



An Overview of the Criminal Justice System as a Dominant Mechanism for Social Rehabilitation

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ABSTRACT

In every epoch, there has been a compelling need to establish a harmonious and well-organized natural cohesion. The rapid growth of crime is a global problem, affecting both emerging and developed nations. Several initiatives have addressed the challenges of community rehabilitation, but achieving the intended results has proven to be challenging. Society still has problems, unfortunately. A thorough examination of the criminal justice system's role in social rehabilitation reveals several problematic areas for the rule of law to be effectively disseminated. Digital technology has been heavily involved, but state officials still need to win the battle and maintain order. This research aims to provide a descriptive review of the criminal justice system's role in achieving sustainable development goals by addressing how far a robust criminal justice system can overcome and control the issue of establishing a well-balanced society. While previous research has focused on determining whether or not the criminal justice system bears primary responsibility for community reintegration, this investigation will also look into the potential reformative outcomes that could result from filling in the gaps in the current CJS to accomplish these same ends. Hence, the concluding remarks of this study will be productive for social rehabilitation.

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1. Introduction

The rehabilitation of society is directly proportional to eradicating crimes from society. The existence of social evils in the social arrangement always creates complex situations. Beirne (1983) said that in such a system, the weaker community population suffers from numerous problems besides economic/financial crisis, and demerits of the society are promoted. Carothers (1998) said that due circumstances, a group's particular social class amalgamating elite and affluent styles remains dominant in the community. Nelken (2009) said that system was under the king's administrative control; the king was superior to all, and all powers were vested in the king. That era was also dominant for the upper classes of the society to complete the cycle, which made that king powerful. (Neubauer, D W; Fradella, H F;, 2018) Later on, when what launched democracy, the feudal lords became capitalists and occupied the lower classes of the states. Criminals have always remained the favorites of power lovers. Hallevy (2011) always got back support from the powerful upper classes of society and remained escaped from the law. The matter cannot be specified as a nominated state, but almost all world conditions face similar circumstances. Alston (2005) said that circumstances are growing the communal demerits and frequent enhancement in the crime ratio (Lochner, 2007).

Scrutiny of the past reveals that crime is not a new thing. Its history starts with the birth of humankind, and the inevitability of the justice system was one of the essentials of

civilization for better rehabilitation and establishment of a balanced society. Adil (2021) suggested the application of criminological theories may be helpful for ascertainment of desired assignment to ensure social reformation. Bhatti, Hussain, and Salman (2022) sophisticated inhabitants guarantee punctual intensification because they have a central criminal justice system, and human rights are safeguarded considerably in addition to a controlled approach (Lamb, Weinberger, & Gross, 1999). In 2008, this put a considerable number of (about 776573) individuals behind bars in almost 3500 jails in the United States. The impending settlement of communal services in achieving a lesser recidivism ratio and triumphant reintegration are understudied in jail populations. Participants' recidivism rates were 50% lower than those of the matched comparison group 12 months after release, and other markers pointed to successful reintegration. Yamatani and Spjeldnes (2011) increasing public safety and reducing victimization expenses would be the primary beneficiaries of this reduced tariff, safeguarding the county from millions of years based loss. Beirne (1983) social workers' vital role in rehabilitation recommendations and policy, practice, and research ramifications are examined along with initiatives with jail inmates (Bhatti et al., 2022).

The criminal justice system currently has jurisdiction over a very significant number of people who are severely mentally ill. Bhatti et al. (2022) released back into society are subject to several restrictions, including particular ones about medical care. The ideas and applications of forensic outpatient mental health therapy are reviewed in this essay (Beckett & Western, 2001). From 1978, all relevant citations were found by searching Results and recommendations. Care for non-offenders, which focuses on symptom relief, differs significantly from society management for offenders falling in the ambit of relentlessly and psychologically ill-mind, covered within the domain of the "criminal justice system." Patients are first treated for their risk of harming the community and must abide by legal limits on their activity. Carothers (1998) stated that Honor Killing' Crimes in Pakistan: A Scenario Analyzed Under Legal and Human Rights Perspective, n.d).

