

Revealing the Economic Consequences of Prosecution Failures Within Pakistan's Criminal Justice Systems: A Focus on Ethical Considerations, With Comparative Insights from Norway

Kashif Mushtaq Warraich¹, Junaid Sattar Butt²

Abstract

The paramount goal of any criminal justice system is to deter criminal behavior, maintain societal order, and facilitate the rehabilitation of offenders. However, inherent weaknesses within these systems, including ethnic and socioeconomic disparities, can compromise their integrity and fairness. This study delves into the challenges faced by law enforcement, prosecutors, judiciary officials, and correctional facilities, particularly in regions like Punjab, Pakistan. These challenges encompass political pressures, limited prosecutorial authority, discretionary decision-making, the engagement of private attorneys by complainants, and issues of accountability and administrative inefficiency within these institutions. The paper provides an overview of the existing Criminal Justice System in Punjab/Pakistan, highlighting key features and prevalent unethical practices across various facets. Additionally, it discusses training initiatives conducted by organizations like the United Nations Office of Drugs and Crime, aimed at enhancing the capabilities of prosecution and law enforcement agencies. Drawing comparisons with the Norwegian criminal justice system, lauded for its effectiveness by the WJP Rule of Law Index, the paper concludes with recommendations to instigate positive change within the current justice system, focusing on ethics, infrastructure, and implementation.

Keywords: Criminal Justice System, Unethical Practices, Infrastructure Analysis, Implementation Strategies, Socio-Economic Disparities

Introduction

The criminal justice system serves as the cornerstone of societal order, aiming to deter crime, administer justice, and foster rehabilitation. However, the effectiveness and integrity of such systems can be compromised by various factors, ranging from

¹ Punjab Safe Cities Authority, Lahore Email: kashifwarraich442@gmail.com

² Postgraduate Institute of Law, The University of Law Email: junaidsattarbutt@yahoo.com

institutional inefficiencies to ethical lapses. In Pakistan, where the rule of law is vital for societal stability and economic progress, understanding the economic consequences of prosecution failures is imperative. The Criminal Justice System (CJS) is a network of agencies that work together to uphold the rule of law. These agencies include law enforcement (police), courts, and correctional institutions (Adil, 2019). Each of these agencies plays a vital role in investigating crimes, adjudicating cases, and rehabilitating offenders. Pakistan's CJS faces significant challenges, particularly regarding the effectiveness of prosecution and the ethical conduct of those involved in the system. This paper will explore the economic ramifications of these shortcomings, highlighting how failures in prosecution can impede economic progress.

The World Justice Project's (WJP) 2022 Rule of Law Index paints a concerning picture for Pakistan. The country is ranked 129 out of 140 countries, with Denmark and Norway leading the rankings. This research will delve into the weaknesses within Pakistan's prosecution system and analyze how these weaknesses impact economic stability. Unethical practices and a weak prosecution system can create a vicious cycle. When the public loses confidence in the CJS, it can lead to a culture of impunity, where criminals feel they can act without consequence (Volkov, 2015). This, in turn, can discourage law enforcement efforts (Tanvir, 2021), further hindering economic growth. Victims of crime are often denied justice, which can hinder investment and tourism. Additionally, businesses may be hesitant to invest in an environment with an uncertain legal system. This can stifle innovation and economic development. This paper will also examine Norway's justice system, which is consistently ranked among the world's best (WJP Index 2022).

This research seeks to delve into the intricacies of Pakistan's Criminal Justice Systems, particularly focusing on the region of Punjab, to unveil the economic ramifications of such failures. Through a lens of ethical considerations, this study aims to shed light on the challenges faced by law enforcement, prosecutors, judiciary officials, and correctional facilities in effectively carrying out their duties. The goal is to identify potential strategies that Pakistan can adopt to improve its own CJS. By exploring how a more robust and ethical prosecution system can contribute to a stronger economy, this research aims to provide valuable insights for policymakers and legal professionals. With a specific focus on the Pakistani context, this paper will recommend measures to enhance the CJS and create a more secure and economically vibrant nation.

This research contributes to the growing body of literature on the intersection of ethics, criminal justice, and economic development. It sheds light on the often-overlooked economic consequences of a flawed CJS, advocating for reforms that prioritize ethical conduct within the prosecution system. Overall, this paper

emphasizes the critical role of the CJS in maintaining the rule of law and fostering economic advancement. It highlights the significant challenges confronting Pakistan's CJS, particularly the issues surrounding prosecution deficiencies and unethical behaviors. Furthermore, it underscores the economic consequences stemming from a faltering CJS, such as diminished investment, tourism, and innovation. Drawing upon comparative insights from Norway, a nation renowned for its robust and effective criminal justice system, this research endeavors to identify key areas for improvement within Pakistan's justice framework. By examining the intersection of ethics, economics, and institutional efficacy, this study aims to provide valuable insights and recommendations for enhancing the fairness, integrity, and efficiency of Pakistan's criminal justice systems.

Research Question(s)

The research aims to shed light on the economic ramifications of prosecution failures within Pakistan's Criminal Justice Systems, particularly concentrating on the region of Punjab, while also delving into the ethical dimensions inherent in such failures. By juxtaposing these findings with comparative insights drawn from Norway's renowned criminal justice system, known for its efficacy, the study seeks to discern key differences and similarities, thereby extracting valuable lessons to inform policy and practice in Pakistan. Through a structured approach encompassing identification of prosecution failures, quantification of economic costs, examination of ethical considerations, comparative analysis with Norway, and formulation of policy recommendations, the research endeavors to contribute substantially to academic and policy discourse, ultimately aiming to enhance the effectiveness, fairness, and ethical integrity of Pakistan's criminal justice landscape.

