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## Examining the Structural and Operational Shortfalls in Pakistan's Juvenile Justice System Act (JJSA) 2018 in Comparison to UNCRC

Rizwan Ali<sup>1</sup>

Abid Hussein Khan<sup>2</sup>

Shakeel Ahmad Rajper<sup>3</sup>

<sup>1</sup> LLM Scholar, University of Karachi, Pakistan. E-Mail: [rizwanalilarik86@gmail.com](mailto:rizwanalilarik86@gmail.com)

<sup>2</sup> Corporate Lawyer and Human Rights Advocate, Academic at CUST, Islamabad, Pakistan. E-Mail: [rights.legacy@gmail.com](mailto:rights.legacy@gmail.com)

<sup>3</sup> Advocate High Court, LLM Scholar at University of Karachi, Pakistan E-Mail: [shakeel.rajper94@gmail.com](mailto:shakeel.rajper94@gmail.com)

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### ABSTRACT

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The existing situation in Pakistan's juvenile justice system (JJS) is characterized by a significant gap between the progressive statutory framework and the existing capacity to implement it. Although the Juvenile Justice System Act (JJSA) 2018 was passed to harmonize the domestic legislation in Pakistan with international restorative standards, its effective implementation is poor. This study presents analytical research of the JJS and its historical evolution, existing structural issues, and adherence to the United Nations Convention on the Rights of the Child (UNCRC). Critical findings demonstrate widespread shortcomings, with the most serious being the lack of proper rehabilitation infrastructure, an area that 90% of the judges interviewed indicated as the major challenge to proper sentencing. Such a lack of resources pushes the system to use the old prisons to the detriment of the very essence of the JJSA of separation and reform. More importantly, although 100% of the juvenile inmates stated they have received legal help and educational opportunities, only 40% felt their personal development had been impacted positively, which is a major qualitative failure in delivering programs. Moreover, 70% of the legal professionals admitted that there was a general inefficiency in the application of the protective provisions of the Act.

The recommendations refer to short-term legal and budgetary changes, compulsory development of special juvenile facilities, and the introduction of systems of constant qualitative control and professional training of all agencies. The research will aim to develop principles and guidelines to improve the treatment and reintegration of juvenile offenders, thus forming a safer and fairer society.



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Corresponding Author's Email: [shakeel.rajper94@gmail.com](mailto:shakeel.rajper94@gmail.com)



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## **Introduction**

The history of juvenile justice is founded on the fact that children and youths have different legal and developmental needs compared to adults. This understanding has led to a philosophical turn in favor of restorative and rehabilitative approaches to punishment rather than purely punitive ones all around the world. This gained a major momentum when UNCRC, the Convention on the Rights of the Child was adopted in 1989, which set international standards in the treatment and protection of children involved in conflicts with the law (Carter, 2020).

Pakistan has been gradually moving towards a rights-based framework. The initial laws, including the Children Act 1955 and some minor amendments in 1954, 1976 were inadequate to tackle the intricacies of juvenile delinquency and welfare. The following Juvenile Justice System Ordinance (JJSO) 2000 presented some of the fundamentals such as diversion and probation and tried to harmonize the domestic framework with international demands. The JJSO 2000 was, however, debilitated by ineffective and inconsistent implementation (Sajid, 2009).

The present governing legislation is the Juvenile Justice System Act (JJSA) of 2018 which marks the most current effort in providing a structured framework of delivering justice to children engaged in offenses in Pakistan (Malik et al., 2025). The care, rehabilitation, and proper protection, as well as the application of legal actions beyond pretrial imprisonment, have been explicitly required by the JJSA 2018. In spite of this liberal legal framework, there are several challenges that hinder the application of these provisions. Such challenges include poor infrastructure, shortcomings in the legal system, lack of policy implementation, and the deeply rooted cultural beliefs that juvenile offenders are criminals and not socially and developmentally challenged people. The outcome is a system capacity that is very restricted in its capacity to provide sufficient rehabilitation and care and this is worsened by overcrowding, poor sanitation, and lack of proper health facilities (Haider et al., 2023).

## **Rationale and Research Problem**

The problem the study aims to solve is the inability to achieve the maximum of the JJSA 2018. Although there is a legal mandate contained in the Act, the operations are greatly skewed by low awareness, lack of institutional capability and a general lack of concern on the part of the populace in observing their statutory obligations (Abbas et al., 2022, Sajid, 2009). Such weaknesses in the system endanger the rights and well-being of young people in the justice system. The most critical thing is to empirically determine the exact factors that negatively affect the effective and efficient operation of the JJSA, thus developing the systemic changes that are accurately representative of the needs of restorative justice.

