

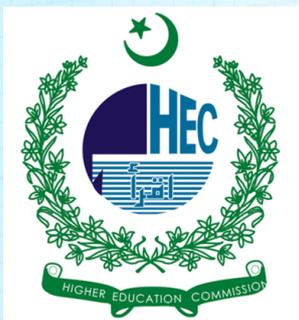
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Juvenile Justice in Pakistan: Evaluating the Legal Framework and Its Implementation



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Abstract

Juvenile justice systems are designed to address the unique needs of children in conflict with the law while ensuring their protection, rehabilitation, and reintegration into society. This study evaluates the legal framework and practical implementation of juvenile justice in Pakistan, with particular emphasis on the effectiveness of the Juvenile Justice System Act 2018. The research adopts a qualitative legal analysis supported by limited quantitative evidence from secondary data and empirical studies. It examines constitutional protections, statutory provisions, institutional structures, and international legal standards governing juvenile justice. The study also analyzes empirical trends relating to juvenile detention, types of offences committed by juveniles, and socio-economic factors contributing to juvenile delinquency in Pakistan. The findings indicate that although Pakistan has made significant progress in developing a comprehensive legislative framework consistent with international child rights standards, substantial challenges remain in its implementation. Institutional weaknesses, lack of coordination among justice agencies, limited rehabilitation facilities, inadequate training of law enforcement personnel, and delays in judicial proceedings continue to undermine the effectiveness of juvenile justice reforms. Furthermore, the research highlights that juvenile delinquency is strongly associated with socio-economic issues such as poverty, lack of education, and family instability. The study concludes that strengthening institutional capacity, expanding diversion and rehabilitation programs, and addressing underlying social factors are essential for improving the juvenile justice system and ensuring the protection and reintegration of children in conflict with the law.

Keywords: Juvenile Justice, Pakistan, Child Rights, Juvenile Delinquency, Legal Framework

Introduction

The juvenile justice systems are intended to be used in handling the crime committed by children with a focus on rehabilitation, reintegration, and preservation of children's rights as opposed to punishment. In contrast to the adult criminal justice system, juvenile justice systems acknowledge that young offenders are in developmental stages and aim to set corrective measures, which will help them to develop socially and psychologically (Howell, 1980; Junger-Tas, 2006). The main philosophy of juvenile justice is that the children who are at war with the law must be treated in a way that is in line with their age, dignity, and possible reformation.

The international human rights standards affect the juvenile justice system across the world and focus on the rights of children against the law. The Convention on the Rights of the Child (CRC) obliges the states to have special procedures, institutions, and authorities to handle juvenile offenders, and at the same time, detention must not be applied as a last resort (United Nations, 1989). On the same note, the United Nations Standard Minimum Rules of the Administration of Juvenile Justice (Beijing Rules) and the United Nations Guidelines of the Prevention of Juvenile Delinquency (Riyadh Guidelines) allow diversion and community-based rehabilitation and safeguarding of the rights of children in the process of criminal prosecution (United

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Nations, 1985; United Nations, 1990). All these international frameworks emphasize the role of restorative justice, non-custodial interventions, and social integration of the juvenile offenders (UNODC, 2006).

The juvenile justice system in Pakistan has developed over time due to the domestic legal development as well as the international requirements. The initial acts of law on juvenile offenders were the Reformatory Schools Act 1897 and the Borstal Institutions Act 1926, which were more concerned with the reforming of juveniles in institutions (Fasihuddin, 2010). Nevertheless, the jurisdiction of these pre-colonial laws was too narrow and could not develop an elaborate juvenile justice system. Upon noting such shortcomings, Pakistan enacted the Juvenile Justice System Ordinance (JJSO) 2000, which sought to formulate a specific legal framework to handle the offenders who are minors by establishing juvenile courts, outlawing death penalties on juvenile offenders, and giving legal aid to children suspected of criminal offenses (Saeed, 2009).

The JJSO 2000 has had its fair share of critics despite these reforms because of the inability to implement the reforms and structural constraints in the Pakistani criminal justice system. In *Farooq Ahmed vs. Federation of Pakistan*, Lahore High Court pointed out shortcomings of the ordinance and suggested that more effective legislation should be made to protect juvenile offenders. The government in turn responded by introducing the Juvenile Justice System Act (JJSA) 2018, which superseded the previous ordinance and brought a number of reforms, such as the introduction of a diversion mechanism, juvenile justice committees, rehabilitation centers, and the introduction of increased protection of children during criminal proceedings (Iftikhar, 2019; Malik, 2019).

Despite the fact that the JJSA 2018 is a major advancement in legislation, there are some concerns about its application. Research has revealed that institutional weaknesses, inadequate infrastructure, insufficient training of law enforcement agents, and poor coordination between criminal justice organs still perpetuate the successful execution of the juvenile justice system in Pakistan (Abbas, Chughtai, and Hussain, 2022; Sajid, 2009). Moreover, the international human rights bodies have reported problems that include incarceration of juveniles in adult jails, slow-moving courts, and lack of sufficient rehabilitative centers (Human Rights Watch, 1999; Amnesty International, 2003).

The continuity of these problems is critical of how effective the juvenile justice system is in Pakistan. The legal framework also seems to be in line with international practices, but there is still a big discrepancy between the law and the practice. This is why it is important to examine the legal provisions and their application in practice to define the strong and weak sides of the existing juvenile justice system.

In this connection, the proposed study attempts to critically analyze the law that regulates juvenile justice in Pakistan and evaluate the efficiency with which it has been implemented. The study will help to determine the major issues in the juvenile justice system and suggest the creation of the policy to ensure better protection and rehabilitation of children who have disputes with the law by examining the pertinent laws, judicial trends, and empirical evidence to clarify the main challenges of the juvenile justice system.

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Literature Review

The juvenile justice sources in Pakistan reveal that there is a general agreement in one aspect: Pakistan has over time constructed a more detailed juvenile justice system, yet the working system is feeble, incoherent, and erratic. The discussion that cuts across the literature reviewed is centered around four themes: the inseparable conceptualization of juvenile justice, legal framework expansion, institutional and procedural failure in the implementation process, and the necessity to shift towards reintegration, rehabilitation, and diversion instead of punitive justice.

Conceptual foundations of juvenile justice

The concept of juvenile justice is usually interpreted as a niche of the criminal justice system that is aimed at dealing with children that are in conflict with the law in a particular way that does not align with adult offenders. This distinction is explained by the fact that children are not developed yet and are susceptible to external factors and have a higher level of reformability (Howell, 1980; Weijers and Grisso, 2011). The general comparative literature highlights the fact that juvenile offending need not be treated only by punishment; instead, justice systems need to integrate accountability, treatment, reintegration, and social protection (Junger-Tas & Dünkler, 2011; Bilchik, 2016). This is the orientation expressed in the international norms, especially the Convention on the Rights of the Child (CRC), the Beijing Rules, the Riyadh Guidelines, and the United Nations Rules on the Protection of Juveniles Deprived of their Liberty, which all need child-sensitive procedures, minimum use of detention, and measures directed towards rehabilitation instead of retribution (Convention on the Rights of the Child, 1989; United Nations, 1985; United Nations, 1990a; United Nations, 1990b).

This same normative position is taken by Pakistani scholarship that is reviewed in the literature. Abbas, Chughtai, and Hussain (2022) define juvenile justice as the system that is based on the best interests of the child, the system that should focus on prevention, protection, rehabilitation, and reintegration instead of punitive sentencing. Noor (2021) also states that the existence of juvenile law is based on the fact that regular criminal law is inadequate to ensure that the minor offenders are not subjected to custodial abuse, forced investigation, and disproportionate punishment. Fayyaz (2021) subjects juvenile justice to the wider philosophy of criminal justice but emphasizes that the child offender should be viewed as an object of correction and rehabilitation rather than as a criminal liability carrier. Collectively, these studies support the main conceptual assumption of the current study: the legitimacy of juvenile justice in Pakistan needs to be considered not only based on the presence of the law, but on how much legal and institutional practice is implemented in accordance with these child-focused goals.

Evolution of the juvenile justice framework in Pakistan

By a slow historical development, the legal literature always followed the Pakistani juvenile justice system. Previous acts, including the Reformatory Schools Act of 1897, the Borstal Institution Act of 1926, the Sindh Children Act of 1955, the Probation of Offenders Ordinance of 1960, and the Pakistan Penal Code and Code of Criminal Procedure, gave piecemeal protection but failed to create a single national juvenile justice system (Jabeen, 2013; Noor, 2021). The Juvenile Justice System Ordinance, 2000 (JJSO 2000), became the first significant effort towards the development of a

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specific structure for children in conflict with the law. It also created juvenile courts, limited some types of punishment, provided legal assistance funded by the state, and banned trials with adults (Juvenile Justice System Ordinance, 2000; Saeed, 2009).

