

CRIMINOLOGY NOTES

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SECTION 1

1.1 Criminology

- Criminology is the scientific approach to studying criminal behavior.
- “Criminology is the body of knowledge regarding crime as a social phenomenon. It includes within its scope the processes of making laws, of breaking laws, and of reacting toward the breaking of laws. The objective of criminology is the development of a body of general and verified principles and of other types of knowledge regarding this process of law, crime, and treatment.” **Edwin Sutherland**

1.2 Focus of Study

- Frequency of crimes
- Causes of Crimes
- Location of crimes
- Types of crimes
- Social, individual, govt reactions to crime and consequences
- Response and preventive measures
- Criminal justice system
- Formation of laws
- Juvenile Delinquency

1.3 Scope of Criminology

- Causes, types, nature, factors behind crime
- Perspectives for explanation of criminal behavior
- Juvenile delinquency, its causes, risks and preventive measures
- Criminal justice system; role of different components
- Process of Making Laws
- Rehabilitation, punitive and corrective measures
- Criminal investigation, principles and its types
- Role of International and national organizations in prevention of crime
- Emerging types of crimes, risks, challenges etc.

1.4 Importance of Criminology

- Aids in understanding nature and causes of crimes
- Policy formulation for control of crime
- Theoretical bases for enactment and formation of criminal law
- Rehabilitation and treatment of offenders
- Planning, evaluation and revamping of CJS
- Aids in study of JD and measures to address that.
- Understanding of emerging crimes like WCC, ML, CC

1.5 Historical Evolution of Criminology

- The scientific study of crime and criminality is a relatively recent development. During the Middle Ages (1200–1600), people who violated social norms or religious practices were believed to be witches or possessed by demons.
- The use of cruel torture to extract confessions was common. Those convicted of violent or theft crimes suffered extremely harsh penalties, including whipping, branding, maiming, and execution.
- Term Criminology in 1885 by Raffaele Garofalo (student of Lombroso) (founder of modern criminology)
- Criminology has been divided into different phases according to works of scholars i.e. Classical (1738 -94), positivism (19th century), developmental (late 19th and 20th century) and contemporary (21st century) (modern rational choice theory, biosocial and psychological trait theory, social structure theory, social process theory)

2. Basic terms and Concepts of Criminology

2.1 Crime:

- Derived from Latin word Crimen which means to charge. Violation of Norms written into law
- A crime occurs when someone breaks the law by an overt act, omission or neglect that can result in punishment
- Crime consists of conduct that is in violation of federal, state or local laws
- ***Crime is an act committed or omitted in violation of public law forbidding or commanding it – William Blackstone***

- **Relative concept:** Each state is different in how the law is written, how the behavior is regulated and the penalties that each crime potentially carries. For example, prostitution is legal in some parts of the world, but is a crime in every other state. Likewise, carrying a concealed firearm is only legal in certain states

2.1.1 Views on Crime:

1. Consensus view: Agreement of all elements of society on outlawed behavior and criminal law or written code which defines punishment is basically their values, belief and opinion collectively.

2. Conflict view: depicts society as collection of distinct groups (owners, workers, professional etc.)

They compete to enhance economic and social position. Crime is a political concept and is a tool of ruling class favoring or protecting ruling class.

3. Interactionist view: Definition of crime is basically a reflection of opinion of people who hold social power in a particular legal jurisdiction. They use their influence to impose their definitions of right and wrong. Criminals are individuals that society labels as outcasts deviants

2.1.2 Types of Crimes

1. Personal Crimes - "Offenses against the Person": These are crimes that result in physical or mental harm to another person. Personal crimes include:

Assault (Threat of Physical Harm) • Kidnapping • Homicide • Rape

2. Property Crimes - "Offenses against Property": These are crimes that do not necessarily involve harm to another person.