There is a significant dearth of empirical information available regarding the daily performance of the major implementing bodies, namely, the judiciary, law enforcement agencies, investigating officers, and the correctional personnel in implementing the provisions of the JJSA 2018. Such a lack necessitates an evidence-based, urgent evaluation of the juvenile justice practices in Pakistan. This paper is especially useful because it is based on the personal experience of field professional and presents a modern outlook on both the transition and performance gaps between the old JJSO 2000 and the new JJSA 2018.

The current research has a great bearing on the issue of the dire situation of the juvenile justice system in Pakistan. The shortage of specialized facilities, weak policies, inconsistent government compliance with existing laws, and cultural factors are currently affecting the operational environment to deny equal justice to juvenile offenders. These issues adversely affect young people in conflict cases with the law, integrity of justice systems, and general safety in society.

To start with, the study plays a critical role in the current literature by offering empirical insight into the area of juvenile justice in Pakistan, thus increasing the awareness of the juvenile rights and systemic flaws to the stakeholders and policy makers. Research finds important gaps between the existing policies, the statutory law and the actual policy implementation practices. Such recorded inconsistencies provide a factual foundation to subsequent empirical research and additional attempts to correct the existing system to be more efficient.

Second, the results are clear as to how the legal and policy frameworks of Pakistan and specifically juvenile justice may be improved to correspond to the binding international norms of the UNCRC. Comparing the provisions of the JJSA 2018 with the UNCRC, the analysis identifies particular areas in need of improvement and suggests the specific actions to be taken to implement them effectively in the consonance with international obligations.

Third, the results of the empirical study and the overall analytical process will directly contribute to the provision of informed and evidence-based policies and practices to the levels of the policymaker and the educational professional. The research helps in achieving the establishment of more effective rules and regulations to the humane treatment and successful reintegration of juvenile offenders in society by providing practical guidelines that are based on the data of the study.

The main objective of this study is to critically analyze the operational inefficiencies of the juvenile justice system and how the juvenile justice system is practically used throughout Pakistan.

## **Theoretical and Legal Framework**

### **The two-fold nature of Criminological Theory**

The very structure of the policy of juvenile justice is premised on a deep-seated disagreement between two prevailing criminological ideologies, deterrence and social control versus reformation and rehabilitation. The former school of thought based on traditional punitive approaches attempts to deter crime by means of harsh penalties, viewing juvenile offenders as rational actors of their own actions. The reformation approach on the other hand, considers young offenders as weak, unfinished and essentially redeemable and focuses more on correcting the basic causes such as poverty and lack of education through treatment and support (Macallair, 2012). This philosophical dichotomy is essential to the evaluation of the practical efficiency of the Juvenile Justice System Act (JJSA) 2018. The JJSA is philosophically rooted in the rehabilitative model, which requires specialized courts and therapeutic facilities, but due to the constant lack of resources and poor implementation, the system tends to revert to the punitive, detention-based interventions of the Deterrence model that research has shown can actually increase delinquent behavior. This systemic defect is practically disarming the progressive nature of the Act, and this is the impasse of the implementation. Deterrence and Social Control Theory

According to the Deterrence and Social Control Theory, criminal behavior can be alleviated by making sure that the perceived cost of committing a crime is much higher than the perceived benefit (Apel, 2013). This approach is based on classical criminology, and it also presupposes that people are rational actors deciding on the basis of self-interest. When applied to juvenile justice, this model implies that punishment is used as a warning, and it discourages young people who are likely to commit illegal offenses in the future. The theory perceives punishment as a form of social control, and the message is very clear that there is a high price attached to criminality. Nevertheless, critics have indicated that this model is rather insufficient because it does not explain deep socio-economic factors like poverty, unemployment and lack of education that trigger juvenile crime. Moreover, according to some researchers, severe punishment may reverse these changes and even promote reoffending. In the past, this model of punishment has prevailed within the conventional penal systems in Pakistan and beyond (Malik, 2019).

### ***Reformation and Rehabilitation Theory***

The Theory of Reformation and Rehabilitation promotes the notion that criminals should be treated and assisted back to society as productive individuals (Yajurvedi and Hake, 2022). This theory shuns the idea that punishment is the only avenue to behavior change paying more attention to correcting factors that lead to the crime act. The fundamental aim is the reworking of the behavior and intentions of the offender. When applied to the issues of juvenile justice, this theory presupposes that the youth offenders are to be treated as differently as adults, they are actually incomplete and rehabilitee. It is now concerned with the root causes, i.e. illiteracy, abject poverty, and family instability by offering them proper resources and facilities to help them grow and return to their normal lives (Pakistan, 2021).