What are the economic consequences of prosecution failures within Pakistan's Criminal Justice system, particularly in the region of Punjab, and how do these failures intersect with ethical considerations? Additionally, how do these findings compare with insights from Norway's criminal justice system, known for its effectiveness, and what lessons can be drawn to inform policy and practice in Pakistan?

Research Objectives

Identify Instances of Prosecution Failures: This objective involves conducting a comprehensive review of documented cases within Pakistan's Criminal Justice system, particularly focusing on instances where prosecution has failed to deliver justice. This would include analyzing factors such as case dismissal, acquittals due to lack of evidence, or procedural errors.

Quantify Economic Costs: This objective aims to quantify the economic impact of prosecution failures in Pakistan. It involves assessing direct costs such as loss of

investments, and decreased productivity due to crime, and indirect costs such as damage to investor confidence and increased security expenditures.

Examine Ethical Dimensions: This objective focuses on exploring the ethical implications of prosecution failures within Pakistan's Criminal Justice System. It involves evaluating aspects such as fairness, integrity, transparency, and accountability in the legal process, particularly concerning the rights of victims and defendants.

Conduct a Comparative Analysis with Norway: This objective involves comparing the prosecution systems and outcomes in Pakistan and Norway. It includes examining factors such as legal frameworks, institutional mechanisms, cultural attitudes towards justice, and ethical standards to understand the differences and similarities.

Identify Best Practices and Lessons Learned: This objective aims to identify best practices from Norway's criminal justice system that contribute to effective prosecution and ethical standards. It involves analyzing policies, procedures, and institutional arrangements that have proven successful in Norway and assessing their applicability to the Pakistani context.

Assess Policy Implications: This objective involves assessing the policy implications of the research findings. It includes providing recommendations for reforms and interventions aimed at improving prosecution effectiveness, enhancing ethical standards, and mitigating the economic consequences of prosecution failures within Pakistan's Criminal Justice Systems.

Contribute to Academic and Policy Discourse: This objective aims to disseminate the research findings through academic publications, policy briefs, seminars, and workshops. It involves engaging with stakeholders such as policymakers, legal practitioners, civil society organizations, and international development agencies to promote informed discussions and actions for reform.

By addressing these research objectives, the study can provide valuable insights into the economic consequences of prosecution failures within Pakistan's Criminal Justice Systems, with a focus on ethical considerations and comparative insights from Norway, ultimately contributing to evidence-based policymaking and practice.

Literature Review

In their article titled "Why do people in Pakistan avoid seeking court remedies? Failure of Pakistan's judiciary?" published on the legal news and analysis portal

"Courting the Law," Rizvi (2022) examines multiple factors contributing to the reluctance of the Pakistani public to seek recourse in courts, including corruption, case adjudication delays, and the presence of alternative dispute resolution mechanisms. Similarly, Kamran (2019) provides an overview of the criminal justice system in Pakistan, encompassing the key components of Police, Prosecution, Courts, Prisons, and Correction facilities, offering a comprehensive understanding of its structure. Farhat Ullah, et al. (2016) endeavor to explore university students' perceptions of the police, drawing from the students' observations and life experiences, shedding light on their attitudes towards law enforcement. Furthermore Zhang (2017) presents statistics on prisoners in Pakistan, offering readers a general understanding of incarceration rates, along with an overview of correctional facilities such as parole and probation. Moreover, Zia (2020) delves into the intricacies of Pakistan's prosecution system, highlighting its crucial role in ensuring an effective criminal justice system and advocating for the resolution of issues hindering its efficacy.

Butt (2024) provides a thorough examination of post-conviction bail practices across diverse legal systems, emphasizing the intricate interplay of legal frameworks, cultural dynamics, and societal norms. By scrutinizing factors like offense severity and risk of flight, it offers insights into the varied mechanisms at play in different jurisdictions. Its interdisciplinary approach integrates legal, sociological, and empirical perspectives, amplifying the human dimension of bail policies. Souryal, (2023) highlights the varying standards of conduct across societies, from cultural relativism to moral absolutism, suggesting that a perspective of moral pluralism offers the most promising approach to resolving ethical challenges. The chapter also investigates the sources of ethical standards, including religion and natural law, underscoring the importance of ethics in guiding the actions of criminal justice professionals and ensuring the proper functioning of the criminal justice system. Additionally, it presents case studies of unethical conduct by police and prosecutors, paving the way for an in-depth exploration of ethical issues in law enforcement in the subsequent chapter.

Dandurand & Yvon, (2014) addresses critical issues impacting the efficacy and credibility of criminal justice systems, highlighting the ramifications of inefficiency such as court delays, collapsed trials, and public distrust. It emphasizes the need for strategic, integrated, and sustainable mechanisms to improve the entire criminal justice process. Johnson (2023) highlights how prosecutors frequently advocate for diminished public rights, shield law enforcement from public scrutiny, and neglect to prosecute police misconduct. The article proposes a fresh perspective on evaluating the behavior of traditional prosecutors, viewing them not only as defenders of the community but also as proponents of expanded police and governmental authority. Aaron (2023) delves into the intricate challenges faced by prosecutors in cases involving classified information, particularly in the realm of national security. It

underscores the complexities inherent in balancing the imperative to uphold defendants' rights, prove guilt beyond a reasonable doubt, and safeguard national security interests.