Mentally ill criminals are often resistant to treatment, leading to enhanced social unrest, increased crime ratio, violence, incorporation of case management doctrine, suitable and compassionate livelihood provision, and recognition that some people need more support than others (Trott, Weinberg, & Sample McMeeking, 2018). Due to the vastly increased number of people with severe mental illness who have entered the criminal justice system, treating seriously mentally ill criminals in the community has become an urgent and significant topic. Batool, Carsten, and Jopson (2012) said that Honor Killing' Crimes in Pakistan: A Scenario Analyzed Under Legal and Human Rights Perspective, n.d). Deinstitutionalizations, stricter criteria for a civil vow, a lack of adequate populace support for people with mental illness, and the difficulty mentally ill offenders have accessing community mental health treatment, violence at the time of arrest, attitudes of police officers and society, are some of the captioned factors are responsible for the haphazard increase. This investigation will discover the communal up-gradation of severely mentioned types of lawbreakers and talk about how this demographic should be treated in general, according to forensic mental health care physicians who provide it and the criminal justice system that oversees it (Mazhnaya et al., 2016).

Many mental health practitioners who may not have previously had treatment obligations for offenders with mental illnesses remain in charge of this demographic. There is a need for a thorough grasp of the viewpoints and objectives of the criminal justice system concerning handling mentally ill offenders. Alston (2005) stated that views and goals focus on public safety, violence prevention, widespread use of power, and muscular coordination between the criminal justice and mental health systems. Reiner (2001) worked on various situations call for the treatment of mentally disturbed offenders in the community. The criminal justice system's continuing jurisdiction over offenders is the main topic of this essay. One such category comprises those placed on court-ordered probation with an outpatient treatment requirement. Savelsberg (2011) group consists of those recommended for treatment by their parole officer, with the awareness that non-compliance could result in parole being revoked and returning to incarceration. Bhatti et al. (2022) told that judge may delay the prosecution of some offenders' cases until they successfully finish a specific treatment program, at which point criminal charges are dropped (Mazhnaya et al., 2016). In addition, some criminals are

redirected by the court from the criminal justice system to the mental health system (S. H. Ali, 2015).

Although practices differ from state to state, those who are found not guilty as being the element of insanity, as well as those who are found incompetent to stand trial and those who fall under the purview of laws regarding dangerous mentally ill offenders, are frequently subjected to mandatory outpatient treatment (conditional release programs). Beirne (1983) stated that sex offenders are another group of offenders who may receive outpatient treatment. Although many states have laws governing the treatment of these people with sexual psychopathology, a discussion of such legislation is outside the purview of this work (Bhatti et al., 2022; Rehman, 2010).

2. Research Methodology

The nature of this research is a sort of investigation and library-based research involving the utilization of primary and secondary data. To accomplish the task of researching for the desired outcomes by maintaining precision and accuracy, a powerful research approach has been adopted by the investigator, the Qualitative Research approach. Hence to ascertain the desired results, besides the references from valid historical and religious books of Islamic and Western philosophers, different published articles, legislative books, treaties, international laws, divine laws, digital sources, and consulted legal books. A qualitative approach is powerful in investigating the matter by applying additional techniques and professional skills. Interviews of various judicial officers, clients of advocates, legal practitioners, and some people from the society of Multan, Muzaffargarh, and surroundings are also part of this study.

3. Historical Perspective

The previous history of the "criminal justice system" predates the appearance of humans on earth. When turbulent phases of the development are observed, it comes out that:

- 2nd millennium began with legal conceptions in the state of Rome.
- It was adopted and resulted in the "Reforms of the Roman Republic."
- Removal of Royal authorities took place.
- The expulsion of the last Roman king gave rise to the Roman Republic in 510 BC.
- It influenced the beginning of the "Republic."
- Here introduced and placed the establishment of the Senate and the Legislature assemblies, "Comitia Curiata" and "Comitia Centuriata," and other legislative bodies for democracy.
- Preserved "twelve tables" of 481 BC
- Guaranteed certain fundamental rights.
- Resultantly, the patrician magistrate was a slump.
- "Madina Charter" in the 5th century introduced citizens' rights and minority protection procedures.
- Magna-Carta was signed.
- In 1628 rights petition
- The overthrow of James was the result of frantic human attempts to establish the phenomenon of the "rule of law" and close justice system deficiencies.
- "The Glorious Revolution of 1688"
- "Bill of Rights in 1689,"
- "Habeas Corpus Act of 1679 & 1816,"
- the "Act of Settlement of 1701,"
- the "Parliament Act of 199."
- The use of contemporary techniques in the 21st century brought about amazing inventions & technologies.
 - The state authorities could not control the crime rate, even with the effective use of these technologies in the modern era (S. H. Ali, 2015)