The Theory of Reformation and Rehabilitation is expressly adopted in the JJSA 2018 in Pakistan. The strategies that the Act requires include diversion programs, vocational trainings, community-based rehabilitation and the development of rehabilitation centers. Irrespective of this egalitarian legislative requirement, it has been found that the execution of this theory is challenged with serious resource, infrastructural, professional, and cultural tendencies to criminal behavior. This breakdown in delivering the principal vehicles required to sustain rehabilitation is effective in nullifying the legal will and effectively causes the system to turn to punitive incarceration- a structural failure that takes the whole enterprise back to the denounced Deterrence paradigm (Pakistan, 2021).

## **Local Legal Development and Compensatory Provisions**

### ***Pre-JJSA Legislation***

In 1955, the first effort to deal with child welfare and protection in Pakistan was in the form of the Children Act, 1955 but this time round the Act targeted neglected or abandoned children as opposed to developing a specific juvenile justice system (Nisar, 2023). It stipulated that a child was one below the age of 16 and under and established juvenile courts and appointed probation officers. But this was essentially constrained by the fact that the law did not succeed in differentiating properly between children who require protection and those who become in conflict with the law.

With the adoption of the UNCRC, the Juvenile Justice System Ordinance (JJSO) 2000 was passed to establish an alternative legal framework of the young offenders (Majeed et al., 2024b). The JJSO came up with the principles of restorative justice, age of majority at 18, and requiring diversion, probation, and rehabilitation. Although the JJSO was a big breakthrough, it was set to fail because no one was going to implement it and the institutions lacked sufficient resources.

### ***The Juvenile Justice System act (JJSA) 2018***

JJSA 2018 replaced JJSO 2000, and strived to be a more comprehensive and powerful rights-based framework (Ijaz et al., 2021). Some of the important provisions that will be used to operationalize the reformation model are:

- **Definition:** Acknowledges a child to be an individual below 18 years.
- **Institutional Framework:** Requires the establishment of Juvenile Justice Committees (JJC) on the district, provincial and national levels to supervise.
- **Specialized Facilities:** It needs to establish Juvenile Rehabilitation Centers (JRC) to offer education, training and rehabilitation.
- **Judicial Structuring:** Provides Special Courts to juvenile offenders to provide independent and child-friendly trials.
- **Procedural Safeguards:** The use of death penalty or life imprisonment without parole against juvenile offenders is prohibited and participation of parents/guardians in all the processes is mandatory.

### ***Prevention and Diversion pursuant to JJSA 2018***

Prevention and Diversion is a vital element of the restorative mandate. The JJSA recognizes the fact that not all minor offences should undergo formal judicial processing (Ibrahim, 2025, UN. Committee on the Rights of the Child, 2003). The prevention strategies focus on the underlying factors of delinquency (poverty, illiteracy, substance abuse) by promoting early detection, awareness, and psycho-social intervention. Diversion programs are meant to be used to case minor offences and the

juvenile is channeled out of the criminal justice system into alternative non-custodial methods like a simple warning, community service, or some sort of a special diversion program which includes training and counseling. Juvenile Justice Committee (JJC)s are set to filter cases and decide on whether or not cases should be diverted or formally adjudicated. These measures are meant to help protect juveniles against the formal system so that they can be provided the resources they need to help prevent reoffending and work towards long-term welfare.

### **International Obligations and Compliance Baseline**

The Pakistani effort to ensure juvenile justice is legally established through its ratification of UNCRC in 1990. This treaty creates legally binding commitment that the government will bring the domestic laws and practices in line with international human rights practices.

### ***UNCRC and Major Juvenile Rights***

The UNCRC is a broad framework, as it focuses on the fact that children are vulnerable with special needs that require special protection. Article 37 is especially applicable to juvenile justice, requiring that the denial of liberty must be used as a final resort and to the most appropriate limited time. Moreover, imprisoned children need to be handled with respect and dignity and have proper education and professional training. The Convention also ensures that the accused child has the right to be represented in a legal process, as well as the best interests of the child being considered in the entire legal process (UN. Committee on the Rights of the Child, 2003).

### ***International Standards and Guidelines***

Along with the UNCRC, other influential tools define how juvenile justice should be put into practice:

- Beijing Rules (1985): The rules emphasize the importance of a particular, non-custodial approach to juveniles, and suggest that alternatives to detention should be used whenever possible (United Nations, 1985).
- The Riyadh Guidelines (1990): These provide the delinquency preventive procedures, emphasizing the incorporation of cultural sensitivity and the community and family involvement, as well as the regular application of the diversion programs (Van Bueren, 1993).
- The Havana Rules (1985): These give detailed minimum rules, and it is emphasized that there must be an independent juvenile system of justice and treatment that is developmentally sensitive (VLĂDILĂ, 2023).