Property crimes include: • Burglary • Arson • Embezzlement • Forgery • False pretenses (Under false notion) • Receipt of stolen good

3. White-Collar Crimes White-collar crimes are crimes that committed by people of high social status who commit their crimes in the context of their occupation

Also called Upper Class Criminality. White Collar crimes are generally the least investigated and least prosecuted

- Panama Leaks is one of the main examples of white-collar crime
- The following are the main types of white-collar crime ▪ Bank Fraud ▪ Blackmail ▪ Bribery ▪ Cellular Phone Fraud ▪ Computer fraud ▪ Credit Card Fraud ▪ Currency Schemes ▪ Embezzlement ▪ Counterfeiting

4. Organized crime: is a category of transnational, national, or local groupings of highly centralized enterprises run by criminals who intend to engage in illegal activity, most commonly for money and profit.

- Drug trade, illegal gambling, prostitution, weapons smuggling, or money laundering
- Terrorism is a politically motivated type of organized crime

5. Corporate crime: is a crime committed by a corporation or business entity or by individuals who are acting on behalf of a corporation or business entity. Subtypes:

- Violence against workers:
- Violence against consumers:
- Corporate pollution:
- Price fixing:
- False advertising:

6. Statutory Crimes: A violation of a specific state or federal statute and can involve either property offenses or personal offense.

- Statutory crimes include:
- Alcohol-related crimes such as drunk driving
- Selling alcohol to a minor

2.1.3 Types of Criminals:

1. THE OCCASIONAL CRIMINALS: The occasional criminal only performs the act if the opportunity occurs in his/her routine of daily life. Occasional crime occurs when there is a situational inducement. Frequency of occasional crime varies according to age, class, race, and gender. Occasional criminals have little group support for the crimes

2. Habitual Criminals: Habitual criminal came closest to a “normal” criminal. A habitual criminal is a person convicted of a new crime who was previously convicted of a crime(s). Strict laws and stringent punishments for habitual offenders to discourage them.

Examples: Thieves, looters etc.

With reference to Pak, Sec 75 of PPC; activated upon second conviction; with min Sentence of 3 years (discretion of judges)

3. PROFESSIONAL CRIMINALS: Crimes committed by persons for whom criminally punishable acts are a permanent occupation and the primary source of money. Person who engage in professional crime have the skills and means necessary for criminal activity and specialize in some particular type of crime, such as theft or swindling. Professional crime has its own psychology and customs. Professional Criminals normally perform criminal activity

2.2 DEVIANCE:

Deviance is any behavior that violates cultural norms

- Opposite of Deviance is conformity
- It is condemned because it is considered threat to the society. Conformity means obedience to the norms whereas deviance is their violation
- All crimes are acts of deviance but not all acts of deviance are crimes.

2.2.1 Types of Deviance:

- Broader term than crime
- Deviance is often divided into two types of deviant activities:
- The first, crime is the violation of formally enacted laws and is referred to as **formal deviance**, e.g., robbery, theft, rape, murder, and assault, just to name a few –
- The second type of deviant behavior refers to violations of informal social norms, norms that have not been codified into law, and is referred to as **informal deviance**. Examples of informal deviance might include: picking one's nose, belching loudly (in some cultures), or standing too close to another unnecessarily (again, in some cultures)

2.2.2 Relativism of Deviance:

Deviance is a relative issue, and standards for deviance change based on a number of factors, including the following:

- **Location:** A person speaking loudly during a church service would probably be considered deviant, whereas a person speaking loudly at a party would not.
- **Age:** A five-year-old can cry in a supermarket without being considered deviant, but an older child or an adult cannot.
- **Social status:** A famous actor can skip to the front of a long line of people waiting to get into a popular club, but a non-famous person would be considered deviant for trying to do the same.
- **Societies:** In some countries, people understand that one should haggle over the price of an item; not to do so is considered deviant.