Entire efforts were made in the past for the up-gradation of a criminal justice system so that rehabilitation of society can be made possible to safeguard humankind from numerous hazards (Bhatti et al., 2022). It was a long journey to establish a robust criminal justice system the world's travel from turbulent phases towards democracy and launching of the human rights was the result of that lengthy journey (Mirza, 2010). Despite, having immense struggles and applications of valid theories of philosophers for establishing the justice system, what could not rectify flaws? When the Islamic justice system is discussed, the matter reveals

that Islam has provided an ideal criminal justice system (Bhatti et al., 2022). The categorization of crime by Islam and punishments according to divine orders are irrefutable and ideal. Establishing a perfect society can only be made possible with the implication of Islamic laws or laws extracted from those introduced by Islam. When six model nations are discussed, the Islamic state's crime ratio can be observed as the lowest (Lochner, 2007).

When the Pakistani criminal justice system is discussed, it is revealed to be "outdated" and appalling (Neubauer & Fradella, 2018). The influential person with money may quickly abolish a conviction. The existing criminal justice system of Pakistan is incompatible. Because it needed to do very little to secure a clearance chit from the legal system for his acquittal and the reverse, this dilemma has lost the general public's trust in the state's criminal justice system; an uneducated group of people always prefer to resolve their disputes outside the criminal justice system. Wemmers (2013) stated that poor as well ordinary citizens of the country have always benefited from this even feeble criminal justice system. Pakistan adopted its criminal justice system in 1947, which was tailored and introduced by the British colonial establishment in the shape of East India Company only for their needs and wishes of colonial design. PPC, 1860, Cr.P.C. 1898, and "The Evidence Act" are the primary laws dealing with Pakistan's criminal justice system and have now become outdated (Aslam, Kamal, & Ahmed, 2011).

Furthermore, former President General Zia-ul-Haq tried to Islamize the laws of the land. Thereunder, he also promulgated the Qanoon-e-Shahdat Order 1984 instead of the Evidence Act and the Hudood Laws 1989 (B. Ali, Bhatti, & Dayan, 2021; Bhatti et al., 2022). In this way, he also issued Ordinances and Qisas, and Diyat. Still, all these efforts were inadequate to fulfill deficiencies in the overall criminal justice system in Pakistan because the nature of the criminal justice system of Pakistan is based on an adversary system wherein the duty of a Judge or any Magistrate is like an adjudicator or any neutral person. Comparative analysis of the Pakistani criminal justice system with an internationally recognized system advocates that the system is ideal. Still, the existing flaws and utilization of back-door advocacy techniques and adoption of delaying tact by the parties involved in the cases during a pending adjudication are also a cause of miscarriage of justice and make the system defective. Upon the adjustment of existing flaws, the system can be considered an ideal one (Bhatti et al., 2022).

When the system is considered the jail system, the suggestions regarding jail reforms to meet international standards have been considered for a long time, but the matter must be disposed-off. Revised legislation for the prisoners behind bars is also needed and will be fruitful in upgrading the criminal justice system (Sarwar, Ali, Bhatti, & ur Rehman, 2021; Xu, 1995). It will participate in the sustainable development goals by reformatting the society of Pakistan to ascertain the desired outcomes up to a satisfactory level (Chaudhry et al., 2021). It is a natural phenomenon that a person can be punished once for a crime, so when a convicted one is put behind bars, he possesses some rights and privileges that must be allowed under prevailing laws. But unfortunately, the present situation of the jails is causing them to infringe on such claims of prisoners. Despite their reformation, the prisons are making them more dangerous criminals, and when such criminals again participate in society, they cause the collapse of the community's peace and security (Bhatti et al., 2022). Hence, rectifying adverse practices is mandatory to uphold human rights and promulgate the supremacy of the rule of law to avert critically complex situations later after their release from jail (Adil, 2021; S. H. Ali, 2015; Neubauer & Fradella, 2018). It will be helpful to rehabilitate the criminals as well as society.