Some of the aspects of these standards are factored in the JJSA 2018 of Pakistan, which include individualized treatment and diversion options. Yet, as the historical reviews carried out by the UN Committee on the Rights of the Child (CRC) have repeatedly indicated, even with the positive advancements in legislation (e.g. the introduction of JJSO 2000), there are still severe challenges and human rights issues that remain problematic in the practice.

### ***Systematized Reform Sabotage***

The juvenile justice system in Pakistan is found to have a critical failure known as the Contradiction of Legal Intent because of the centralized political and budgetary decisions. The JJSA 2018 presupposes the transition to the model of Reformation, which presupposes the creation of Juvenile Rehabilitation Centers (JRCs) and specialized Borstal schools (Qazi et al., 2023). The fact that 90% of the judges unanimously agree that the state has not successfully transferred the legal Act into a structured, financed, and functioning Policy is evidence of the fact that the state has yet to implement the Policy.

Such systemic neglect of offering the specialized environment needed to facilitate

rehabilitation implies that juvenile criminal offenders have to be held either within a traditional prison or combined with adults or in a prison that is not focused on therapeutic interventions as required by law. This resource famine virtually institutionalizes the sabotage of the rehabilitation requirement, shifting the system again into the punitive Deterrence paradigm that criminologists scorn and the UNCRC has criminalized. The presence of a rights-based statute which cannot be enforced indicates an institutional favor of the cheap, quick punitive over the costly, skillful necessities of actual reformation.

### **Methodology**

This study used a qualitative socio-legal methodology, which is especially well-adapted to examining the intricacies and structural problems underlying the implementation of legal frameworks in a social context. The purpose of the methodology was to go beyond a simple textual discussion of the JJSA 2018 and evaluate the obstacles and compounding of the issues that plague the juvenile justice system in Pakistan by representing the subjective experiences and work-related cognitions of stakeholders. This is to make sure that the analysis bridges the essential gap between statutory law (*de jure*) and practice (*de facto*).

The methodology used in the study was purposive sampling in which the study participants were chosen on the basis of their experience and their relevance to the research inquiry and their in-depth understanding of the topic. This approach was the assurance that the information received will be very detailed and relevant to the operation issues of the JJSA 2018.

Interview and questionnaire targets were; Judicial Magistrates and Civil Judges, Lawyers and advocates, Prosecutors, Juvenile inmates, and Prison and police officials. It was this mixed sampling throughout the whole juvenile justice pipeline (law enforcement, prosecution, adjudication, and correction, and the juvenile subjects), that made methodological triangulation possible. The approach enabled a careful evaluation of efficacy by contrasting the institutional self-assessment (e.g., judicial compliance) with the lived reality (e.g., impact perceived by the inmate), revealing the possible biases and confirming the qualitative richness of the results.

Data were collected with two main tools; Open-ended Questionnaires Structured open-ended questionnaires were also used to elicit the overall perception and attitudes as well as the overall impressions of the stakeholders towards sentencing and correction strategies and how the juvenile justice system operates in general. This tool allowed the participants to present their views without structural restriction, generating the much-needed qualitative information. Interviews-Key informants (especially judicial officers and legal professionals as well as juvenile prisoners themselves) were interviewed in semi-structured interviews. These interviews provided an opportunity to explore certain experiences, opinions, and recommendations on how to enhance the operational efficiency of the system in greater depth, and the data obtained was rich and contextualized, due to qualitative data.

To analyze the obtained data, two complementary analytical methods were used; Qualitative Analysis (Thematic Analysis)-The qualitative analysis (thematic Analysis) was used to categorize and interpret the original data obtained during the questionnaires and interviews and define the recurring patterns, prevailing themes, and emerging operational problems. This brought a thematic insight into the views of stakeholders in regards to the implementation of the JJSA 2018; Socio-Legal Analysis analysis was aimed at evaluating juvenile justice laws and policies existing in Pakistan. It attempted to methodically isolate a shortcoming, implementation inconsistency, as well as procedural challenges within the legal structure as compared to the empirical facts as stated by the stakeholders. The socio-legal critique, complemented by qualitative information, provided an all-encompassing evaluation of the functional correlation between the legal system and the consequences of society.