However, the JJSO was incomplete in a much broader sense. From an extreme legal standpoint, Saeed (2009) claimed that the ordinance offered a bare-bones juvenile justice system. He found loopholes in terms of minimum age of criminal responsibility, legal assistance, conflict of jurisdiction with special courts, probation, investigation protection, diversion, and rehabilitation. These were criticized in subsequent work. In his comparative discussion of the former and the new juvenile legislation, Iftikhar (2019) observes that the JJSO did not expound on most of the procedural and institutional prerequisites to the existence of a child-focused justice system.

This saw the introduction of the Juvenile Justice System Act, 2018 (JJSA 2018), which is commonly believed to have made considerable progress in the literature as a major enhancement to the JJSO. As it is repeatedly mentioned in the literature, the JJSA expanded definitions, established the concept of the best interest of the child, defined different types of offenses as minor, major, and heinous, developed the diversion mechanism with the help of Juvenile Justice Committees, established the observation homes and juvenile rehabilitation centers, reinforced the protection of confidentiality, banned some types of punishments, and stipulated the superiority of the law over the conflicting legislations (Juvenile Justice System Act, 2018; Iftikhar, 2019). This new scholarship thus perceives the JJSA as a more detailed statute on paper, though not necessarily as an effective system in practice.

International standards and Pakistan's compliance obligations

One of the themes that is recurring is the international law obligation of Pakistan. The key tool is the CRC and, in particular, Articles 37, 39, and 40 that stipulate humane treatment of children deprived of liberty, support at reintegration, and child-specific justice measures (Convention on the Rights of the Child, 1989). It is the emphasis on procedural safeguards, proportionality, and juvenile-specific institutions in the Beijing Rules; prevention of juvenile delinquency in the Riyadh Guidelines; child-safe detention standards; and protection against abuse in the United Nations Rules of the Protection of Juveniles Deprived of their Liberty (United Nations, 1985; United Nations, 1990a; United Nations, 1990b). The ICCPR is also up to date due to anti-arbitrary arrest, unfair trial, and brutal or degrading treatment safeguards (International Covenant on Civil and Political Rights, 1966).

According to the literature, as the laws of Pakistan are becoming more and more borrowed in terms of language and framework, the enforcement is still incomplete. Abbas et al. observe that Pakistan has legitimized numerous of its provisions in the juvenile justice system with the global child-right mechanisms but still does not provide the practical rights of juvenile offenders (2022). Ijaz, Madni, and Akhtar (2021) reach the same conclusion and conclude that procedure requirements under the JJSA were not practiced in the field even with the evident intention of the legislation. Fayyaz (2021) also puts Pakistan into a relative world situation and finds that the legal framework of the country represents current global values like diversion, social reintegration, and separate custodial arrangements, yet the institutional structure was insufficient to actualize the values.

Divergent definitions of “child” and the issue of criminal responsibility

One of the areas of legal issues that has been found throughout the literature is the lack of uniformity in the definition of the term "child" in Pakistani law. Although the JJSA 2018 and the previous JJSO consider a child to be any person under eighteen years of age when the offense was committed, other laws apply various age limits in various circumstances, including labor, matrimony, or criminal liability (Abbas et al., 2022; Noor, 2021). Abbas et al. (2022) give a more comprehensive overview of this issue, demonstrating that other age limits have been historically imposed through laws like the Child Marriage Restraint Act, the Factories Act, the Shops and Establishments Ordinance, and older provincial legislation. This legislative gap results in the interpretive ambiguity and may undermine the homogeneous enforcement of juvenile protection.

Associated with this is the issue of the minimum age of criminal responsibility. The Pakistan criminal law acknowledged a minimum age at which a child cannot be found criminally responsible, and also an additional age bracket within which maturity needs to be taken into account was identified in the 82 and 83 sections of the Pakistan Penal Code (1860). The literature remarks that the legal age was increased to ten years instead of seven, yet researchers still doubt that it is still low based on the changing global standards (Abbas et al., 2022; Saeed, 2009; Happold, 2006). The age query thus comes out in the literature not only as a doctrinal problem but also as a problem of implementation, particularly when it comes to determining age during arrest, bail, and trial.

Determination of juvenility as a critical procedural issue

The issue of defining whether an accused individual is a juvenile or not is one of the most tenacious ones throughout the literature. Abbas et al. (2022) consider this one of the most significant shortcomings of the juvenile justice system in Pakistan by listing some of the most inconsistent judicial solutions: one court is more inclined to follow the documentary evidence of school records or birth certificates, and another is more focused on medical examination. In their article, they provide an extensive overview of mixed decisions, and it shows that the pleas of juvenility were accepted at certain points and dismissed as untimely in others. Noor (2021) also states this inconsistency and says that age determination is a thorny issue even after successive changes in the legislation, and Ijaz et al. (2021) note that the age of the accused is often disregarded even at the very moment of recording the First Information Report.

The determination of age was not empirically addressed at the same level as discussed by Saeed (2009); however, he opposed the previous law because it did not incorporate criminal responsibility and juvenile definition in a logical manner. Subsequent legal and policy documents, such as the age determination protocol used by the Supreme Court of Pakistan, have tried to justify the process, but the literature indicates that it is an area of ambiguity and procedural injustice (Supreme Court of Pakistan, Criminal Petition No. 251-L of 2020). The general agreement found in the reviewed literature is that the inability to establish age correctly at its initial stage may lead to children being subjected to the adult criminal justice system and being denied access to bail, diversion, and protection of their confidentiality.

Diversion, restorative justice, and the shift away from formal criminal processing

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One of the most widely acclaimed new innovations in the more recent literature is that of the introduction of diversion in the JJSA 2018. Diversion The term "diversion" defines the process that involves the exclusion of children from the formal criminal justice system and instead addressing the cases with the help of other forms of responses: apology, restitution, community service, reprimand, or supervised rehabilitation (Juvenile Justice System Act, 2018). Iftikhar (2019) considers the diversion as one of the greatest enhancements in comparison to the JJSO, as it implies the premises of restorative justice and helps prevent the stigmatization of first-time offenders or low-risk child criminals. Another piece by Shah et al. (2020) puts restorative justice in the context of the juvenile justice system in Pakistan and states that diversion is the best international practice, as it addresses repair, social responsibility, and reconciliation instead of punishment.

This orientation is supported by the larger comparative literature. Dünkel (2011) demonstrates that diversion has been an effective alternative to punishment in the European systems, whereas the United Nations Office on Drugs and Crime (2006) stresses restorative justice as a method of addressing both the needs of victims and offenders as well as that of communities. According to Fayyaz (2021), numerous jurisdictions leave discretion to police and prosecutors when it comes to diversion of young offenders, but various systems require that some categories of cases involving juveniles must be diverted or subject to mediation. Nonetheless, the Pakistani literature emphasizes that diversion has not been properly applied either. According to the report by Ijaz et al. (2021), Juvenile Justice Committees have not been properly constituted in most locations, whereas Abbas et al. (2022) and Noor (2021) note that restorative possibilities have not been made more obvious in law compared to institutional practice. This is why the issue of diversion is an especially crucial field of the current research since it is at its core about whether the system is truly child-centered or not.

Institutional weaknesses in implementation

Despite the legal scholarship being punctual to note the statute design improvement, the most recurring viewpoint among all the literature reviewed is that the central issue in Pakistan is implementation. The weaknesses of institutions are established at all levels of the juvenile justice chain, namely in the police investigation, prosecution, adjudication, probation, custody, and rehabilitation.

The police are the most common victims of criticism. Both Abbas et al. (2022) and Fayyaz (2021) refer to police as the initial and most significant point of contact in the justice system, but also to the lack of training in juvenile laws and child protection. According to Ijaz et al. (2021), police are often not able to identify the age of a person, fail to adhere to the statutory protections, and even show children violence and exploitation. Serious evidence of brutality on the part of the Faisalabad police is especially indicated in the Yale Law School follow-up report on juvenile abuse by the police, which reveals that children can be severely mistreated in police custody (Yale Law School, 2014). Human Rights Watch (1999) and Amnesty International USA (2003) also report violations of basic rights of child prisoners and lack of protection of juveniles.

The judiciary as well comes out as a point of concern. Research observes that there is no complete operational, dedicated juvenile court throughout the nation and that the juvenile issues are usually referred to the already strained session court (Ijaz et al.,

2021; Fayyaz, 2021). According to Abbas et al. (2022) and Noor (2021), despite the availability of special procedures and separate courts by law, there is no consistent implementation, frequently relying on judicial awareness or local administrative practices. According to media reports mentioned in the literature, there are certain improvements in some provinces, especially Khyber Pakhtunkhwa, but they seem to be partial and not national (Report, 2020; Warraich, 2020).