2.3 Sin:

- A definition of sin is doing what is wrong or not doing what is right according to God's rules.
- Sins can also be classified as sins against God, against oneself, and against one's neighbor, depending on their objects. Not all sins are crimes, and it is not up to the police to interpret sins as crimes (Telling a lie)

2.4 VICE:

- It is a practice, behavior, or habit generally considered immoral, sinful, criminal, rude, taboo, depraved, or degrading in the associated society. It is a generic legal term for offenses involving immorality, including prostitution, lewdness (Crude and offensive in sexual way)

2.5 Social Norms:

- *Sociologists have offered the following definition. – Social norms are rules developed by a group of people that specify how people must, should, may, should not, and must not behave in various situations*
- Social norms are the accepted standards of behavior of social groups. The term "norms" covers an exceedingly wide range of behavior. So that the whole range of that behavior may be included in a culture or society
- A norm is a guideline or an expectation for behavior. Norms change constantly and may be different for different societies and groups. These provide an order in the society

2.6 Criminal Law:

- Criminal law is the body of law that relates to crime. It proscribes conduct perceived as threatening, harmful, or otherwise endangering to the property, health, safety, and moral welfare of people inclusive of one's self
- The Criminal law deals with many aspects of crime from planning, actual happening/commission, arrest, investigation, prosecution and till decision on it by competent court.
- The aim of criminal law is to protect the community and impose a sanction on the offender if he or she is found guilty by a court of law

2.6.1 Types of Criminal Law:

- **Substantive criminal law:** defines what types of conduct are criminal and prescribes the penalties to be imposed for engagement in that conduct e.g., **Pakistan Penal Code 1860**, The Pakistan Arms Ordinance 1965, Anti-Terrorism Act 1997etc.
- **Procedural criminal law:** involves the rules designed to implement the substantive law. It is concerned with the criminal process, the legal steps through which an accused offender passes e.g., **Criminal Procedural Code 1898**.

3. THEORETICAL PERSPECTIVES OF CRIME

3.1 CLASSICAL SCHOOL / PERSPECTIVE

3.1.1. Overview of CLASSICAL SCHOOL:

- Emerged during the age of enlightenment
- Philosophical rather than scientific explanation
- Cesare Beccaria, the founder wrote Essay Crimes and Punishments in 1764 (laid the framework of CJS) which emphasized humanity and rationality
- Context: 18th century criminal justice system (Severe punishments of criminals)
- **Free will: Crime is the result of imagining greater gains coming from breaking laws than obeying it. (Thesis)**

3.1.2 BASIC ELEMENTS OF CLASSICAL CRIMINOLOGY:

1. Free Will: In every society people have free will to choose criminal or lawful solutions to meet their needs or settle their problems.

2. Rewards of Crime outweigh punishments: Criminal solutions can be very attractive because for little effort they hold the promise of a huge payoff.

3. Punishments / Deterrence: A person will choose not to commit crime only if they believe that the pain of expected punishment is greater than the promise of reward. This is the principle of deterrence.

4. Effective Crime Deterrent: In order to be an effective crime deterrent, punishment must be severe, certain, and swift enough to convince potential criminals that “crime does not pay.”

3.1.3 Basic Principles of BECCARIA’s CJS:

1. Social Actions and legislations should be based on the utilitarian principle of greatest happiness for greater number
2. Crime is an injury to society and the only rational measure of crime is extent of injury
3. Crime prevention is more important than punishment. Laws must be formed accordingly
4. In criminal procedure, secret accusations and torture must be abolished. (speedy trials and accused person should have right to present evidence in his/ her defense)
5. Punishment must be severe, swift and certain (based on the social damage caused by crime). Capital punishment is irreparable. Life imprisonment is a better deterrent
6. Imprisonment should be widely used but prison conditions should be better