### ***Ethical Aspects***

Strictly implemented ethical guidelines were part of the research design, especially when it came to vulnerable groups. All participants received informed consent, in which the purpose of the research, voluntariness of participation, and possible roles were described. Moreover, there was a strict

approach towards keeping all the responses of the participants confidential and anonymous. Data gathered was stored safely, only to be accessed by authorized personnel, thus meeting the accepted research ethics.

## Empirical Findings

This study is based on the empirical basis of this section, synthesizing the results of interviews with juvenile inmates, judges and legal professionals of Karachi, Sindh. All these findings point to the reality of the JJSA 2018, revealing serious shortcomings in implementation.

### *Experiences of Juvenile Inmates.*

The communication with young prisoners allowed obtaining first-hand experience of their everyday lives, sufferings, and attitudes to the system. The measure of last resort should be detention as spelt out by the international principles. But the issue of child incarceration is still a problem. Crimes perpetrated by these inmates can be analyzed to show a complex spectrum, with more serious offenses like murder, theft and drug crimes on one end, and lesser offenses against different ordinances on the other. The complexity of the offender profile highlights the importance of the necessity of integrated and specialized reform solutions. The results of the investigation on the experience of prisoners show that there is a significant gap between the provision of services and their quality change. According to the research, the Jail Manual (Rules 295, 296, 297, 298-301, 299) treatment objectives in the jail are based on segregation, industrial training, education, and sports to instill social responsibility and rehabilitation. Data gathered among juvenile inmates showed the following quantitative facts:

***Table 1 Qualitative Findings Synthesis: Juvenile Inmate Perspectives on Justice and Detention***

Category	Positive Response (%)	Negative/Mixed Responses (%)	Implication
Access to Legal Aid	100%	0%	Formal compliance is met, indicating systemic <i>availability</i> .
Education Opportunities	100%	0%	Formal compliance is met, indicating structural <i>availability</i> .
Living Conditions	80%	20% (overcrowding/lack of privacy)	Majority satisfaction, but critical infrastructure deficits persist, linking to pre-2018 SPARC findings.
Perceived Developmental Impact	40%	60% (uncertain/negative)	<i>Quality</i> of rehabilitation is critically deficient.
Treatment by Law Enforcement	70%	30% (Negative/Mixed)	Need for targeted police training to standardize treatment protocols.

### **The Paradox of Access and Impact**

An interesting discovery is the formulation of the Paradox of Access versus Impact. Access to legal assistance and education materials was confirmed by all interviewed inmates (100%). This statistic indicates that the system is fulfilling basic formal requirements, including providing an attorney and educational materials. This institutional input, however, does not have any meaningful effects. Importantly, only 4 out of 10 prisoners were sure that they were positively influenced in their personal development by the rehabilitation programs. The benefits are fairly uncertain (60 percent mixed or negative response). This is an indication that although the system will offer the framework through which reform can be achieved (a lawyer, a classroom), it will not offer the high-quality content or expertise

(vocational skills connected to job markets, trauma-informed care) to achieve real behavioral change and effective reentry.

### **Treatment and Procedural Adherence**

Regarding physical protection and process rights, 90 percent of juveniles expressed the preservation of discipline and claimed a sense of security at the facility. Additionally, 100% attested that there was strict adherence of legal requirements in court procedures which is perceived to have shown that the judiciary takes its duties seriously to follow court procedures as required.

But there are still problems related to the initial contact with the police. Although 70 percent said they were treated positively by the police, 20 percent said they were treated negatively during an arrest, with 10 percent saying they had mixed experiences. It underscores the discrepancies in operations and the possibility of providing improved training to allow law enforcement workers to treat children fairly, consistently, and without bias. Lastly, 6 out of 10 inmates testified that they perceived different treatment depending on their age, which supports the intended purpose of the juvenile justice system to use age-appropriate demeanor in proceedings.

### ***The Judicial View of Sentencing and Infrastructure Gaps***

Civil Judges and Judicial Magistrates were interviewed on the subject of their adherence to the JJSA 2018, and the real-world difficulties they experience in sentencing and case-handling.

***Table 2 Thematic Analysis of Judicial Challenges in JJSA 2018 Implementation***

<b>Theme</b>	<b>Percentage Agreement (%)</b>	<b>Significance</b>
Commitment to Specialized Courtroom Procedures	75%	Judiciary attempts <i>procedural</i> compliance despite constraints.
Sentencing/Rehabilitation Infrastructure Gap	90%	The largest structural impediment to restorative sentencing.
Interaction and Treatment Challenges	80%	Highlights lack of necessary psychological/developmental training for judicial staff.