Consentia and parole services have been largely identified as feeble. Both Fayyaz (2021) and Abbas et al. (2022) mention that probation is at the core of reformation and reintegration but is not actively used and developed. Hussain (2009) also emphasizes the importance of probation services in social reintegration, although the general literature indicates that probation departments are under-resourced and they are not integrated well into court practice. Torbet (1996) refers to juvenile probation abroad as the workhorse of the juvenile justice system, and the comparison of the weak probationary functioning of Pakistan makes the situation all the more important.

Custodial conditions, detention, and rehabilitation failures

One of the most solid recurrent issues in the literature under evaluation is the incarceration of juveniles. The normative perspective on the issue of detention is evident: detention is a measure of last resort, children must not be kept with adults, and the custodial environment must be based on care, education, and rehabilitation, as opposed to punishment (Convention on the Rights of the Child, 1989; United Nations Rules for the Protection of Juveniles Deprived of their Liberty, 1990).

Abbas et al. (2022) discuss detention conditions at length and mention that overcrowding, poor hygiene, inadequate sanitation, inadequate health care, and limited contact with the family spoil the rehabilitative purpose of custody. They also indicate that juveniles are occasionally handcuffed or fettered even though it is against the law. Fayyaz (2021) also notes that very few Borstal facilities and schools for youth offenders are available, and even these do not necessarily serve as true rehabilitative facilities. Noor (2021) stresses that the law mandates the presence of observation homes and rehabilitation centers, and yet, these facilities are abhorrent to reality. The above perspective has been supported by the Human Rights Watch report and SPARC-related materials found in the various literature, which point out that most child detainees are still vulnerable to abuse, neglect, and contamination by coming into contact with adult inmates (Human Rights Watch, 1999; Lotse, 2006).

This conclusion is supported by the empirical element of some of the studies reviewed. Fayyaz (2021) and Abbas et al. (2022) refer to the prison population statistics indicating that a significant percentage of juveniles in the prisons are under-trial offenders, but not convicted offenders. This observation is significant since it indicates that a significant number of children are being kept in detention not due to a final determination but due to delays, ineffective bail policies, and system inefficiency. In their research on juvenile offenses in the Borstal Jail Faisalabad, Shamim et al. (2009) give an insight into the institutional reality of juvenile custody. In general, the literature indicates that detention in Pakistan often has the opposite effects of reintegration.

Causes of juvenile delinquency and the need for prevention-oriented policy

Although most literature dwells on legal frameworks and institutions, a number of works discuss that delinquency among juveniles cannot be viewed outside the social contexts of causation. The sources listed in the reference list by Abbas et al. (2022), Fayyaz (2021), and others associate juvenile offending with poverty, poor families, peer pressure, urbanization, illiteracy, and lack of supervision. Ahmed and Murtaza (2016) mention various aspects of juvenile delinquency influenced in Punjab, whereas Nisar et al. (2015) refer to family, peer, and economic factors. Ferdoos and Ashiq (2015) lay emphasis on the effect of urbanization, and Talpur (2011) also looks at structural reasons in the Pakistani setting. These causal studies support an essential argument of the child-focused juvenile justice literature: in case juvenile delinquency is the product of social stress, family chaos, exclusion, and developmental insecurity, justice policy should entail prevention and social support, and not adjudication and custody alone (Agnew, 2006; Canter, 1982; Elliott and Menard, 2011; Kupersmidt, Coie, and Dodge, 1990).

Specifically, Abbas et al. (2022) explicitly emphasize that the aspect of juvenile justice in Pakistan where the greatest attention is not paid is prevention. This article by them posits that policy has been more concerned with post-offense management and is consistent with ignoring interventions targeting vulnerable children such as street children, migrant children, and children who are living in a deprived or abusive background. This is the same theme apparent in the Riyadh Guidelines, which emphasize social prevention, family support, intervention at the community level, and development-oriented child policy (United Nations, 1990a). The gap in the literature on its prevention is thus very large and contributes to the necessity of a more extensive analysis of juvenile justice than the formal legal rules.

Synthesis and research gap

Combined, the reviewed literature in the literature shows a definite trend. First, it is widely accepted that Pakistan has shifted in terms of fragmented and obsolete legal standings to a more harmonized statutory body, especially with the adoption of the JJSA 2018. Second, it is also widely recognized that there has been no equal implementation of the reforms of the law. The themes are similar among the authors: absence of specialized courts, poor age determination processes, inadequate use of diversion, use of poor observation homes and rehabilitation centers, poor detention, poor probation services, poor police training, and insufficient coordination of policy. Nonetheless, the gap is also significant in the current literature. Much of the scholarship is of either of two types: doctrinal or comparative legal analysis on the one hand, and descriptive accounts of implementation failure on the other. It has a relatively small number of integrative studies that evaluate the relationship between the legal framework itself and the institutional circumstances in which it is implemented in a systematic manner of the relationship and includes both normative and empirical aspects. Other studies consider legal comparisons of JJSO and JJSA as their primary emphasis of study (Iftikhar, 2019; Saeed, 2009; Noor, 2021), whereas others concentrate on practice, institutions, or even system failures in general (Abbas et al., 2022; Ijaz et al., 2021; Fayyaz, 2021). What is still required is a joint assessment of juvenile justice in Pakistan that unites the legal framework, structures of implementation, and the actual operations of the justice institutions against the backdrop of the domestic law as well as the international standards.

The current research is aimed at filling that gap by assessing the juvenile justice

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system in Pakistan from a legal and implementation perspective. It builds upon the current literature but aims to go beyond description to look at how the strengths of the existing legal structure are undermined, restructured, or blocked by institutional realities.

Theoretical Framework

The theory of juvenile justice in Pakistan needs a theoretical explanation of the causes of juvenile delinquency as well as the explanation concerning the justification of special legal treatment of children at law. The current research is based on three complementary theoretical frameworks, namely, the restorative justice theory, the child rights theory, and strain-based explanations of juvenile delinquency. These frameworks give conceptual ground on the assessment of the legal framework of the juvenile justice system in Pakistan and its efficiency of application.

Restorative Justice Theory

Restorative justice theory stresses repairing the damage that is caused by criminal action instead of just emphasizing punishment. Restorative approaches in the area of juvenile justice seek to engage offenders and victims as well as the families and communities in the resolution of the impact of wrongdoing and encourage accountability and rehabilitation (United Nations Office on Drugs and Crime, 2006). This method is based on the acknowledgement that juvenile delinquents in most cases are subject to social and environmental pressures and that criminalizing them is likely to support and not to rectify criminal acts.

International standards of juvenile justice mirror the adoption of restorative principles of justice. The Beijing Rules promote the application of diversion and community-based programs whereby the young offenders can evade the formal process of judicial trials where they are apposite (United Nations, 1985). On the same note, the United Nations Handbook on Restorative Justice Programmes indicates that diversion, mediation, and reconciliation would be an effective option to incarceration among the juvenile offenders (UNODC, 2006). Relative analyses of the juvenile justice systems reveal that juvenile delinquencies can be minimized through diversion and restorative measures that can facilitate the reintegration of young offenders into the communities (Dünkel, 2011; Junger-Tas and Dünkel, 2011).

In Pakistan, the idea of restorative justice has been established through the Juvenile Justice System Act, 2018, which proposed the introduction of the diversion processes and the Juvenile Justice Committees as alternatives to the formal criminal proceedings (Juvenile Justice System Act, 2018). According to scholars like Shah et al. (2020), these reforms are seen as an alternative to punitive sanctions, that is, in favor of restorative principles, that is, a focus on community-based resolution, apology, restitution, and rehabilitation. Nevertheless, the literature also points out that these mechanisms are not fully used because they are limited by the institutions and are not aware of them (Abbas, Chughtai, and Hussain, 2022). Theoretically, the restorative justice would offer an adequate template to determine the effectiveness of the juvenile justice system in Pakistan to promote rehabilitation and reintegration.

Child Rights Theory

The other conceptual lens that guides this research is the child rights conceptualization, which is mostly based on the international human rights law. According to the Convention on the Rights of the Child (CRC), children deserve special protection and care because of their physical and mental immaturity (United Nations, 1989). In a juvenile justice setting, the CRC expects states to make sure that children who are suspected of crimes are handled in a way that does not demean their dignity and facilitates their reentry into the community.

Article 40 of the CRC states that the juvenile justice systems must aim at the well-being of the child and also make sure that the legal response is commensurate both to the nature of the crime as well as the needs of the child. Also, Article 37 obliges that the detention of children should be applied only as a last resort and be as brief as possible. These principles are further developed in the United Nations Rules for the Protection of Juveniles Deprived of their Liberty and the Riyadh Guidelines, which emphasize the prevention of delinquency among juveniles as well as the protection of the rights of the children during the course of justice (United Nations, 1990a; United Nations, 1990b).