4. Adversary System as defined by Black's Law Dictionary

"Adversely system is a procedural system, such as the "Anglo-American legal system," which involves an attentive contestant of the cases, put forth a case before an independent decision maker. Also regarded as the adversary procedure in criminal cases, which may be called the accusatory procedure system" however, there is also another well-known system of the criminal justice system, which is called the inquisitorial system in which, on the one hand, the judge has to find out the truth from the same object as manifested as well as asserted by both sides (Beckett & Western, 2001; Terrill, 2015). From historical point of view, in ancient period which started from the period of about "1500-BC to 1500-AD" which pertains to the Hindu Density and as per well renowned Holy Books of India like Dharmashatra, Smirities and

Arthashastra and its commentaries by different jurists as well as by historians that there was a king who used to be the cascade of justice and who had also execute judicial duties and similarly, the Chief Court of Chief Justice was also existed at the time of "Court of the King" and this court was deemed to be the very next to the court of king which means that the highest court of court of king at that time but in local levels courts were used to provide justice through the assembly of respectable of the villages who belongs to different casts and families and in that period, the village head man acted as a judge or magistrate for the society or community and decision by such court were usually through conciliation and this decision of village court of head man or decision of a "Panchait" consisting of respectable of the locality could also be challenged before the subsequent High Court and lastly to the court of king which is last authority.

The Mughal period, in Mughal Density in India or Sub-continent, began from 1526 AD to the 19th century. Even then, before this period, Sub-continent was ruled by consistently Muslims Kings. Who ruled India or Sub-continent from the 11th century A.D. to 1526 A.D. The above-mentioned Muslim rulers had their distinct way of administering their form of justice in their state during this period. Bhatti et al. (2022) mainly the Injunctions of Islamic in the administration of justice (Bhatti et al., 2022). Still, the monarchs sometimes gave sufficient space to exercise the practice of custom and tradition of the native residents in resolving their disputes (A. Ali, Haider, & Ali, 2017).

5. International Pin picture and Islamic vision

Crime is not limited to some specified communities or areas. Its spreading is all over the world, and no state is safe from this dilemma (Sarwar et al., 2021). Upgradation of modern digital technologies has caused enhanced crime with protected hands, and situations have become worst than that earlier. Observations about the nature of convergence and divergence in the criminal justice systems of various countries are made in the paper's conclusion (A. Ali et al., 2017). How can Relativism and ethnocentrism, which pose opposing risks, be avoided in the study of comparative criminal justice? (A. Ali et al., 2017). The issue is investigated using a recent analysis of variations in incarceration rates by Cavadino and Dignan as an illustration. The argument is made that more focus should be placed on comprehending how various criminal justice systems result in high incarceration rates and analyzing the concepts and principles that drive those operating inside and outside the system (Bhatti et al., 2022). The criminal Justice System of Pakistan, similar to all developing countries, has long spreading effects (Yamatani & Spjeldnes, 2011). The criminal justice system of Pakistan is the same as the system of other developing countries for the outcomes; the implicative flaws are causing to generate desired results. The criminal Justice System of Islam is an Internationally Recognised Justice System is implied. All developed states are impliedly following the system introduced by Islam (A. Ali et al., 2017). Though they are not Muslims, they have adopted the principles laid down by Islam to establish an ideal society and lead a successful life in the community. Upon discussing the relationship between crimes and social inequality versus communal rehabilitation, it is clear that crime is a sort of lust and has a deep attraction to it. It puts the society's inhabitants towards destruction and is hazardous for future generations (Adil, 2021).