### **Procedural version of commitment versus Structural version of constraint.**

Sufficient numbers of judges (75 percent) shared their enthusiasm to maintain divergent trials and providing juvenile offenders with age-trained courtroom facilities. This shows that the judicial wing is procedural conscious and working tirelessly to defend the rights of juvenile defendants in accordance to the JJSA 2018.

But a structural failure is crushing this commitment: a shocking 90% of judicial interviewees mentioned the absence of infrastructure and lack of needed facilities to conduct a rehabilitation as the fundamental obstacle to their work. Such a massive consensus points to a system in which judicial officers, although required by law and predisposed to the philosophy of restorative justice, are often compelled to resort to punitive detention because the non-custodial and rehabilitative institutions (JRCs, Borstal schools) required simply are not available or are insufficient. This is a radical assault on the integrity of the sentencing process.



Moreover, 80 percent of judges have noted to have had problems in addressing the developmental requirements of juveniles and in providing special legal defense and equal treatment through the legal process. This supports the necessity of expert training aimed at child development and socio-legal assistance.

### **Consensus on Improvement**

It is important to note that according to 100% of the interviewed judicial participants, the mechanism of a structured feedback is extremely important and suggested several fundamental recommendations. These recommendations have always involved active involvement of government and non-governmental organizations (NGOs) in rehabilitation, the design of specialized juvenile courts, proper accommodation, and the provision of counseling, education, and vocational training. This consistent, unanimous feedback testifies to a definite professional diagnosis of the broken elements of this system and a collective understanding of how these resources and changes should be planned.

### ***The evaluation of systemic failure by Legal Professionals***

Legal practitioners (advocates and prosecutors) gave a scathing evaluation of the JJSA 2018 functional efficacy. Their report validated the structural issues in the judiciary and added additional information on the areas of failure in the implementation in the bar and prosecution services.

***Table 3 Assessment of Implementation Gaps by Legal Professionals (Lawyers/Prosecutors)***

<b>Key Implementation Challenge</b>	<b>Percentage Agreement (%)</b>	<b>Implication for Systemic Failure</b>
Lack of Effective Implementation of JJSA	70%	Failure to translate statutory intent into operational reality, requiring high-level oversight.
Need for Improvement in Rehabilitation	90%	Strong professional consensus on the qualitative failure of reform programs.
Demand for Separate Rehabilitation Centers	80%	Reinforces the critical necessity of isolating juveniles from adult penal structures.

### **Lack of pervasive implementation**

Those in the legal profession indicated that there was a high level of concern regarding deficiencies in operation. About 70% of the respondents in particular mentioned the overall lack of proper enforcement of the JJSA 2018, especially in relation to the leniency and protective measures applied to juvenile offenders. This agreement points to an endemic institutional recalcitrance such that statutory intent is not reflected in practical advantage to the child, undermining the ultimate aim of the Act, which is restoration. Sixty percent of these professionals expressed a resultant need to implement the law more effectively and comprehensively, highlighting an understanding that the law might be conceptually sound, but its implementation is flawed by administrative shortcomings.

### **Qualitative Rehabilitation Failure**

Similar to the perceived low impact reported by inmates (40%), the legal community was in dire need of qualitative reform program improvement. A majority of 90% resounded that they needed improved rehabilitation services such as increased educational and reintegration programs. Moreover, 80 percent of participants emphasized the need to focus on counseling and training-oriented sentencing rather than ordinary punitive strategies. This powerful justification of a rehabilitative model substantiates the thesis that the existing programs lack the proper capacities to address the complicated reintegration requirements of youthful offenders.

### **The need for specialized structures**

On institutional reform, 80 percent of legal experts suggested the compulsory creation of rehabilitation facilities that would only have juvenile lawbreakers. This stance is informed by the realization that exposure to the adult penal system is highly detrimental to the prospects of youth reform as well as the separation principle. Also 80 percent supported the idea of special courtroom environments with separate courts or separate rooms to provide a comfortable and private trial environment because of the psychological vulnerability of juveniles. This holistic diagnosis validates the importance of specific structures, not legal texts, to adhere to.

### **Discussion**

The empirical data create a congruent and harsh dispensation between the progressive, restorative imperative of the JJSA 2018 and the punitive, resource-lacking reality of its execution. In this section, we address the reasons and consequences of this implementation chasm, especially when it comes to international commitments.

### ***The Critical Failure***

The most decisive result of all stakeholder groups is the inability of the state to deliver the required physical infrastructure. The 90 percent agreement among judges on the lack of necessary rehabilitation centres (JRCs and Borstal Schools) indicates that judicial discretion on sentencing is highly limited. In the absence of physical institutions to provide restorative and non-custodial options, judges are practically forced to apply conventional carceral detention, whether the best interests of the child or the requirements of diversion law warrant it.