3.1.4 Limitations of classical School of thought:

1. Research shows that people do not always act on the basis of rationality

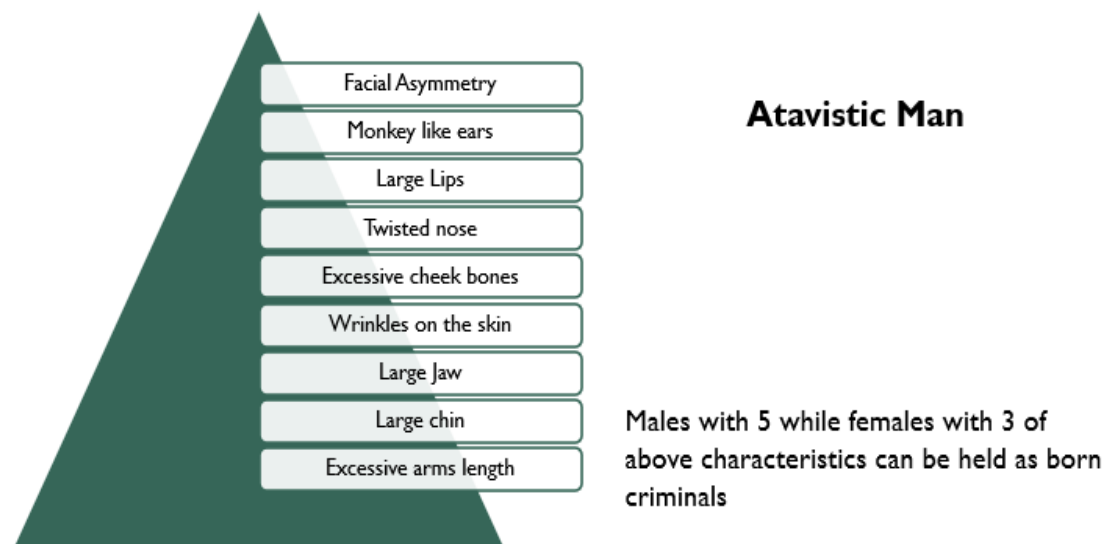
2. Crime also exists in societies where there are fair chances of punishments
3. Ignores role of family, neighborhood and society

3.2 BIOLOGICAL PERSPECTIVE

- Attempts to explain criminal behavior contrary to societal expectations through examination of individual characteristics
- The earliest “scientific” studies applying the positivist model to criminology were conducted by **physiognomists**, such as J. K. Lavater (1741–1801), who studied the facial features of criminals to determine whether the shape of ears, nose, and eyes and the distance between them were associated with antisocial behavior.
- **Phrenologists**, such as Franz Joseph Gall (1758–1828) and Johann K. Spurzheim (1776–1832), studied the shape of the skull and bumps on the head to determine whether these physical attributes were linked to criminal behavior. Phrenologists believed that external cranial characteristics dictate which areas of the brain control physical activity

3.2.1 LOMBROSO’S BIOLOGICAL DETERMINISM / BODY TYPE THEORY

- In 1876, Cesare Lombroso (father of criminology), an Italian physician, compared 400 prisoners with 400 army soldiers.
- Proposed that criminals had distinctive physical features – low foreheads, prominent jaws and cheekbones, excessive hairiness, and unusually long arms
- Believed that **criminality is inherited**.
- Lombroso believed that serious offenders — those who engaged in repeated assault- or theft-related activities — were “**born criminals**” who had inherited a set of primitive physical traits that he referred to as atavistic anomalies.



FEMALE OFFENDERS

Lombroso also looked at the female offenders and argued that most women are not criminal – those that are usually occasional criminals. Some are atavistic criminals – harder to detect than men, more cunning and more vicious

2.1 Limitations / CRITICISM:

- Focus was on declared criminals with the army soldiers
- Criminals may have abnormality because of poverty and malnutrition which can shape such features

2.2 XYY Theory/ EXTRA Y CHROMOSOME THEORY

- Genetics and Crime: Humans have 23 pairs of chromosomes. The last pair determines gender ▪ Male XY Pair ▪ Female XX pair ▪ A study of Scottish prisoners found that a small number had an XYY chromosome ▪ These were identified as potentially violent and labeled “Supermale”
- Extra Y Chromosome in males lead to crime: **XYY Supermale**
- **Criticism:** Similarly, most men with XYY combination do not commit crime. Hence, having extra Y chromosome doesn't necessarily lead to criminal activity. No women have such combination of genes.