The principles of child rights are embedded in the law of Pakistan in the constitutional guarantees and statutory principles. Following the Constitution of the Islamic Republic of Pakistan (1973), equality before the law and the right to not be exploited are fundamental rights that apply to children. Some of the child rights principles included in the Juvenile Justice System Act, 2018, are the best interest of the child, confidentiality of juvenile proceedings, and proscription of severe punitive measures such as the death penalty on minors. As Malik (2019) believes, these provisions will ensure that the legal framework of Pakistan makes it consistent with the international human rights norms, whereas it is quite challenging to implement it effectively. The child rights framework is thus used as a normative guideline to determine whether the juvenile justice institutions in Pakistan meet the standard and competence of safeguarding the rights and dignity of children against the law.

Strain and Social Factors in Juvenile Delinquency

General Strain Theory is a third theoretical perspective that would be applicable in this study, and it describes criminal behavior as a reaction to the social pressures of the environment, poverty, and adverse life events. Agnew (2006) indicates that an individual who encounters strain, which could be in the form of poverty, family conflict, social exclusion, or failure to attain socially desirable goals, might turn to delinquent behavior as a way of coping with the strain. These pressures are especially prone to juveniles because they are at a development stage and may not be in a position to deal with stress and frustration.

The empirical research in Pakistan confirms the applicability of the social and environmental variables in the explanation of juvenile delinquency. Ahmed and Murtaza (2016), in their study, along with others, recognize poverty, lack of education, peer influence, and family instability as some of the key factors that lead to juvenile offending in Punjab. On the same note, Nisar et al. (2015) emphasize the influence of economic deprivation and lax parental control on delinquent behavior in the youth. The other research indicates the influence of urbanization and social disorganization in raising juvenile crime rates (Ferdoos & Ashiq, 2015).

These results imply that the juvenile justice policy should not base itself on punitive legal reactions only, but it should also take into account the overall social realities that

lead to youth crime. Education, community support programs, and family interventions are also preventive measures, which are therefore necessary elements of an effective juvenile justice system. The Riyadh Guidelines clearly focus on the prevention measures to enhance the social environment of children and decrease risk factors that are related to delinquency (United Nations, 1990a). By reflecting these insights into the consideration of the juvenile justice system in Pakistan, this paper will be able to determine whether the existing policies are sufficient in meeting the legal and social aspects of juvenile crime.

Integration of Theoretical Perspectives

The juvenile justice of Pakistan can be assessed using a combination of restorative justice theory, children's rights principles, and strain-based explanations, as this would be a total framework. Restorative justice is a theory that focuses on rehabilitation and community-based interventions, child rights theory sets normative principles regarding how children are to be treated, and strain theory lays stress on social background issues that lead to youth delinquency. Combined, these views enable the current research to investigate the legal provisions to regulate juvenile justice and the institutional and social circumstances that affect their effectiveness in a broader context.

Based on these theoretical foundations, the research evaluates the extent to which the juvenile justice system in Pakistan supports rehabilitation, safeguards the rights of children, and ensures that the social factors of juvenile offending are addressed. The next section describes the research design that will be applied in the assessment of the legal framework and practice of juvenile justice in Pakistan.

Research Methodology

Research Design

The research design followed in the study is a mixed-method research design that includes a combination of the qualitative analysis of legal issues and the limited quantitative analysis of the current statistical information about juvenile justice in Pakistan. The aim of applying this strategy is to assess the legal framework that regulates juvenile justice and the institutional issues that influence its application. The research will be able to help evaluate the juvenile justice system in Pakistan by incorporating both doctrinal legal analysis and secondary evidence.

It is analytical and descriptive research. It discusses the design of the legal system governing juvenile justice and also checks how well these legal provisions have been applied in reality. The qualitative element is based on the interpretation of the law and analysis of policy, whereas the quantitative element gives an idea of the patterns of juvenile detention and criminal justice outcomes. This is a combined method in which the study is able to bridge legal principles and institutional realities as a significant issue in past studies on juvenile justice in Pakistan (Sajid, 2009; Abbas, Chughtai, and Hussain, 2022).

Doctrinal Legal Analysis

The qualitative aspect of the study is grounded on the doctrinal legal analysis. Doctrinal research consists of the logical study and analysis of statutes, law principles, and judicial precedents to assess the efficiency of the legal system (Prest, 2016). It is a common approach to legal scholarship since researchers can use it to understand the

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structure, interpretation, and application of law in a specific legal system.

This paper employs the doctrinal analysis to analyze the key policy tools in juvenile justice in Pakistan. These are the Juvenile Justice System Act 2018, the Juvenile Justice System Ordinance 2000, the Pakistan Penal Code 1860, the Code of Criminal Procedure 1898, and provisions in the Constitution of the Islamic Republic of Pakistan 1973. These legal tools are combined in the statutory framework of the treatment of children in conflict with the law.

Along with the domestic legislation, the research also analyzes the international legal mechanisms that define the standards of juvenile justice. These are the Convention on the Rights of the Child, the International Covenant on Civil and Political Rights, the United Nations Standard Minimum Rules of the Administration of Juvenile Justice (Beijing Rules), the United Nations Guidelines on the Prevention of Juvenile Delinquency (Riyadh Guidelines), and the United Nations Rules on the Protection of Juveniles Deprived of Their Liberty. These global tools set normative standards like the protection of the rights of children, proportionality in sentencing, and use of detention as a last resort measure.

Quantitative Analysis of Secondary Data

The quantitative aspect of the study is based on the interpretation of the secondary statistical evidence concerning juvenile offenders in Pakistan. The lack of a national database on juvenile justice makes the study rely on the previously published empirical research papers, institutional reports, and prison statistics to experience the trends in juvenile crime and detention.

The accessible information gives us understanding regarding various crucial signs of juvenile justice implementation. These are the number of juveniles held in the prison, the percentage of under-trial and convicted juvenile offenders, the age groups of the juvenile offenders committed, and the nature of crimes that minors commit. The available empirical research on juvenile offenders in the correctional facilities can also provide useful insights into the social and economical background of juvenile inmates and the conditions they face within the institutions (Shamim et al., 2009; Ahmed and Murtaza, 2016).

The reports by the human rights organizations and international institutions also give additional evidence on prison conditions and handling of the juvenile offenders. Among the problems recorded in these reports are overcrowding, delayed trials, and detention of underage offenders in facilities that lack the international standards (Human Rights Watch, 1999; Amnesty International USA, 2003). Through such statistical and institutional results, the study gives an empirical backdrop to the effectiveness of the juvenile justice system.

Data Sources

The research is based on primary and secondary sources of information. Primary sources include legislative tools, constitutional texts, and judicial precedents that outline the legal context of juvenile justice in Pakistan. These are the sources that are necessary to know the rights, procedures, and protections that are created by the law for children in conflict with the criminal justice system.

The secondary sources comprise scholarly documents, policy documents, empirical research, and institutional documents that examine how juvenile justice policies are developed and implemented. The articles of Abbas et al. (2022), Sajid (2009), Noor

(2021), and Iftikhar (2019) are valuable analytical insights into how the laws and institutional issues of juvenile justice changed in Pakistan. Reports created by the international organizations and human rights organizations also offer good evidence on the situations of juvenile imprisonment in the state of affairs of the justice system.

Limitations of the Study

The study is limited, although it is very comprehensive. The scarcity of credible and current statistical information on the juvenile offenders in Pakistan is one of the main constraints. The formal records on the number of juvenile arrests, prosecutions, and rehabilitations are not always complete, or they are irregularly kept in different provinces.

The dependence on secondary data as opposed to primary field research through interviewing of law enforcement officials, judicial officers, or juvenile offenders is another weakness. Although secondary sources are useful sources of information about the operation of the juvenile justice system, a direct empirical study may help shed more light on the practices of the institutions and the problems of their implementation.

However, through integrating both a doctrinal legal analysis and empirical research based on the available studies and institutional reports, the paper gives a more systematic and critical analysis of the juvenile justice system and its application in Pakistan.

Legal Framework of Juvenile Justice in Pakistan

Constitutional Protection of Children

The constitutional framework of Pakistan offers the legal girdle of protection of children, even including those who are against the law. Various basic rights that are applicable in the juvenile justice system have been guaranteed in the Constitution of the Islamic Republic of Pakistan, 1973, which include equality before the law, protection of human dignity, and protection against exploitation (Constitution of the Islamic Republic of Pakistan, 1973). Even though the Constitution does not explicitly provide any independent part of the Constitution specially devoted to juvenile justice, its terms provide a normative framework for the safeguarding of the rights and well-being of children in the criminal justice system.

Article 25 of the Constitution confirms that every citizen is equal under the law and has a right to equal protection of the law. Juvenile offenders should also be subject to this principle so that children charged with offenses should not be discriminated against arbitrarily in the course of the trial. Article 11 also denies the exploitation of children and limits their working in dangerous circumstances. Moreover, Article 25-A acknowledges the right to education for children of five to sixteen years old, and this is an extension of the constitutional responsibility for child development and child welfare (Constitution of the Islamic Republic of Pakistan, 1973).

