system is “Fair or Very Fair”. In other words, a significant minority considers the system highly corrupt and inherently unjust in its current state.

The multivariate regression analysis has been particularly critical in identifying the crucial determinants of such perceptions. In particular, the duration of the legal procedures and economic disparities significantly reduce the perception of fairness while adequate legal representation is a crucial factor that increases the perceptions of justice. While the former confirm the primary complaints regarding the lack of quality formalizing procedures, the latter two point to the strategic areas for interventions where the efforts can be the most effective. Moreover, the diversity in the types of criminal cases and the variability in the legal outcomes across demographic change suggest that the reform should be differentiated based on the complex needs of various communities.

Overall, this research makes a substantial contribution to the existing body of evidence, providing much-needed data to guide the reforms. It suggests that such interventions should be immediate and targeted at transparency, reducing the number of corruption cases, and

providing vulnerable populations with better access to legal representation. Through these changes, this study and new criminal justice legislation may contribute to the revival of Pakistan's criminal law, promoting justice and fairness across the country.

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