Research Methodology

The research methodology employed in this study combines both descriptive and quantitative approaches, utilizing data gathered from primary and secondary sources. Through qualitative and thematic analysis, insights were gleaned from interviews and discussions with key stakeholders, including officers and officials from various relevant departments and organizations. The primary objective of these engagements was not only to explore the ethical considerations surrounding prosecution failures within Pakistan's criminal justice systems but also to solicit input and suggestions aimed at enhancing the system. Additionally, the study draws upon comparative insights from Norway, providing a broader perspective on the economic ramifications of such failures and the ethical dimensions involved.

Understanding Criminal Justice System of Pakistan

Key features of the criminal justice system may perhaps be named as Police, Prosecution, Courts, Prisons, and Corrections.

Police

The Punjab Police, established in 1861, serves as the primary law enforcement agency in the province, boasting a workforce of 225,000 employees. Its core responsibilities include upholding law and order and safeguarding the lives and property of citizens by enforcing regulations. Tasked with maintaining peace and combating crime and violence, the police force plays a crucial role in Pakistan's security apparatus. Led by an Inspector General of Police appointed by the federal government, the force comprises various specialized units, including the Counter-Terrorism Department and Criminal Investigation Department. Collaborating with other security forces like the Pakistan Rangers and paramilitary units, the police force employs modern technologies and training methods to enhance its efficiency and effectiveness. Overall, it remains dedicated to ensuring the safety and security of the Pakistani populace.

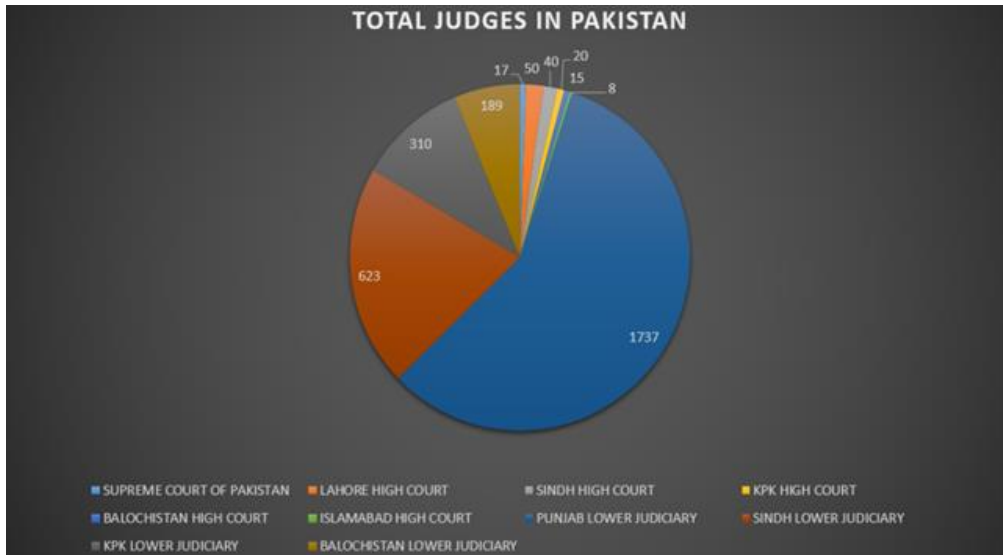
Prosecution

The criminal justice system in Pakistan operates under the framework established during British rule, primarily governed by the Criminal Procedure Code, of 1898 (Cr.PC). In 2006, the Punjab Prosecution Department was formed under the Punjab Criminal Prosecution Service Act, taking over responsibilities previously held by the Law Department. Acting as a liaison between the courts and law enforcement

agencies, the Prosecution Department handles case registration, investigation oversight, and trial proceedings. Prosecutors are tasked with ensuring fair trials, submitting police reports, confirming investigations, interviewing witnesses, and presenting cases in court. Their role is crucial in upholding the principles of natural justice and ensuring that justice is served within the Pakistani legal system.

Courts

The court system in Pakistan serves as a fundamental component of the country's legal framework, tasked with resolving disputes by applicable laws. It comprises a structured hierarchy including the Supreme Court, the Federal Shariat Court, the High Courts, and the District Courts or subordinate courts. These courts handle civil and criminal cases, as well as appeals. Rooted in Islamic law and influenced by the legal system of the British Raj, the Pakistani court system is complex and holds significant importance in the nations functioning. However, it faces challenges such as a high number of pending cases, with approximately 2.144 million awaiting decisions across various court levels according to a report by the Law and Justice Commission of Pakistan. The World Justice Project's Rule of Law Index for 2022 highlights Pakistan's ranking of 130th out of 139 states, indicating deficiencies in areas such as access to justice, protection of fundamental rights, governance, and the prevalence of corruption.



Prisons

The prison system in Pakistan is a multifaceted institution tasked with incarcerating individuals involved in criminal activities. Managed by the Prisons Department, which operates under the Ministry of Interior and provincial Home Departments, it oversees the administration, management, and rehabilitation of prisoners nationwide. However, the system faces numerous challenges including overcrowding, poor sanitation, inadequate medical care, and limited access to legal services. Furthermore, prisoners often endure physical and psychological abuse. Despite these issues, the government has initiated reforms to improve conditions and services, aiming to reduce overcrowding, enhance medical care, and expand legal assistance. Additionally, the establishment of a National Human Rights Commission tasked with monitoring and reporting on prison conditions signifies a commitment to addressing these issues. Nevertheless, further reforms are necessary to ensure the safety and well-being of prisoners in Pakistan.