It has been argued by scholars that it is these constitutional guarantees that offer an indirect yet significant basis to juvenile justice guarantees in Pakistan. According to Jabeen (2013), the state has a legal responsibility to treat juvenile offenders in a way that is in line with their developmental requirements because some of their constitutional rights, including dignity, equality, and protection against exploitation, expose them to such an obligation. In a similar manner, Malik (2019) points out that the right to dignity is especially crucial when it comes to the juvenile justice system

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since children are more susceptible to abuse, pressure, and other dehumanizing treatment at criminal justice facilities.

Early Legislative Framework for Juvenile Offenders

In Pakistan, the Pakistani society had to address juvenile crimes mostly through the general criminal laws that were passed during the colonial rule, before the introduction of specialized juvenile justice laws. The Pakistan Penal Code, 1860, has the provisions about the criminal responsibility of children. The Code acknowledges in Sections 82 and 83 that children who are under a specific age would not be able to commit a crime, and hence they would not face criminal responsibility (Pakistan Penal Code, 1860). These provisions are based on the understanding of criminal responsibility, which has to be based on the maturity level of the criminal development.

The Code of Criminal Procedure, 1898, traditionally regulated procedural issues of criminal trials such as arrest, investigation, and bail. Nevertheless, this procedural law was originally created to cover adult offenders in the first place and was not able to respond to the specific requirements of juvenile defendants. Consequently, according to this, children who committed crimes used to undergo the same procedures and methods of detention as adults (Saeed, 2009).

Alongside these general criminal laws, there came into being a number of special laws to deal with the issue of juvenile delinquency and rehabilitation of youth. Institutions for providing young offenders with the corrective education and vocational training instead of subjecting them to the traditional imprisonment were established by the Reformatory Schools Act, 1897, and the Borstal Institutions Act, 1926 (Fasihuddin, 2010). Even though these laws constituted some of the first attempts to differentiate between juvenile offenders and adult criminals, they were rather limited in their focus and failed to establish a system of juvenile justice.

Juvenile Justice System Ordinance 2000

The Juvenile Justice System Ordinance (JJSO) 2000 was a big step in changing the juvenile justice in Pakistan. It was the initial holistic legislation that was meant explicitly to govern the handling of charged criminal children. The ordinance brought a number of significant changes, such as creating juvenile courts, the separation of the death sentence for juvenile offenders, and the free access to the legal services of children who are accused of crimes (Juvenile Justice System Ordinance, 2000).

The other important aspect of the JJSO was that the juvenile offenders should be tried independently of the adult co-prosecutors. The ordinance also banned the distribution of data that might expose the name of a juvenile in a criminal action. These were to be aimed at ensuring the children were not subjected to stigma, and criminal justice processes were tailored to suit age and vulnerability (Saeed, 2009).

These reforms notwithstanding, the JJSO was criticized by scholars and practitioners. According to Saeed (2009), the ordinance had a number of procedural uncertainties and did not specify the implementation mechanism. In a similar vein, Sajid (2009) pointed out that there was no institutional integration between the police, the courts, and the social welfare departments, which restricted the applicability of the law in practice. These vulnerabilities later led to the calls for more legislative change.

Juvenile Justice System Act 2018

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Following the shortcomings of the previous ordinance, Pakistan adopted the Juvenile Justice System Act (JJSA) 2018 that substituted the JJSO and introduced a more developed legal framework of juvenile justice. The JJSA states that a juvenile is an individual who has not reached the age of eighteen years at the time of the offense and provides a different procedural regime in case of dealing with a child in conflict with the law (Juvenile Justice System Act, 2018).

A classification of offenses into three categories, namely minor offenses, major offenses, and heinous offenses, is one of the significant innovations of the JJSA. This classification is meant to inform the judicial rulings on bail, diversion, and sentencing. The legislation also brought in the system of diversion by creating Juvenile Justice Committees, which are in a position to adjudicate some of the cases without the criminal court proceedings with the help of restitution, apology, or community service (Iftikhar, 2019).

The Act also demands the development of observation homes and juvenile rehabilitation centers where the children can be educated, trained, and given psychological assistance. Such facilities are supposed to be used to substitute the old prison environment and encourage juvenile offenders to be rehabilitated and reintegrated. The JJSA also does not allow punishing children, such as the death penalty, corporal punishment, shackling, and forced labor (Juvenile Justice System Act, 2018).

Typically the opinion of the scholars is that JJSA is better than the previous ordinance. According to Abbas, Chughtai, and Hussain (2022), the new law is based on the current principles of juvenile justice, including diversion, rehabilitation, and restorative justice. The same argument is put forward by Malik (2019), who states that the Act portrays a willingness of the Pakistani government to uphold the dignity and rights of juvenile offenders. However, these studies also point out that the effectiveness of the law, too, is heavily reliant on the ability of institutions to carry out the law.

International Legal Standards and Pakistan's Obligations

The international human rights law also applies to the juvenile justice structure of Pakistan. The Convention on the Rights of the Child (CRC), which was ratified in 1990, includes a set of basic standards of how children should be treated in conflict with the law. Article 40 of the CRC demands that states should set up special laws, procedures, and institutions concerning juvenile offenders, whereas Article 37 stipulates that the detention of juvenile offenders should be the last resort and in the shortest time possible (Convention on the Rights of the Child, 1989).

These principles are supported by other international instruments. The Beijing Rules are the United Nations Standard Minimum Rules of the Administration of Juvenile Justice (Beijing Rules), which encourage juvenile deviation, proportional sentencing, and rehabilitative approaches (United Nations, 1985). The United Nations Guidelines on Prevention of Juvenile Delinquency (Riyadh Guidelines) is concerned with preventive measures geared towards restructuring the social factors that lead to juvenile delinquency (United Nations, 1990). In the same manner, the United Nations Rules on the Protection of Juveniles Deprived of their Liberty dictate minimum norms under which children should be treated in the confinement centers (United Nations, 1990).

Pakistan is another country that belongs to the International Covenant on Civil and

Political Rights (ICCPR), which ensures the right against arbitrary detention, torture, and unfair trial procedures (International Covenant on Civil and Political Rights, 1966). The existence of these international commitments imposes an obligation on Pakistan to see that the laws and institutions of juvenile justice are in line with the human rights standards recognized internationally.

On the whole, the juvenile justice system in Pakistan indicates that there is a progressive change to the internationally recognized concepts of child protection, rehabilitation, and reintegration. Nevertheless, as we shall see in later sections, there are still serious issues with the translation of such legal provisions into working institutional practice.

Institutional Structure of the Juvenile Justice System in Pakistan

Role of Law Enforcement Agencies

The law-enforcing bodies, especially the police, are the initial interface between the juveniles and the criminal justice system. Their behavior at arrest, investigation, and holding are major factors to confirm that juvenile justice protection measures have been well incorporated. The police must consider juvenile offenders differently as compared to adult suspects as stipulated by the Juvenile Justice System Act 2018. It is required by the law that police have to inform parents or guardians of the juvenile immediately and make sure that children do not experience brutal interrogation methods and avoid taking them into custody, which is not necessary (Juvenile Justice System Act, 2018).

Although such legal provisions are in place, a number of studies have demonstrated that the practices by police tend to be insensitive to children as demanded by law. According to Abbas, Chughtai, and Hussain (2022), police officers do not receive the specialized training in the juvenile justice procedures that leads to the mismanagement of the juvenile cases. In other cases, children are subjected to police lock-ups or coercive methods of interrogation, which are against the law. Equally important, Sajid (2009) notes that lack of clear coordination between police authorities and child protection institutions is another factor that adds irregularities into the process during the initial stages of the criminal investigation.

It has also been reported in the human rights reports that juveniles are abused and mistreated when in the custody of the police. A follow-up report by Yale Law School (2014) gave alarming information about how the law enforcers treat juvenile detainees, such as subjecting them to physical abuse and refusal of basic legal protections. These results show that the positive outcome of juvenile justice law implementation requires a lot to be done in terms of training, awareness, and responsibility of law enforcement officers.

Juvenile Courts and Judicial Procedures

The judiciary system is also involved in the protection of the rights of juvenile offenders, and the legal processes should be carried out as per the specialized laws of juvenile justice. The Juvenile Justice System Act 2018 proposes the creation of special juvenile courts that will preside over the cases concerning the children who are in conflict with the law. The purpose of these courts is to make sure that the proceedings are child-friendly and that the decisions are based on rehabilitation instead of punishment (Juvenile Justice System Act, 2018).

The juvenile courts are supposed to embrace the use of loose and protective

procedures in handling the juvenile offenders. These procedures involve secrecy of proceedings, trials other than those involving adult co-accused, and expedited proceedings to ensure that children are not held protractedly without trials. Moreover, the law stipulates that juvenile offenders should be allowed to be provided with bail whenever feasible, especially when the juvenile is involved in minor offenses.