### **Structuralized Inertia and UNCRC Violation.**

Based on the Theory of Reformation, the JJSA requires juveniles to be segregated and to receive correctional treatment in institutions intended to rehabilitate and educate them, and to follow the standards of the Jail Manual (Rules 295, 296). Nevertheless, such long-standing fundamental systemic failures as overcrowding, rights abuses, and mixing of juveniles and adults, which were initially recorded in the 1997 SPARC survey, go to prove that underlying systemic failures have long existed and remain unchecked by successive legal reforms.

It is not simply an administration issue, but a structuralized failure, that political preference is to the inexpensive and more publicity-friendly punitive options (Deterrence) rather than the long-term cost and commitment needed to make a real rehabilitative choice. The state, by not providing full isolation and special treatment, is in obvious, prolonged noncompliance with its duty under UNCRC Article 37 according to which detention should be a final option and children should be separated by adults.

### **The Qualitative Deficit in Program Delivery**

The contradiction between 100 per cent access to legal assistance and educational provision and just 40 per cent perceived developmental effect is an example of an important qualitative failure. In the system, the emphasis is on meeting low-level numerical objectives (e.g., placement of a lawyer, classroom) instead of the quality, specialization and therapeutic depth necessary to produce meaningful reform. Legal assistance can be more nominal than advocacy, education can be more rote than vocational or even psycho-socially oriented. The high demand by 90% of legal professionals to have better rehabilitation programs proves that the already existing programs are not well looked into and are believed not to be effective enough to ensure successful reintegration of the criminalized individuals. This structural failure to provide good behavioral treatment results in a "Diversion Deadlock" in which the law enforcement agencies are reluctant to send the offenders into community programs that have been clearly proven ineffective, thereby retaining the juveniles in the poor detention system.

### ***Operational Deficits***

To implement the JJSA 2018 successfully, the inter-agencies coordination must be seamless, but the deficits in the operational sphere are still strong, especially in the areas of the law enforcement and probation.

### **Dignity Rights and Police Handling.**

The observation that 20 percent of teenage prisoners indicated bad experiences in the hands of law enforcement during arrest is a challenge that has been a challenge in operation. The first contact the juvenile has is with the police, whose attitude sets the initial course which may be either towards justice or additional trauma. The inconsistent treatment is an indication of the inability to establish uniform procedures and specialized training of police officers that work with minors, which infringes the right of the child to dignity and protection. In addition, any process related to the application of restraints, such as handcuffs and fetters, should be applied strictly in accordance with the Havana Rules and only when the use of restraints is necessary only in exceptional situations, such as violence or escape. The fact of misuse is reported and it weakens the validity of the whole system.

### **Probation and Prosecution.**

The diversion mandate includes probation services, which aim at community supervision and rehabilitation. But the gaps in this sphere, such as the absence of properly structured policy and enough resources allocation make probation rather ineffective. The officers who are on probation should be properly trained to avoid such problems as child labor under supervision and formal education during the probation period. The failure of probation services to provide meaningful assistance makes it impossible to make plausible the provision of non-custodial measures by the system, which reinforces the default reliance on detention even further (Majeed et al., 2024a).

### ***Adherence to International and Islamic Standards***

The systemic shortcomings observed all over the system deprive Pakistan of chronically breaching its international treaty commitments and dispassionately undermines the moral superiority of its own domestic legal philosophy.

### **Violation of UNCRC Mandates.**

The breaches of the UNCRC lie in the deficiencies of the basic structural failures: the inability to resort to detention as a last resort, the commingling of children and adults, and the lack of rehabilitation services. The grave human rights problems and implementation issues in the JJS of Pakistan have been long noted by international review bodies including the UN Committee on the Rights of the Child (Abbas et al., 2022, UN. Committee on the Rights of the Child, 2003). The existing evidence suggests that although the legal text of the JJSA 2018 has been developed on advanced levels, the budgetary and political will required to implement these rights is still lacking.

### **Islamic Juvenile Justice.**

The legal philosophy of the country which is based on the Islamic jurisprudence is also contradicted by the failures of operations. The Islamic teachings do not focus on rigid punishment but rather on guidance, protection, and care of the children as Islamic teachings are based on compassion, mercy and rehabilitation. This ethical framework is in opposition to the punitive detention structures, which are overcrowded and the culture of rehabilitation is low-impact, as they attempt to restore the moral and social status of the child with guidance and support.