Corrections

Correctional facilities in Pakistan are structured with a focus on rehabilitation rather than punishment for prisoners. These facilities offer a secure environment where inmates can engage in educational, vocational, and rehabilitative programs aimed at equipping them with skills for successful reintegration into society upon release. Access to healthcare, mental health services, recreational activities, and spiritual guidance is also provided within these facilities. The overarching goal of correctional facilities is to furnish inmates with the necessary resources and support to transition into productive and law-abiding members of society post-incarceration.

Causes of Decline of Criminal Justice System of Pakistan

Inquiry and Investigation

The most important function of the Police is to prevent crime and disorder in society and improve the quality of life for all citizens. The matter starts when any occurrence of a law breach takes place and the aggrieved party goes towards the police or police lodged complaint/ first information report (FIR) which itself is a tough process. Strong references or bribes are very common and start with the unfortunate event/ complaint and never stop until the submission of a police report commonly called "Challan". There are a hundred and one examples and the recent is the case/murder of a senior journalist whose family could not lodge an FIR, which was thereafter registered on the directions of the Court. Poor investigation and fabricated statements of the witness (u/s 160 of Cr.PC) of the incident are the main reasons for the failure of the cases and on such grounds the suspect's success in getting the benefit of the doubt is the favorite

child of law. The data about the crime against the public specifically women for the year 2021 and 2022 is provided here under;

Crime Category	Multan		Lodhran		Khanewal		Vehari		Bahawalpur		Bahawalnagar		Rahimyar Khan		D.G Kahn		Muzaffargarh		Rajanpur		Layyah		Kot Addu	
	2021	2022	2021	2022	2021	2022	2021	2022	2021	2022	2021	2022	2021	2022	2021	2022	2021	2022	2021	2022	2021	2022	2021	2022
Kidnapping for Fornication	604	639	209	214	431	414	305	360	588	589	377	366	509	550	241	210	238	347	230	211	155	159	106	138
Harassment to Women	154	187	129	84	123	140	130	202	272	272	216	263	238	227	120	79	198	247	216	234	125	85	86	88
Rape	278	279	83	64	125	132	148	178	255	196	179	220	201	209	102	84	258	220	93	66	105	99	80	88
House Trespassing	111	102	61	66	98	124	117	159	241	203	169	159	196	207	69	55	149	202	91	89	53	73	38	39
Gang Rape	11	22	1	0	4	1	3	2	11	8	2	1	0	3	3	1	3	7	5	4	2	8	2	0
Rape with Murder	2	2	1	1	0	1	1	3	5	2	1	0	2	2	3	1	1	1	0	1	0	1	1	0
Brothel House	24	54	2	7	5	9	12	28	12	23	18	13	16	56	11	52	24	55	15	12	13	30	9	22

Thana Culture

The term “Thana” is now commonly used to represent the mistreatment and cruelty by the Police during interrogation in custody although this was a traditional word used in northern areas of the Country. In addition, the newspapers report fake police encounters, unauthorized searches, and arrests daily. Furthermore, the police force in Pakistan is mostly known for and demonstrates arrogant behavior, and slang language with common masses and complainants as well. Thana culture negates community-policing concepts and discourages people's trust in the police force.

Lack of Investigation Facilities and Modern Devices

The issue of lack of investigation facilities in Punjab/ Pakistan is a major problem. Investigations are a vibrant part of the criminal justice structure and without access to proper investigative tools and resources, the system is not able to carry out investigations and prosecute criminals, effectively and efficiently. In Punjab, there is a severe lack of resources and technology equipment for investigations, including limited access to forensic laboratories, inadequate training for investigators, and a lack of modern investigative techniques. The lack of investigation facilities in the Police is a major hindrance to the effective functioning of the criminal justice system and is a major obstacle in the fight against crime and terrorism.

Corruption

Corruption in all the institutions of Pakistan especially in the Punjab Police Department is extensive. Transparency International reported that Pakistan is the 140

least corrupt nation out of 180 countries (2022 Corruption Perception Index). Moreover, Transparency International vide Arab News dated 9th December 2022, reported that Police and judiciary institutions are the most corrupt institutions in Pakistan. It involves bribery and the misuse of power for personal gain. The police have been known to take bribes from criminals to ignore their activities, as well as to extort money from innocent citizens. Sometimes, they even accept bribes to falsely incriminate innocent people in crimes that they never committed. Corruption has caused a great deal of mistrust between the public and the police, which has nastily damaged the reputation of the police department (Farhat, et al., 2016).