2.3 Sheldon's BIOLOGICAL PERSPECTIVE / BODY TYPE THEORY:

- Sheldon used body measurement techniques to connect body type with personality and outlined three basic body types and associated temperaments and personalities
- People could be classified into three body shapes, which correspond with three different personality types:
 - **Endomorphic (fat and soft)** tend to be sociable and relaxed
 - **Ectomorph (thin and fragile)** are introvert and restrained
 - **Mesomorph (Muscular and Hard)** tend to be aggressive and adventurous

Sheldon, using a correlational study, found that many convicts were mesomorph and they were least likely to be ectomorph

3.3. PSYCHOLOGICAL PERSPECTIVE

Psychological explanations of deviances focus on abnormalities within the individual (personality disorders). They explain crime with individual level constructs/characteristics that exist inside of all people and interact with the social world (behaviors, psychological traits). Emphasis is that personality disturbance of some sort causes individual to violate social norms. Examples: Psychodynamic theory, behavioral theory, Cognitive Theory

3.3.1 PSYCHODYNAMIC THEORY

- Developed by Sigmund Freud
- According to theory, unconscious mental processes that developed in early childhood control the personality, and those mental processes influence behavior, including crime.

3.3.1.1 Elements of Psychodynamic Theory

The human personality contains a three-part structure

- **1. The id** is the primitive part of an individual's mental makeup present at birth. It represents unconscious biological drives for sex, food, and other life-sustaining necessities. The id follows the pleasure principle: it requires instant gratification without concern for the rights of others.
- **2. The ego** develops early in life, when a child begins to learn that his or her wishes cannot be instantly gratified. The ego is guided by the reality principle: it takes into account what is practical and conventional by societal standards.
- **3. The superego** develops as a result of incorporating within the personality the moral standards and values of parents, community, and significant others. It is the moral aspect of an individual's personality; it passes judgments on behavior

In mentally, healthy children, three parts work together. When the parts are in conflict, people may become maladjusted and ready for crime. If somebody hasn't gone transition from id to ego, he will show disregard for social norms.

Personality Structure	Guiding Principle	Description
Id	Pleasure principle	Unconscious biological drives; requires instant gratification
Ego	Reality principle	Helps the personality refine the demands of the id; helps person adapt to conventions
Superego	The conscience	The moral aspect of the personality

3.3.1.4. Limitations of PSYCHODYNAMIC THEORY:

- Empirical evidence against a no of criminals suggests what they are doing and that their behavior is not governed by unconscious motives
- White Collar Crimes, Cybercrimes etc.
- Also ignores that people commit crime because of several social factors

3.3.2 BEHAVIORIAL THEORY

- Psychological behavior theory maintains that human actions are developed through learning experiences.
- The major premise of behavior theory is that people alter their behavior according to the reactions it receives from others. Behavior is supported by rewards and extinguished by negative reactions or punishments
- With respect to criminal activity, the behaviorist views crimes, especially violent acts, as responses to life situations that do not necessarily represent psychologically abnormal responses.
- **BF Skinner, a leading behaviorist, theorized that people learn conformity and deviance from the punishments and reinforcements that they receive in response to the behavior**

3.3.2.1 Learning Theory

- Social learning theorists, most notably Albert Bandura, argue that people are not actually born with the ability to act violently but that they learn to be aggressive through their life experiences. Bandura argues that people learn by modelling and imitating others
- For example, the boy who sees his father repeatedly strike his mother with impunity is the one most likely to grow up to become a battering parent and husband
- Violence in movies, television etc.

Social Learning and Violence: Social learning theorists view violence as something learned through a process called **behavior modeling**. In modern society, aggressive acts are usually modeled after three principal sources:

- **Family interaction.** Studies of family life show that aggressive children have parents who use similar tactics when dealing with others. For example, the children of wife batterers are more likely to use aggressive tactics themselves than children in the general population, especially if the victims (their mothers) suffer psychological distress from the abuse.
- **Environmental experiences.** People who reside in areas in which violence is a daily occurrence are more likely to act violently than those who dwell in low-crime areas whose norms stress conventional behavior.
- **Mass media.** Films and television show commonly depict violence graphically. Moreover, violence is often portrayed as an acceptable behavior, especially for heroes who never have to face legal consequences for their actions.