### **Business and Accountability Rules.**

The Rules of Business provide the formation of governmental oversight structures, including the Ministry of Human Rights and the National Commission of Child Welfare and Development (NCCWD) on the protection of juvenile rights. Nevertheless, the steady abuse of juvenile rights and the failure to implement it on a large scale (70% agreement among legal practitioners) suggest that these oversight agencies do not have the operational capacity, resources or definite procedures to make line

departments to comply. The fact that 90% of the professionals required that strong feedback policies (surveys and evaluations) should be institutionalized is indicative of an acknowledged lack of accountability and monitoring of performance on the governmental level.

## **Conclusion and Policy Implications**

### ***Synthesis of Findings***

This analytical paper proves that the Juvenile Justice System Act (JJSA) 2018 in Pakistan is a progressive law, but its competence is crippled by a dire lack of implementation. Structured institutional inertia in the form of an essential deficiency of specialized infrastructure and a shortage of qualitative rehabilitation programs plagues the system.

The cause of failure is, as empirical evidence shows, not in judicial intent (75% commitment to specialized trials) but in the allocation of resources: 90% of judges mention the unavailability of rehabilitation centers (JRCs/Borstal Schools) as the key impediment to the implementation of restorative justice. This lack of infrastructure compels the system to operate non-compliantly, continuing the punitive culture of detention that is clearly against the UNCRC and in the spirit of the JJSA.

The qualitative analysis indicated the Paradox of Access vs Impact: structural inputs such as legal aid and education have universal availability (100%), but the intervention is of critical low effectiveness, and only 40 percent of juveniles participated in the study reported that the intervention had a positive developmental impact. This insignificance is confirmed by the 90% of law workers who insisted on a lot of amendments to rehabilitation. The inability to resolve issues, such as prison overcrowding, rights abuse, and uneven police treatment (20% negative juvenile experiences) resonate with the trends found decades ago, proving the existence of a major lack in institutional capacity and political prioritization.

In order to fill this gap between law de jure and practice de facto, immediate, specific changes in the system that are centered on infrastructure, quality control, and strict monitoring of the performance are obligatory.

### ***Systemic Reform Policy Recommendations***

Due to the empirical evidence and the socio-legal analysis, the following policy recommendations are suggested to increase the efficacy and fairness of the juvenile justice system in Pakistan and make it correspond to the JJSA 2018 and international standards:

#### **Obligatory Specialized Infrastructure and Allocation of Resources**

The federal and provincial governments need to urgently set priorities and provide non-negotiable budgets to be used in the compulsory formation and functioning of the Juvenile Rehabilitation Centers (JRCs) and the Borstal Schools. Such infrastructure should ensure total and verifiable separation of the juvenile offenders with the adult prisoners that meet the framework of UNCRC Article 37 (Ijaz et al., 2021). Moreover, there should be the provision of funds to support legal services so that every juvenile offender can experience a long-term and sound access to quality legal services.

#### **Rehabilitation and Reintegration Qualitative Improvement**

The shift of the system towards the qualitative assessment of the results is necessary instead of the simple delivery of programs. Rehabilitation program should be upgraded to comprise specialized job training in accordance with regional labour markets, trauma-focused psychological therapy and compulsory spiritual education. Formalized partnership with non-governmental organizations and community organizations should support these programs to make sure that they effectively reintegrate the community and provide follow-up services to offenders after release, which will help solve the problem of low perceived developmental impact.

### **Development of Special Juvenile Courts**

The government needs to make it mandatory to establish special, specialized Juvenile Courts in all districts to support the procedural integrity that judges are known to approve. These courts should be child friendly where the privacy and psyche of the juvenile is safeguarded throughout the case proceedings so that there is child-age-friendly interaction throughout the court proceedings.

### **Mandatory Continuous Learning and Standardized guidelines**

Continuous and mandatory professional development should be established among all the personnel engaged in the juvenile justice system. The training has to be oriented on the requirements of the JJSA 2018, UNCRC adherence, child developmental psychology, specific juvenile work, and restorative sentencing principles. This should be facilitated by standardized protocols that ensure that the law enforcement agencies handle juveniles uniformly, decently and in a child-friendly way when arresting them, as a measure of the inconsistencies reported in the way the police handle juveniles.

### **Establishing Monitoring and Feedback Systems**

The juvenile justice administration as a whole has to establish a strong, independent feedback system that is backed by extensive empirical research, surveys, and thorough system evaluations. 90% of legal professionals agree that this ongoing monitoring is crucial for spotting operational weaknesses, gauging the effectiveness of programs, and guaranteeing accountability among all implementing agencies (police, probation, the courts, and correctional facilities).

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