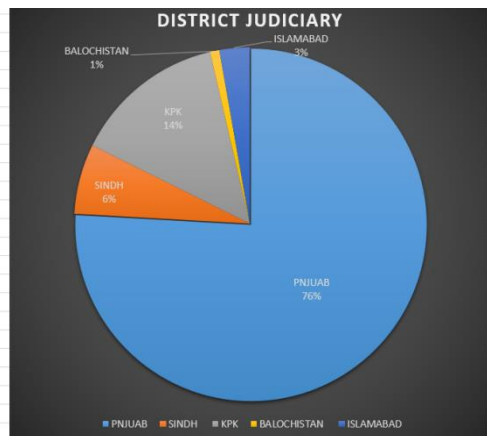
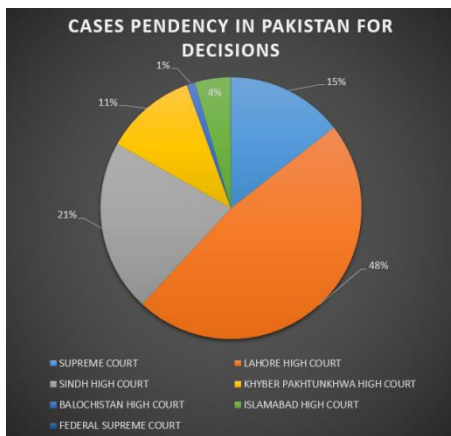


<https://worldjusticeproject.org/rule-of-law-index/global/2022/ranking>

Prosecution

As demands for the restoration of Pakistan's fractured criminal justice system intensify, numerous shortcomings within the flawed prosecution service have been pinpointed as culprits behind delays in dispensing justice and releasing criminals. The alarmingly low conviction rate, hovering around 5-10%, underscores prosecutors' inability to secure convictions effectively. Particularly in Punjab, the prosecution system has sparked national concern due to a myriad of issues crippling the entire criminal justice system (CJS). These issues encompass a feeble and inefficient legal infrastructure, resource scarcity, a staggering caseload backlog, flawed investigations, fraudulent case registrations, rampant corruption, and inequitable access to justice for marginalized communities. The systemic weaknesses stem from resource shortages, the absence of meaningful legal reforms, and inadequate professional training for legal practitioners.

The surge in cases has led to numerous acquittals owing to sluggish trial proceedings. Moreover, exorbitant legal fees have rendered fair trials unattainable for the impoverished, resulting in many cases being handled by unqualified attorneys, further exacerbating delays and leading to the exoneration of accused individuals. The persistently troubled state of Pakistan's prosecution system necessitates comprehensive reform across the entire criminal justice spectrum to ensure swift and impartial justice and safeguard the rights of both complainants and defendants. Remedial measures should encompass the implementation of legal reforms and the establishment of robust legal aid systems. Additionally, bolstering resources for the prosecution system is imperative to guarantee equitable access to justice for the underprivileged. Finally, combating corruption within the legal system is paramount to restoring public confidence in the justice system.



Advocacy

In Pakistan, the legal profession boasts over one hundred and seventy thousand advocates registered with various Bar Councils, with the Punjab Bar Council alone accounting for around one hundred thousand advocates, making Lahore Bar the largest in Asia. Advocacy is considered a noble profession, with practitioners often referred to as 'LORDS'. Advocates play a vital role in the administration of justice, acting as a bridge between citizens and the courts, and providing legal advice and representation. However, unethical behaviors such as tardiness, seeking adjournments, influencing courts, conflicts of interest, filing frivolous lawsuits, withholding evidence, and pursuing political or personal agendas have become prevalent among advocates, contributing to delays in justice delivery.

To ensure speedy and fair justice, the government must engage with relevant advocate forums, such as Bar Councils, to develop guidelines addressing these issues. Additionally, the Pakistani legal system often prioritizes strict adherence to legal technicalities over justice itself, as evidenced by cases like that of Malala Yousafzai, where accused individuals were acquitted due to lack of evidence. Moreover, the safety of lawyers and judges is threatened, particularly in cases involving extremist groups, as seen in the Quetta Massacre where the president of the Baluchistan Bar Council was targeted and killed by a terrorist group. Such challenges not only tarnish the reputation of the legal profession but also discourage young lawyers, potentially leading to corrupt practices and undermining justice. The legal profession is under siege by unruly behavior, attacks, and violations of the rule of law, weakening its foundation and, consequently, the entire criminal justice system. Addressing these issues is essential to uphold the integrity and efficacy of the legal profession and ensure the fair administration of justice in Pakistan.

Proceedings and Trial

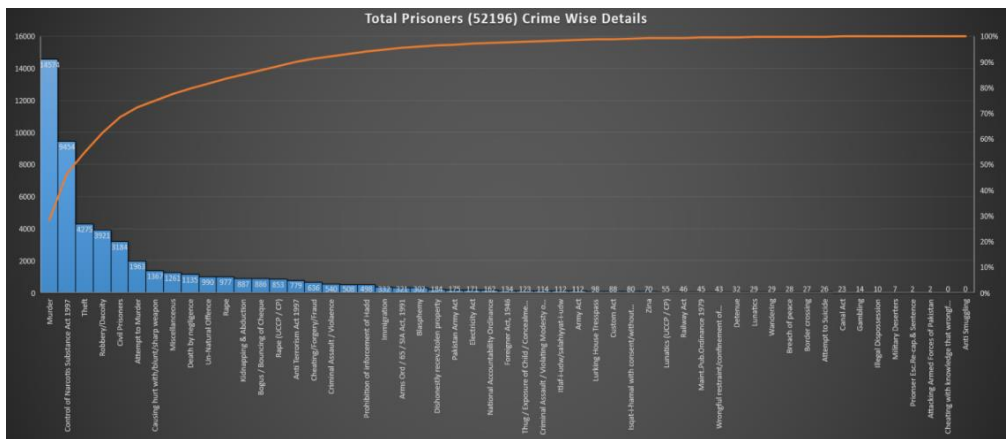
The courts in Pakistan face several significant challenges, including a staggering backlog of cases, a lack of transparency and accountability, and rampant corruption. The outdated and inefficient judicial system struggles to handle the increasing number of cases, leaving citizens waiting for years for their cases to be heard. Furthermore, the opaque nature of the system makes it difficult for the public to access information about their cases, leading to feelings of injustice and discouragement from seeking legal recourse. Corruption within the judiciary exacerbates these issues, as it often results in biased decisions favoring those with financial means. Political interference and decisions perceived as biased towards the wealthy further erode public trust in the courts. Measures such as introducing a Code of Conduct for judges, establishing an independent body to investigate judicial misconduct, and increasing public access to court proceedings could help address these transparency and accountability issues.