3.3.3 Cognitive Theory

Psychologists with a cognitive perspective focus on mental processes and how people perceive and mentally represent the world around them and solve problems

The pioneers of this school were Wilhelm Wundt (1832–1920), Edward Titchener (1867–1927), and William James (1842–1920).

Today, there are several subdisciplines within the cognitive area.

The moral development branch is concerned with the way people morally represent and reason about the world." The information processing branch focuses on the way people process, store, encode, retrieve, and manipulate information to make decisions and solve problems. Humanistic psychology stresses self-awareness and "getting in touch with feelings

1. Moral Development Theory:

- Moral development theory suggests that people who obey the law simply to avoid punishment or have outlooks mainly characterized by self-interest are more likely to commit crimes than those who view the law as something that benefits all of society.
- Those at higher stages of moral reasoning tend to sympathize with the rights of others and are associated with conventional behaviors, such as honesty, generosity, and nonviolence.
- Subsequent research has found that a significant number of non-criminals display higher stages of moral reasoning than criminals and that engaging in criminal behavior leads to reduced levels of moral reasoning

2. Information Processing:

Try to explain antisocial behavior in terms of mental perception and how people use information to understand their environment.

When people make decisions, they engage in a sequence of cognitive thought processes:

1. Encode information so that it can be interpreted.
2. Search for a proper response.
3. Decide on the most appropriate action.
4. Act on the decision

According to this cognitive approach, people who use information properly, who are better conditioned to make reasoned judgments, and who can make quick and reasoned decisions when facing emotion-laden events are the ones best able to avoid antisocial behavior choices.

In contrast, crime prone people may have cognitive deficits and use information incorrectly when they make decisions. Law violators may lack the ability to perform cognitive functions in a normal and orderly fashion

CONCEPT SUMMARY 5.2

PSYCHOLOGICAL TRAIT THEORIES

Psychodynamic

- The major premise of the theory is that the development of the unconscious personality early in childhood influences behavior for the rest of the person's life. Criminals have weak egos and damaged personalities.
- The strengths of the theory are that it explains the onset of crime and why crime and drug abuse cut across class lines.
- The research focuses of the theory are on mental disorders, personality development, and unconscious motivations and drives.

Behavioral

- The major premise of the theory is that people commit crime when they model their behavior after others they see being rewarded for similar acts. Behavior is reinforced by rewards and extinguished by punishment.
- The strengths of the theory are that it explains the role of significant others in the crime process; it shows how the media can influence crime and violence.
- The research focuses of the theory are the media and violence, as well as the effects of child abuse.

Cognitive

- The major premise of the theory is that individual reasoning processes influence behavior. Reasoning is influenced by the way people perceive their environment.
- The strengths of the theory are that it shows why criminal behavior patterns change over time as people mature and develop their reasoning powers. It may explain the aging-out process.
- The research focuses of the theory are perception and cognition.

3.4. SOCIOLOGICAL PERSPECTIVE

3.4.1 SOCIAL STRUCTURE THEORIES

- Social structure theorists challenge those who suggest that crime is an expression of some personal trait or individual choice
- They suggest that social and economic forces operating in deteriorated lower-class areas are the key determinant of criminal behavior patterns (poverty, low quality of life etc)
- The real crime problem is essentially a lower-class phenomenon, which breeds criminal behavior that begins in youth and continues into young adulthood.
- Social forces begin to affect people while they are relatively young and continue to influence them throughout their lives.
- Those who are exposed to a continual stream of violence in deteriorated inner-city neighborhoods are the ones most likely to persist in their criminal careers (social disorganization theory)