Nevertheless, in a number of studies, the practicality of juvenile courts has been condemned. As Abbas et al. (2022) note, there is no engagement of specialized juvenile courts in most areas of Pakistan, so the juvenile cases are heard in regular criminal courts. This case negates the intent to create a distinct justice system over the children. According to Sajid (2009), court delays usually lead to an extended jail term for the juvenile, with many spending most of their time as under-trial prisoners.

Nevertheless, it has been noted that there is some improvement in some areas in spite of these challenges. According to media reports, child courts in provinces like Khyber Pakhtunkhwa have started handling juvenile cases in a more efficient way, which indicates that the institutional reforms can enhance the operations of juvenile courts in case sufficient administrative support is available (Report, 2020).

Probation and Parole Services

The services of probation and parole are a vital part of the juvenile justice system due to the fact that they offer an alternative to incarceration and help the young offenders to return to society. The probation system enables the courts to release juvenile offenders on a probation basis instead of sending them to the correction facility. This model is anchored on the assumption that community-based rehabilitation is in most cases more efficient than custodial punishment.

Probation has been a strong point in juvenile justice that has become common in the global practice. Torbet (1996) refers to juvenile probation as the workhorse of the juvenile justice system since it helps the court to keep a check on the offenders, and at the same time, they facilitate rehabilitation. In Pakistan, the probation services will be expected to aid in the implementation of the diversion measures and help juvenile offenders resume normal social living.

However, studies have shown that the probation services in Pakistan are not well-developed. According to Abbas et al. (2022), poor staffing, insufficient resources, and a lack of synergy with courts and social welfare agencies tend to be common in probation departments. This causes courts to occasionally use custody sentencing rather than probation even in situations where community-based rehabilitation would be more suitable.

Juvenile Rehabilitation Centers and Borstal Institutions

Modern juvenile justice systems are largely concerned with the rehabilitation of juvenile offenders. As opposed to punishment, the modern policies of juvenile justice underline education, psychological assistance, and job training as the methods of recidivism decrease and social integration. Juvenile offenders have rehabilitation centers that are Borstal institutions, youth offender schools, or juvenile rehabilitation centers in Pakistan.

The Borstal Institution Act 1926 is among the first legislative attempts at creating specific rehabilitation facilities for juvenile offenders. Borstal facilities served to give education and vocational training in a regulated setup where the juveniles could acquire skills that would help them fit back in society (Fasihuddin, 2010). This

approach of rehabilitation is still encouraged by modern juvenile justice legislation. The government has a duty, under the Juvenile Justice System Act 2018, to create observation homes and juvenile rehabilitation centers where the young offenders can be taken care of, educated, and given psychological counseling. Juveniles are to be accommodated in observation homes during the investigation and trial process, whereas long-term treatment and reintegration programs are to be carried out in rehabilitation centers.

Even with these legal provisions, there are limited facilities in terms of their availability. According to Abbas et al. (2022), most areas do not have sufficient observation homes and rehabilitation centers, and the authorities are obliged to keep juveniles in regular prisons or areas that do not comply with international standards. This lack of special facilities sabotages the rehabilitative aims of the juvenile justice legislation.

Role of Social Welfare and Child Protection Institutions

In juvenile justice, the social welfare institutions and the child protection agencies are significant in assisting the justice process. These facilities undertake the role of offering psychological counseling, educational assistance, and social restoration services to law-defiant children. They also aid the courts in writing social investigation reports, which guide the judges on what to do to the juvenile offenders. Child protection programs in Pakistan have been designed by the different government departments and nongovernmental organizations aimed at protecting the rights of vulnerable children in the country. According to Jabeen (2013), the juvenile justice system requires effective coordination among the social welfare department, the courts, and law enforcement agencies to ensure the effective running of the juvenile justice system.

Nonetheless, it is indicated in the literature that there is poor coordination among these institutions. According to Sajid (2009), fragmented responses to juvenile delinquency are usually caused by the absence of an integrated institutional framework. The rehabilitative interests of the juvenile justice laws cannot be achieved in full without proper liaison between the legal and social institutions.

Overall Institutional Challenges

Even though Pakistan has developed a legal and institutional system of handling juvenile offenders, a number of structural challenges still plague its success. These predicaments encompass the lack of adequate training of law enforcers, the lack of special juvenile courts, poor probation facilities, and inadequate rehabilitation facilities. Moreover, the lack of coordination in different institutions dealing with juvenile justice is usually a cause of delays and inconsistencies in the procedure.

Abbas et al. (2022) find that the disconnect between the law and practices also continues to be one of the greatest challenges of the juvenile justice system in Pakistan. It is critical, then, that these institutional weaknesses be addressed because this is how to make sure that the goals of the juvenile justice legislation, especially rehabilitation, reintegration, and upholding the rights of children, become a reality.

Empirical Trends and Implementation Patterns of Juvenile Justice in Pakistan

Trends in Juvenile Crime and Detention

To assess the juvenile justice system well, there is a need to look at the empirical trends associated with juvenile crime and detention. Though Pakistan does not have a fully integrated national database on juvenile offenders, empirical studies, institutional reports as well as prison statistics availed give valuable information into the way the system works. These results indicate structural issues that influence the enforcement of laws of juvenile justice, such as the lengthening of court cases, a significant amount of under-trial detainees, and a lack of rehabilitation centers.

Studies have shown that a high percentage of juveniles arrested in correction facilities are not guilty persons but under-trial inmates. This is a common occurrence in cases of slow judicial systems, insufficient legal services, and poor institutional liaison among police and judicial departments (Abbas, Chughtai, and Hussain, 2022). The prolonged time of juvenile detention before trial is of great concern due to the international standards of detention as the last resort and a minimum period of time (Convention on the Rights of the Child, 1989).

There are also empirical evidence that the patterns of juvenile detention differ across provinces. The cities that are more densely populated with greater socio-economic disparities are the ones that report more juvenile offenders. The research on juvenile prisons in Punjab shows that a significant proportion of the detained juveniles belongs to the economically disadvantaged groups and lacks access to education or jobs (Ahmed & Murtaza, 2016)..

Table 1: Estimated Status of Juvenile Prisoners in Pakistan

Status of Juvenile Prisoners	Approximate Percentage
Under-trial juveniles	70–80%
Convicted juveniles	20–30%
Juveniles placed in rehabilitation centres	Very small proportion
Juveniles released on probation or diversion	Limited number

Source: Abbas et al. (2022); Ahmed & Murtaza (2016)

The predominance of under-trial detainees indicates that procedural delays remain a serious challenge within the juvenile justice system. Prolonged detention can negatively affect the psychological well-being of children and undermine the rehabilitative objectives of juvenile justice legislation.

Types of Offences Committed by Juveniles

Empirical studies on juvenile offenders in Pakistan reveal that most juvenile crimes involve **non-violent offences**, particularly property-related crimes such as theft, burglary, and minor disputes. Violent crimes constitute a smaller proportion of cases, although they often receive greater public attention due to their seriousness. A study conducted at Borstal Jail Faisalabad found that the majority of juvenile offenders were convicted for property-related crimes rather than violent offences (Shamim, Batoo, Zafar, & Hashmi, 2009). Similar findings were reported in studies examining juvenile prisoners in Punjab, which identified economic hardship and limited employment opportunities as contributing factors to property-related offences among youth (Ahmed & Murtaza, 2016).

Table 2: Distribution of Offence Types Among Juvenile Offenders

Type of Offence	Estimated Share of Cases
Property offences (theft, burglary, snatching)	40–50%
Violent offences (assault, robbery)	20–25%
Drug-related offences	10–15%
Public order offences (fighting, vandalism)	10–15%
Other minor offences	Remaining proportion

Source: Shamim et al. (2009); Ahmed & Murtaza (2016)

The predominance of property-related offences suggests that juvenile delinquency in Pakistan is often linked to socio-economic pressures rather than organized criminal activity.

Socio-Economic Characteristics of Juvenile Offenders

The socio-economic background is an important factor that influences the juvenile delinquent patterns. As it has been shown in many research works, a significant number of juveniles who commit crimes have come to that state due to being the victims of the offenses of marginalized social backgrounds, which are defined by poverty, lack of education, and poor family relations. According to empirical studies, carried out in Pakistan, a significant percentage of juvenile offenders are low-income families, which have been interrupted in their studies (Ahmed and Murtaza, 2016). Equally, studies that have been done to understand the causes of juvenile delinquency focus on the role of family instability, peer influence and economic deprivation in the development of delinquent behaviour in children (Nisar, Ali, Ullah, and Alam, 2015).

Table 3: Socio-Economic Background of Juvenile Offenders in Pakistan

Background Indicator	Observed Trend
Family income level	Majority from low-income households
Educational status	High proportion of school dropouts
Family structure	Significant number from broken or unstable families
Residential background	Many from densely populated urban areas
Peer influence	Strong association with delinquent peer groups

Source: Ahmed & Murtaza (2016); Nisar et al. (2015)

These conclusions indicate that the problem of juvenile crime is strongly interconnected with the general social and economic disparities. The solution to nuisance such problems in juveniles is therefore centered on resolution of these structural problems in order to prevent juvenile delinquency and enhance the effectiveness of juvenile justice policies.