Additionally, addressing the backlog of cases requires increasing the number of judges and court staff, as well as streamlining the judicial process. The case of Daniel Pearl highlighted deficiencies in the investigative process, indicating a need for improved investigative procedures to ensure fair trials.

The failure to deliver justice in high-profile cases, such as that of Mukhtar Mai, who was gang-raped and saw only partial convictions for her perpetrators, underscores systemic shortcomings. The acquittal of some convicts by higher courts raises questions about the effectiveness of the judicial system in bringing perpetrators to justice.

Prisons the Place of the Production of Criminals

The prison system in Pakistan is facing significant challenges that urgently demand reform. Issues such as overcrowding, inadequate facilities, corruption, abuse of power, lack of resources and staff, and poor living conditions are prevalent and detrimental to the well-being of inmates. Overcrowding poses serious risks, leading to violence and gang activity among prisoners forced to share cells. Moreover, the lack of resources and staff exacerbates these problems, while corruption allows for exploitation and illegal activities within prisons. To address these issues, the government must allocate more resources to the prison system and improve staff training and recruitment. Measures such as providing necessities, healthcare services, security, educational and vocational training, psychological counseling, and legal aid are crucial to ensuring humane treatment and rehabilitation of inmates. Furthermore, increasing the budget for prisons and implementing effective strategies to manage overcrowding and combat corruption are essential steps towards reform. Only through a comprehensive approach can the rights and dignity of inmates be upheld, and the prison system in Pakistan be improved.



Problems with Corrections Procedure

There are four types of punishment i.e. retribution, deterrence, rehabilitation, incapacitation, and restoration. However, the corrections (alternative to the trial) facilities for the accused are a complex and multifaceted procedure. It is the utmost issue that requires grave attention and action to ensure that all suspects/ convicts are given the same level of fairness and justice, regardless of their particular circumstances. The most pressing issue in corrections facilities in Pakistan particularly in Punjab is overcrowding and inadequate rehabilitation programs. Many prisoners in Pakistan have been released without having the necessary rehabilitation treatment that helps them to reintegrate into society.

Probation/Parole

The probation system in Pakistan is in dire need of attention. The lack of adequate government funding and resources for probation facilities has caused a severe shortage of resources. The existing laws and regulations governing parole are inadequate and outdated. Furthermore, parole decisions are often arbitrary and want transparency. Prisoners are not aware when they will be released or if they will even be considered for parole. It is important to ensure that prisoners are conscious of their rights and provided with the necessary resources and support to ensure that they can successfully reintegrate into society and remain crime-free (Zhang, 2017).

“Unethical” Mean in Law

Unethical means, “not conforming to a high moral standard: morally wrong: not ethical. Illegal and unethical business practices. Immoral and unethical behavior “Merriam-Webster”. Difference between ‘illegal’ and ‘unethical’; we should first understand what these terms mean. ‘Unethical’ means something that is ethically incorrect, however, ‘illegal’ means that is against the law. In an unlawful act, the verdict-floating problem is the main law. On the other hand an unethical action, the significant proxy is the man's integrity. An unethical action may be contrary to ethics but not in contradiction to the law. An unlawful action is always immoral while an unethical deed may be illegitimate or not. Morals can vary from person to person, but the law is always law. Clear illustrations are abuses of criminal law, misbehavior with staff/attorneys/parties, joining biased administrations, and using judicial or official power. The courts and institutions should always be willing to help improve the ethical values and be an active part of implementing the mechanism. Former United States President Theodore Roosevelt said, “No man is above the law and no man is below it; nor do we ask any man's permission when we ask him to obey it. Obedience to the law is demanded as a right, not asked as a favor.”

Unethical Practices in the Legal System

There are several unethical practices in the legal system such as:

- False of FIR
- Incorrect investigation
- Dishonesty in judicial orders
- Lawful negligence
- Legal mistakes
- Corruption in the CJS
- Scandal in the legal business
- Wongdoing of investigators/ prosecutors and judges
- Misappropriation by advocates
- Rude legal system
- Partial judgments
- Immoral behavior of the officers/ attorneys
- Legal Malpractice
- Permissible excesses in cases
- Immoral professional practices
- Unfair laws
- Misuse of law
- Lawful harassment
- Legal avoidance
- Failure of justice
- Legitimate discrimination
- Delay in the administration of justice
- Political exploitation of the courts
- Disowning of right to a fair trial or delayed judgments
- Government failure to impeach criminals
- Plea of bargaining is a corruption of fairness
- Extra-legal applications
- Careful governmental avoidance of legislative reform
- Underground laws
- Nepotism and favoritism;
- Inadequate laws
- Influence of advocates by using their status of membership in Bar Councils/ association
- Political and establishment interference

Specialized forms of the legal community have invented professional ethics of the do's and don'ts for regulating the behavior of their members. Interpretation of misconduct by the courts appears to be at likelihood with international values on

judicial independence. These specialized organizations keep a vigilant eye upon their associates/ subordinates, to adhere to moral and ethical values. The question is whether a judge/ bureaucrat/ politician could be held accountable for "the financial affairs of his independent wife and adult children", e.g. if a judge's wife or his/ her minor child is unable to provide the source of funding for her properties, could the judge/bureaucrat/ politician be held guilty of misconduct and removed from office.