3.4.1.1 Social disorganization theory:

- Focuses on the conditions within the urban environment that affect crime rates. The theory of social disorganization states a person's physical and social environments are primarily responsible for the behavioral choices that a person makes.
- Social disorganization theory was first popularized by the work of two Chicago sociologists, Clifford R. Shaw and Henry D. McKay who linked life in disorganized, transitional urban areas to neighborhood crime rates during the early 1920s. They noted that neighborhoods with the highest crime rates have at least three common problems, physical dilapidation, poverty, and higher level of ethnic and culture mixing.
- Shaw and McKay began their analysis during a period in the city's history that was fairly typical of the transition that was taking place in many other urban areas. Chicago had experienced a mid-nineteenth-century population expansion, fueled by a dramatic influx of foreign-born immigrants.

Transitional Neighborhoods: Shaw and McKay explained crime and delinquency within the context of the changing urban environment and ecological development of the city. They saw that Chicago had developed into distinct neighborhoods (natural areas), some affluent and others wracked by extreme poverty. These poverty-ridden, transitional neighborhoods suffered high rates of population turnover and were incapable of inducing residents to remain and defend the neighborhoods against criminal groups.

In transitional areas, successive changes in the population composition, disintegration of traditional cultures, diffusion of divergent cultural standards, and gradual industrialization of the area result in dissolution of neighborhood culture and organization. The continuity of conventional neighborhood traditions and institutions is broken, leaving children feeling displaced and without a strong or definitive set of values

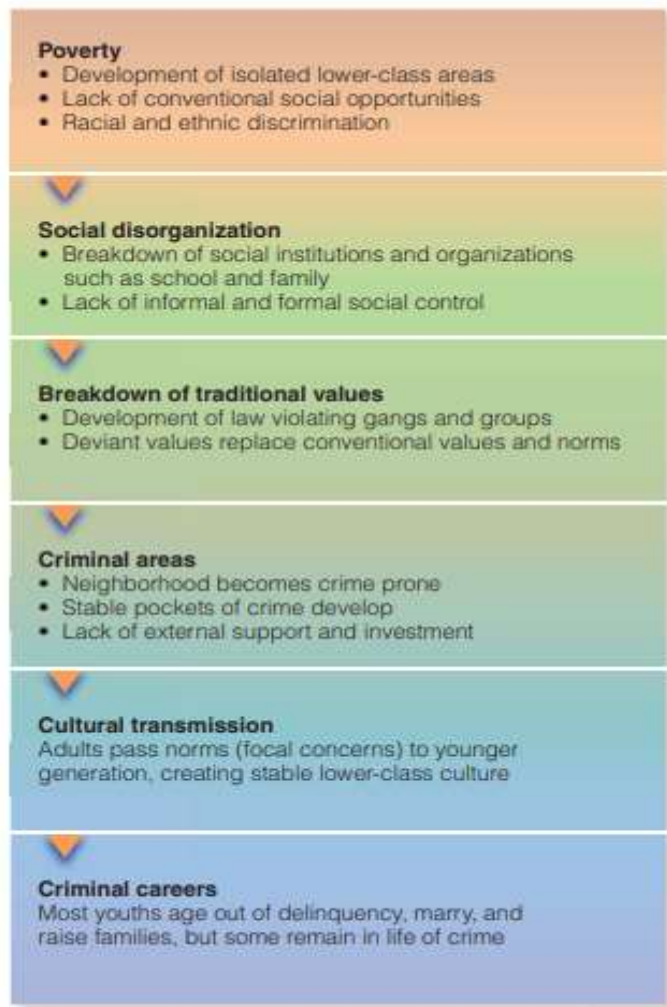
Concentric Zones: Shaw and McKay identified the areas in Chicago that had excessive crime rates. Using a model of analysis pioneered by Ernest Burgess, they noted that distinct ecological areas had developed in the city, comprising a series of five concentric circles, or zones, and that there were stable and significant differences in interzone crime rates.

The areas of heaviest concentration of crime appeared to be the transitional inner-city zones, where large numbers of foreign-born citizens had recently settled. The zones furthest from the city's center had correspondingly lower crime rates.