Detention Conditions and Institutional Challenges

The situation in juvenile detention centers is a significant indicator of the efficiency of the juvenile justice system. According to international norms, deprived children should be treated with dignity, kept in different places where adult prisoners are not kept, and given an educational and rehabilitative opportunity (Convention on the Rights of the Child, 1989).

Nonetheless, there is a literature review investigating the existence of detention facilities in Pakistan that has found several issues, such as overcrowding, insufficient access to education and vocational training, as well as inadequate healthcare provision (Abbas et al., 2022). In other cases, the juveniles have been detained in premises that

are not up to the international child protection standards. There have also been incidents of abuse and due process violations of the juvenile detainees reported by the human rights organizations (Human Rights Watch, 1999; Amnesty International USA, 2003). These are results which point to the fact that enhancing institutional infrastructure and reinforcing the mechanisms of oversight are still significant issues on the agenda of the juvenile justice system.

Implications for Juvenile Justice Implementation

The empirical tendencies found in this section prove that there are still the serious gaps between the legal framework of juvenile justice and their practical realization. Although new legislation has provided valuable changes in focusing on rehabilitation and children protection, institutional issues are still an obstacle to successful implementation. Large percentages of under-trial prisoners, social and economic disadvantages of juveniles offenders, and shortcomings in prison structures demonstrate necessity of holistic changes. To solve these concerns, the institutional coordination needs to be better, more investments in rehabilitation programs, as well as their more effective mechanisms in the protection of the rights of children in the justice system..

Challenges in the Implementation of Juvenile Justice Laws in Pakistan

Although a comprehensive legal system governing the juvenile justice in Pakistan has been developed, some major issues still plague the proper enforcement of these laws. Even though the laws, including the Juvenile Justice System Act 2018, have the principles of rehabilitation, diversion, and protection of children's rights, these ideas are in most cases not implemented in practice due to institutional restrictions and structural weaknesses. The existing literature on juvenile justice in Pakistan has been repeatedly pointing out the issues of law enforcement practices, judicial inefficiency, lack of sufficient rehabilitation facilities, and socio-economic aspects of juvenile delinquency (Abbas, Chughtai, and Hussain, 2022; Sajid, 2009).

8.1 Weak Institutional Coordination

The second main problem that has impacted the application of juvenile justice laws in Pakistan is the inability to coordinate different institutions that take part in the justice process. The juvenile justice system needs the efficient interaction among the police authorities, the courts, the probation services, and the social welfare departments. Nonetheless, studies have shown that such institutions tend to be independent and have little communication or coordination (Sajid, 2009).

Lack of a fully incorporated institutional framework often creates delays in the process and application of the law provisions unevenly. As an example, the police officials can be unable to identify juvenile offenders in a proper way during the arrest, and, consequently, children have to be taken through the usual criminal justice system and not through the special juvenile justice system. In the same way, courts can be threatened with delays in receiving social investigation reports from the probation or welfare departments, prolonging the judicial process.

Abbas et al. (2022) question the fact that institutional fragmentation is a major substance of the rehabilitative objectives of juvenile justice law. The protective measures set by the law under good coordination among the concerned agencies cannot work effectively.

Lack of Specialized Training for Law Enforcement and Judicial Officers

The other significant issue is connected with the lack of training of the police officers, prosecutors, and judicial personnel to deal with juvenile cases. Despite the fact that the Juvenile Justice System Act 2018 stipulates adopting child-sensitive practices during arrest and trial, most justice people do not have the expert knowledge required to carry out the practices.

Research has also determined that police officers tend to treat juvenile offenders similarly to adult offenders because they lack knowledge of juvenile justice provisions (Abbas et al., 2022). Such a practice can result in the infringement of procedural protection, such as inappropriate detention and forceful interrogation techniques. The lack of special training programs that assist the law enforcement officers in carrying out their mandate also underlines the inconsistent application of juvenile justice laws, as suggested by the same author (Sajid, 2009).

Even judicial officers have difficulties when it comes to the use of child-friendly legal procedures. Juvenile cases continue to be dealt with by normal criminal courts in many districts as opposed to having juvenile-specific courts, thus restricting the capacity of judges to take on procedures that specifically target the minor.

Inadequate Rehabilitation and Detention Facilities

One of the biggest challenges to the efficient operation of the juvenile justice system is the lack of specialized facilities to rehabilitate and imprison the juvenile offenders. According to the Juvenile Justice System Act 2018, there is the organization of the observation homes and juvenile rehabilitation centers where young offenders should study, get counseling, and have professional jobs. Nevertheless, such facilities are few in the entire country.

This has led to juveniles being confined in juvenile facilities, which initially had been created to house adult criminals. This is against the international standards that demand children be placed in different setups than adults and be offered suitable rehabilitative services (Convention on the Rights of the Child, 1989). According to Abbas et al. (2022), the rehabilitation process is further complicated due to overcrowding and lack of adequate infrastructure in facilities of detention.

The reduced success in reintegrating into society is also due to the few educational and vocational training programs available in correctional institutions. Absence of proper rehabilitative measures can cause juvenile confinement to unwittingly provide a chance of recidivism.

Delays in Judicial Proceedings

Another major problem of the juvenile justice system in Pakistan is judicial delays. Most of the young criminals are kept in custody longer as they await the process of the court cases. These delays are usually caused by large caseloads in the courts, the lack of an appropriate number of special juvenile judges, and inefficiencies in the justice system.

This issue of extended imprisonment is especially troubling when it comes to juvenile justice since the international standards underline the need to conduct legal proceedings against children as quickly as possible. Not only do delays nullify the rehabilitative goals of juvenile justice, but delays also subject young offenders to mental pressures and social stigmatization.

As Abbas et al. (2022) note, the fact that such a high percentage of under-trial juvenile prisoners are held in prisons in Pakistan indicates the inefficiency of the criminal

justice system as a whole. These delays therefore need to be addressed to ensure that the juveniles are not held in detention without any cause.

Socio-Economic Factors Contributing to Juvenile Delinquency

The institutional issues are not the only causes influencing the trends of juvenile delinquency; the socio-economic factors in the social context are also impactful. Some of the most common factors identified to cause youth crime in Pakistan include poverty, lack of education, unemployed youths, and poor families.

The empirical research conducted on juvenile offenders in Pakistan suggests that a good part of young criminals have poor economical backgrounds, and access to formal education is not as high as possible (Ahmed and Murtaza, 2016). In a similar vein, a study by Nisar et al. (2015) draws attention to the role of family structure and peer pressure in determining the behavior of a juvenile.

Such socio-economic realities provide circumstances such that children are more exposed to committing crime. Therefore, resolving the problem of juvenile delinquency needs not only changes in the law but also the wider social policy that is directed to the elimination of poverty and enhancing educational opportunities and family support systems.

Limited Use of Diversion and Restorative Justice Mechanisms

The Juvenile Justice System Act 2018 has brought about diversion mechanisms where some of the cases can be solved without criminal trials. These are supposed to help ease the stigmatizing impact of the prosecution of criminals and encourage rehabilitation of young offenders within communities.

Nevertheless, studies show that the application of diversion mechanisms is not actively practiced. According to Abbas et al. (2022), the effectiveness of implementing the diversion programs depends on the Juvenile Justice Committees, which does not always work because many of them are not active or do not have enough resources. Consequently, the juvenile delinquents can still face a formal process of justice even when committing minor crimes.

The fact that restorative justice practices are limited further limits the reconciliation chances between offenders, victims, and communities. The increase in application of diversion programs can thus be significant in the rehabilitative orientation of the juvenile justice system.

Overall Implementation Gap

All the challenges mentioned above prove that the main problem of the juvenile justice system of Pakistan is not only in the lack of any legal regulations but also in the disparity between the legislation and its enforcement. Although the legal system has been more flexible to advance the current principle of child protection and rehabilitation, the effectiveness of these efforts is still compromised by the weaknesses within the institutions.

To close this gap in implementation, a thorough institutional reform, better training of the justice officials, increased investment into the rehabilitation infrastructure, and better communication between the agencies involved in child protection are required. In the absence of these reforms, the goals of juvenile justice legislation, which are to protect, rehabilitate, and reintegrate children in conflict with the law, cannot be achieved in their totality.

Policy Recommendations for Strengthening Juvenile Justice in Pakistan

Enhance the cooperation between police, courts, probation services, and social welfare departments such that the juvenile cases are addressed more efficiently, consistently, and according to the protection that the law offers.

Train police officers, prosecutors, and judicial officials on child rights, child psychology, and the process of juvenile justice to ensure that they become more child sensitive at all levels of the justice process.

Open more observation homes, borstals, and rehabilitation centers nationwide such that the juveniles are not held in a facility that accommodates adult offenders but are rather accorded the chance to receive proper care, education, and counseling.