Criminal Justice System of Norway

Norway has a long history of a criminal justice system dating back to the 12th century. This system has been based on the principle of individual responsibility, which is known as the Norwegian Penal Code. The code is largely based on the principles of restorative justice, which means that the offender's responsibility is to make amends and restore the situation to the way it was before the crime was committed.

The Norwegian CJS is composed of three main components:

- i.** Police
- ii.** Courts
- iii.** Prison system.

The police are responsible for enforcing the law and catching offenders. Police officers are highly trained and equipped with modern technology to ensure that the law is enforced. The courts are responsible for trying the cases and determining the offender's guilt or innocence. Judges and prosecutors work together to ensure that the accused receives a fair trial. Finally, the prison system is responsible for incarcerating offenders who have been convicted of a crime and ensuring that they serve their sentence. The Norwegian CJS has been praised for its fairness and effectiveness. The system focuses on the rehabilitation of offenders, rather than simply punishment. The system is also designed to ensure that victims receive the justice they deserve. Victims are allowed to participate in the legal proceedings and, in some cases, receive compensation for their losses. The Norwegian CJS is widely considered to be one of the most effective in the world. It has been praised for its fairness, its emphasis on rehabilitation, and its focus on victims' rights. The system ensures that offenders receive a fair trial and have the opportunity to make amends for their crimes. Furthermore, it provides victims with justice and helps to ensure that the same crime does not happen again.

Prison System in Norway

One of the most important parts of the Norwegian criminal justice system is Halden Prison, which is the largest and most modern prison in Norway. It is designed to emphasize rehabilitation and is staffed by highly trained professionals. Halden,

Bastoy, and Ullersmo Prison are considered to be the most humane prisons in the world, as they focus on providing inmates with educational programs, job skills, rehabilitation and reintegration of inmates, and other opportunities that will help them to become productive members of society. The prison also has a strong focus on human rights and the safety of both staff and inmates. Halden Prison is a model of how a modern prison should be, and it has been praised by prison reformers around the world. Ullersmo prison is known for its innovative approach to rehabilitation and is renowned for its work in reducing recidivism among inmates.

Training Programs Conducted by the United Nations Office on Drugs and Crime (UNODC)

The United Nations Office on Drugs and Crime (UNODC) has been actively working with Pakistan's police and prosecution to ensure that the nation's CJS is effective and efficient in tackling the many forms of illegal activity, including drug trafficking and terrorism. In collaboration with the government of Pakistan, UNODC has developed several training programs aimed at strengthening the capacity of police and prosecutors throughout the country to investigate, prosecute, and adjudicate criminal cases. The training programs focus on topics such as criminal investigation and evidence collection, legal and procedural aspects of criminal law, and the proper handling of victims in court proceedings. The training programs emphasize the importance of proper legal and procedural rules and procedures, as well as the importance of fair and impartial treatment of victims. The UNODC also provides technical assistance to the government of Pakistan in the form of legal advice, policy development, capacity building, and other support activities. The UNODC also supports the development of effective criminal justice systems through the provision of legal and technical assistance, the development of criminal justice policies, and the promotion of research in the criminal justice field. The UNODC's training programs in Pakistan have enabled police and prosecutors to better understand the complexity of criminal law and to develop the skills necessary to effectively investigate, prosecute, and adjudicate criminal cases.

Universal Ethical Principles

In the realm of criminal justice, there exist universal ethical principles that serve as guiding lights for professionals regardless of jurisdiction or specific role. These principles include fairness and impartiality, advocating for the equal treatment of all individuals regardless of their backgrounds. Integrity and honesty are paramount, demanding a steadfast commitment to truthfulness and an avoidance of deceit in all actions. Due process must be upheld at every turn, ensuring that the legal rights of individuals are respected throughout the criminal justice process. Confidentiality stands as a pillar, necessitating the protection of sensitive information and the

preservation of privacy when appropriate. Finally, the use of force is restricted to a measure of last resort, to be employed only when necessary and in proportion to the situation at hand. These core principles collectively form the moral foundation upon which the criminal justice system operates, guiding professionals in their pursuit of justice and upholding the rights and dignity of all involved parties.