6. Individual responsibility for social rehabilitation

Law, whether divine or manufactured, imposes duties and responsibilities on humankind. No one can be regarded as superior by law, and no one is exempted from the set obligations. It is wrong when an individual thinks he cannot do something for social rehabilitation or change a system. Society is a mixture of several individuals, and one man is always considered an army, i.e., a man army. So an individual cannot exclude himself from the imposed responsibilities and duties by submitting a lame excuse (Yamatani & Spjeldnes, 2011). He can play the role of social rehabilitation and social rehabilitation, and ensuring sustainable development goals cannot be made possible when the part of an individual is found absent with childlike lame excuses.

7. Philosophy of Social Rehabilitation with the implication of a Strong Criminal Justice System

It has been stressed by several authors that to treat this particularly challenging group of patients successfully. It is essential to define and elucidate a behavior philosophy that encompasses equally to theory and practice. As already said, this philosophy should use

therapeutic services that consider individual rights and public safety. A reality-based treatment philosophy is required, one that places emphasis on structure and supervision and includes clear treatment goals that take into account the patient's goals, close communication with the court or other criminal justice agency overseeing the patient, and access to each patient's database from the criminal justice and mental health system (Yamatani & Spjeldnes, 2011). The concept should also emphasize the necessity for treatment personnel who are at ease exercising authority and establishing boundaries, recognize the significance of psychoactive drugs, emphasize the control of aggression, and incorporate case management principles. Living arrangements that are appropriately supportive and structured should also be a priority, focusing on the patient's capacity to manage change. Finally, the philosophy should acknowledge the contribution those patients' families and significant others make to their care (Khan, Bhatti, & Jillani, 2021).

In addition, it is critical to stress the moral and legal implications of handling those who fall within the ambit of the criminal justice system. Before getting consent for outpatient treatment, mentally ill offenders should be aware of all the requirements and restrictions placed on them, their reasons, and what will happen if they disobey (Khan et al., 2021). Limits to confidentiality concerning past and present treatment and criminal history, as well as the circumstances under which one must share this information with criminal justice system personnel, will need to be discussed. Other areas include supervision by keeping their facilitation opportunities under administrative control, frequent check and balance by the judicial officers, and remaining concerning authorities of the law (Brenig & Müller, 2015; Ibrahim, Nnamani, Okosun, & Soyele, 2021). Patient must be aware that failure to abide by the rules could lead to the termination of their position as an outpatient. The treatment team must also promise to monitor and uphold the patient's legal status and community placement requirements and thoroughly comprehend them. Employees must acknowledge their function as social control agents (Nelken, 2009). The practice of behavioral contracting has numerous supporters. What may create a behavioral contract with patients in a forensic context in which they are fully apprised of the treatment requirements to which they are subject and the penalties for disobeying them? These requirements may include taking medications as prescribed, attending therapy sessions and case management meetings, abstaining from the use of intoxications, with frequent medical examinations and prescribed laboratory tests as advised by medical practitioners, refraining from carrying weapons, residing in a designated, supportive housing situation, looking for and keeping a job, and refraining from contacting the victims of their crimes (Hallevy, 2011).

8. Conclusion

To sum up, the criminal justice system's role cannot be neglected for social rehabilitation. A powerful criminal justice system eliminates numerous social evils from society and creates balanced relationships between citizens. It promulgates the rule of law and identically treats every citizen putting them in the same line of action. Flaws in the criminal justice system are obstacles to social rehabilitation, and communal restoration cannot be regarded as accurate / guaranteed without its powerful implications (Bhatti et al., 2022). Every era has needed to establish a stable and structured society (Khan et al., 2021; Xu, 1995). Various rulers designed and implemented different policies to select an ideal community with increased per capita income and the observation of the lowest up to the negligible level of crime ratio. However, what could not accomplish the task in actual letter and spirit, and the legislation and policies remained unsuccessful due to various implicative flaws. A dominating criminal justice system tends to promote the rule of law in a sovereign state, for the desired outcomes become apparent when the criminal justice system's role is studied concerning social rehabilitation (Bhatti et al., 2022). The most important findings are that the existing CJS is flawed, that there are solutions to fix those flaws, and that doing so will lead to a better system. This phenomenon is the most efficient strategy for social reformation toward achieving long-term sustainable development goals.

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