Enhance probation with improved staffing and professional training and even enhance the institutional provision as well as promote the use of probation and other community-based responses in minor offense cases by the courts.

Enhance the activities of Juvenile Justice Committees and also make them more active and effective in order that more diversion, mediation, and counseling, as well as other forms of restorative justice, can be employed, especially in cases involving first-time offenders and less serious cases.

Implement more extensive social policies to prevent poverty and enhance access to education, save families, and protect vulnerable children because it is possible to mitigate the underlying factors of juvenile delinquency.

Establish a data collection hub and depend on juvenile arrests, court proceedings, and detention and rehabilitation outcomes where the reform processes are based on evident information and intelligent policy making.

Increase the level of knowledge of juvenile rights and justice that is founded on rehabilitation by campaigns involving the society and the community and also encouraging the civil society to be more significantly involved in the reintegration of the juvenile offenders.

Conclusion

The juvenile justice system is important in safeguarding the rights and the well-being of children who fall at variance with the law. This paper has discussed the legal, institutional, empirical, and implementation issues of juvenile justice in Pakistan. As shown through the analysis, Pakistan has gone a long way in ensuring that the legal framework is developed to ensure that its principles are reflective of contemporary child protection, rehabilitation, and reintegration principles. Nonetheless, much is still being done to transform these legal provisions into useful institutional practices.

The history of juvenile justice laws in Pakistan can be seen as the gradual establishment of a more child-centered law. The preceding legal provisions, like the Reformatory Schools Act 1897 and the Borstal Institutions Act 1926, offered few guarantees to the juvenile delinquents and were mainly concerned with corrective detention. The launching of the Juvenile Justice System Ordinance 2000 was a significant move in the formation of a specialized system for handling children who are in conflict with the law. However, the ordinance had a number of procedural restrictions, which limited its efficacy. The adoption of the Juvenile Justice System Act 2018 can be seen as one of the most important improvements in the juvenile justice system in Pakistan, as it has introduced such central concepts as diversion, rehabilitation, and the dignity of children (Juvenile Justice System Act, 2018; Iftikhar,

2019).

These legislative advances notwithstanding, the empirical investigation conducted in the present study points to the fact that they continue to experience difficulties in implementation. A large percentage of under-trial juvenile detainees is also one of the most crucial concerns since it demonstrates the lack of timeliness in judicial processes and institutional failures. Research has shown that a large number of juveniles are taken to stay in detention longer awaiting trial, which is against the principle that detention is the last resort (Abbas, Chughtai, and Hussain, 2022).

The study also reveals that the socio-economic factors that have a close relationship with juvenile delinquency in Pakistan include poverty, lack of education, families in a state of instability, and peer influence. Empirical research indicates that a significant percentage of juvenile offenders belong to the marginalized social groups, and therefore, justice through the law cannot be used to solve the problem of juvenile crime (Ahmed & Murtaza, 2016; Nisar et al., 2015). The effective approaches to prevent offending in youths should thus deal with the wider social contexts, including factors that lead to youth offending.

The institutional flaws also make the enactment of the law on juvenile justice more difficult. The number of rehabilitation centers, probation services, and training of law enforcement officials are limited, which makes rehabilitation-oriented policies less effective. Relativism: Juveniles are still kept in facilities that do not have enough educational and psychological support in place in other instances, which negates the rehabilitative goals of juvenile justice law.

Another fact that has been revealed in the given study is the necessity to reinforce the diversion and restorative justice systems. The introduction of the diversion provisions that the Juvenile Justice System Act 2018 offers provides an opportunity to solve some cases with juvenile offenders outside the criminal justice system. Nevertheless, these mechanisms are not fully exploited because the Juvenile Justice Committee is not active or properly funded. The increase of the diversion programs may decrease the number of cases in the courts and encourage the community rehabilitation of youth offenders.

The juvenile justice system in Pakistan is also affected by the international standards of human rights, especially the Convention on the Rights of the Child, the Beijing Rules, and the Riyadh Guidelines. The international instruments described focus on the significance of rehabilitation, social reintegration, and upholding the rights of children in the process of justice. Making the domestic practices aligned to those international standards would be a significant goal of future reforms.

On the whole, the paper draws the conclusion that although the country of Pakistan has developed a fairly comprehensive legal framework of juvenile justice, the main problem is how to implement it effectively. The way of closing the gap between law and practice is to enhance institutional harmony, enhance the rehabilitation facilities, enhance training for justice officials, and improve social-economic factors that add to the issue of juvenile delinquency.

Reform in the future should be aimed at the creation of a more integrated and child-centered justice that places more emphasis on rehabilitation, prevention, and social reintegration. With enhanced legal and institutional processes, Pakistan will be a step closer to achieving the national and international obligations of safeguarding the rights and well-being of the children at war with the law.

References

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- Abbas, H. G., Chughtai, A. M., & Hussain, K. (2022). Juvenile justice system in Pakistan: A critical appraisal. *International Research Journal of Education and Innovation*, 3(1), 76–92.
- Agnew, R. (2006). General strain theory: Current status and directions for further research.
- Ahmed, U., & Murtaza, A. (2016). Factors affecting juvenile delinquency in Punjab, Pakistan: A case study conducted at juvenile prisons in Punjab Province. *Mediterranean Journal of Social Sciences*, 7(4), 273–282.
- Amnesty International. (2003). *Pakistan: Denial of basic rights for child prisoners*.
- Borstal Institutions Act, 1926.
- Canter, R. J. (1982). Family correlates of male and female delinquency. *Criminology*, 20(2), 149–167.
- Code of Criminal Procedure, 1898.
- Constitution of the Islamic Republic of Pakistan. (1973).
- Elliott, D. S., & Menard, S. (2011). Delinquent friends and delinquent behaviour: Temporal and developmental patterns. In J. D. Hawkins (Ed.), *Delinquency and Crime: Current Theories*. Cambridge University Press.
- Farooq Ahmed v. Federation of Pakistan, PLD 2005 Lahore 15.
- Fasihuddin. (2010). Development of juvenile justice system in Pakistan.
- Human Rights Watch. (1999). *Prison Bound: The Denial of Juvenile Justice in Pakistan*.
- Iftikhar, K. (2019). Does a juvenile get a better law this time? A comparative review of the new and old juvenile laws of Pakistan. *LUMS Law Journal*, 6.
- Jabeen, T. (2013). Pakistan's child protection legislative and policy frameworks: A critical review. *Pakistan Journal of Criminology*, 5(2).
- Junger-Tas, J. (2006). Trends in international juvenile justice. In *International Handbook of Juvenile Justice*. Springer.
- Junger-Tas, J., & Dünkel, F. (2011). *Reforming Juvenile Justice*. Springer.
- Juvenile Justice System Act, 2018.
- Juvenile Justice System Ordinance, 2000.
- Kupersmidt, J. B., Coie, J. D., & Dodge, K. A. (1990). The role of poor peer relationships in the development of disorder. Cambridge University Press.
- Noor, R. (2021). Juvenile justice system of Pakistan. *SZABIST Law Journal*.
- Pakistan Penal Code, 1860.
- Reformatory Schools Act, 1897.
- Saeed, M. (2009). A critical review of juvenile justice law in Pakistan. *Pakistan Journal of Criminology*.
- Sajid, I. A. (2009). Juvenile justice policy: Gaps identification and role of key stakeholders in Pakistan. *Pakistan Journal of Criminology*, 1(3).
- Shah, S. A., Balasingam, U., Salman, N. W., Dhanapal, S., & Ansari, K. M. (2020). Restorative juvenile justice system in Pakistan: An overview. *International Journal of Criminal Justice Sciences*, 15(2).
- Shamim, A., Batoor, Z., Zafar, M. I., & Hashmi, N. (2009). A study of juvenile crimes in Borstal Jail, Faisalabad. *Journal of Animal and Plant Sciences*, 19(2).
- Supreme Court of Pakistan. (2020). *Criminal Petition No. 251-L of 2020 (Age Determination Protocol)*.
- Talpur, F. (2011). Examining the causes of juvenile delinquency in Pakistan. *Annual Research Journal*.

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Print ISSN: 3006-5887

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- United Nations Office on Drugs and Crime (UNODC). (2006). *Handbook on Restorative Justice Programmes*.
- United Nations. (1966). *International Covenant on Civil and Political Rights*.
- United Nations. (1985). *United Nations Standard Minimum Rules for the Administration of Juvenile Justice (Beijing Rules)*.
- United Nations. (1989). *Convention on the Rights of the Child*.
- United Nations. (1990). *United Nations Guidelines for the Prevention of Juvenile Delinquency (Riyadh Guidelines)*.
- United Nations. (1990). *United Nations Rules for the Protection of Juveniles Deprived of their Liberty*.
- Yale Law School. (2014). *Abuse of Juveniles by the Faisalabad Police: Follow-Up Report*.