Findings

The economic consequences of prosecution failures within Pakistan's Criminal Justice Systems, notably in Punjab, are multi-faceted and deeply intertwined with ethical considerations. Firstly, such failures lead to prolonged legal processes, resulting in significant financial burdens for both the accused and the state. Delays in justice delivery escalate legal costs, hamper economic productivity, and erode public trust in the judicial system. Moreover, corruption and inefficiencies within the prosecution apparatus exacerbate economic losses by deterring foreign investment, stifling business growth, and perpetuating a culture of impunity. Ethical considerations further exacerbate these economic repercussions. Instances of bribery, coercion, and favoritism compromise the integrity of legal proceedings, undermining public confidence and investor trust. Moreover, unequal access to justice based on socioeconomic status perpetuates economic disparities and social unrest. The failure to uphold ethical standards not only hampers economic development but also erodes the moral fabric of society, hindering prospects for long-term stability and prosperity. Comparatively, Norway's criminal justice system stands out for its effectiveness, marked by transparency, accountability, and a commitment to human rights. Lessons from Norway underscore the importance of robust institutional frameworks, professional integrity, and equitable access to justice. By prioritizing ethical conduct and investing in legal infrastructure, Norway has achieved remarkable success in minimizing prosecution failures and fostering socio-economic development. Drawing from Norway's experience, Pakistan can glean valuable insights to inform policy and practice. Strengthening legal institutions, enhancing prosecutorial training, and promoting judicial independence are paramount to addressing prosecution failures. Additionally, fostering a culture of accountability, transparency, and respect for the rule of law is essential to rebuilding public trust and attracting investment. Ultimately, aligning Pakistan's criminal justice systems with ethical principles and international best practices is imperative to realize economic prosperity and social justice.

Conclusion

In conclusion, this research sheds light on the profound economic ramifications stemming from prosecution failures within Pakistan's Criminal Justice Systems, particularly in the region of Punjab. Through a lens focused on ethical considerations, the study underscores the intricate interplay between systemic deficiencies, ethical

lapses, and economic repercussions. Delays, corruption, and unequal access to justice not only impede economic progress but also erode the foundational principles of fairness and integrity. Comparative insights from Norway's exemplary criminal justice system highlight the transformative potential of robust institutional frameworks, professional integrity, and equitable access to justice. Norway's success serves as a beacon of hope, illustrating that prioritizing ethical conduct and investing in legal infrastructure can yield significant dividends in terms of economic development and societal well-being. As Pakistan navigates the path towards reform, lessons drawn from Norway offer valuable guidance. Strengthening legal institutions, enhancing prosecutorial capacity, and fostering a culture of accountability and transparency are essential steps towards mitigating prosecution failures and fostering economic prosperity. In essence, this research underscores the imperative for comprehensive reforms that address both structural deficiencies and ethical lapses within Pakistan's Criminal Justice Systems. By aligning policies and practices with ethical principles and international best practices, Pakistan can chart a course toward a more just, prosperous, and equitable society.

Recommendations

- Establish independent oversight bodies tasked with monitoring prosecutorial conduct, ensuring adherence to ethical standards, and investigating complaints of misconduct.
- Implement regular ethics training programs for prosecutors, emphasizing the importance of integrity, impartiality, and accountability in decision-making processes.
- Safeguard prosecutorial independence from undue political influence by enacting legislation to insulate prosecutors from external pressures.
- Ensure that prosecutorial appointments and promotions are based on merit, professional competence, and ethical integrity rather than political affiliations.
- Allocate adequate financial resources to prosecution services to enhance their capacity for effective investigation, case preparation, and courtroom advocacy.
- Invest in technology and infrastructure to streamline case management systems, facilitate evidence collection, and expedite trial proceedings.
- Promote collaboration between prosecution services, law enforcement agencies, and other relevant stakeholders to facilitate information sharing, coordination of efforts, and joint strategies for combating crime.
- Establish multidisciplinary task forces to address complex criminal activities such as corruption, organized crime, and financial fraud.
- Prioritize the rights and needs of victims throughout the criminal justice process, ensuring access to legal assistance, psychological support, and

restitution for harm suffered.

- Establish victim support units within prosecution services to provide personalized assistance, guidance, and advocacy for victims of crime.
- Study and adapt best practices from jurisdictions renowned for their robust prosecutorial systems, such as Norway, with a focus on principles of transparency, accountability, and procedural fairness.
- Explore innovative approaches to case management, alternative dispute resolution mechanisms, and restorative justice models to enhance efficiency and efficacy in resolving criminal cases.
- Enhance public awareness of the role and responsibilities of prosecutors in upholding the rule of law, protecting human rights, and ensuring due process.
- Establish mechanisms for public scrutiny and accountability of prosecution services through regular reporting, performance evaluations, and stakeholder consultations.
- Foster collaboration with international partners, including judicial institutions, donor agencies, and civil society organizations, to access technical assistance, training programs, and capacity-building initiatives.
- Participate in knowledge exchange forums, conferences, and peer-learning networks to share experiences, lessons learned, and best practices in prosecutorial reform efforts.

By implementing these recommendations, Pakistan can enhance the ethical standards, effectiveness, and public trust in its criminal justice systems, ultimately mitigating the economic consequences of prosecution failures and fostering a culture of accountability and the rule of law.

Limitations and Implications

In exploring the economic ramifications stemming from prosecution failures within Pakistan's criminal justice systems, the study reveals profound limitations and implications. Ethical considerations emerge as a cornerstone, highlighting the imperative for accountability and transparency in legal proceedings. However, entrenched systemic issues such as corruption, resource constraints, and inadequate training obstruct the realization of justice, exacerbating economic burdens. Drawing comparative insights from Norway underscores stark disparities, illuminating the potential for reform and policy intervention. Ultimately, the findings underscore the urgent need for holistic approaches addressing both ethical imperatives and structural deficiencies to foster equitable and economically sustainable legal frameworks.

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