Shaw and McKay concluded that, in the transitional neighborhoods, multiple cultures and diverse values, both conventional and deviant, coexist. Children growing up in the street culture often find that adults who have adopted a deviant lifestyle are the most financially successful people in the neighborhood: for example, the gambler, the pimp, or the drug dealer. Required to choose between conventional and deviant lifestyles, many inner-city kids saw the value in opting for the latter. They join with other like-minded youths and form law-violating gangs and cliques

Social disorganization theory: KEY ELEMENTS

- Crime rates are sensitive to the destructive social forces operating in lower-class urban neighborhoods.
- Environmental factors, rather than individual differences, are the root cause of crime. Personal abnormality or inferiority has little to do with crime rates.
- Crime is a constant fixture in poverty areas regardless of racial and/or ethnic makeup.
- Neighborhood disintegration and the corresponding erosion of social control are the primary causes of criminal behavior; community values, norms, and cohesiveness affect individual behavior choices



3.4.1.2. Strain theory

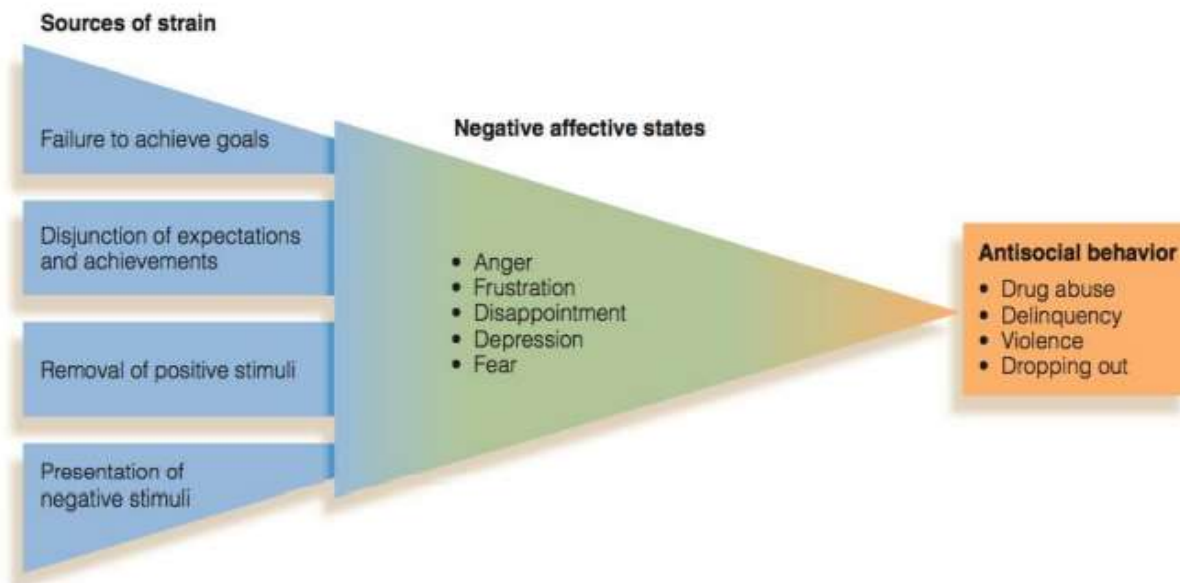
Strain theory is a sociology and criminology theory developed in 1957 by Robert K. Merton.

Strain theory holds that crime is a function of the conflict between the goals people have and the means they can use to obtain them legally.

The theory states that society puts pressure on individuals to achieve a **socially accepted goals** (such as the American dream) though they **lack the means**, this leads to strain which may lead the individuals to commit crimes.

CONCEPT OF ANOMIE:

- The roots of strain theories can be traced to Émile Durkheim's notion of anomie (from the Greek a nomos, "without norms").
- According to Durkheim, an anomic society is one in which rules of behavior (i.e., values, customs, and norms) have broken down or become inoperative during periods of rapid social change or social crisis such as war or famine
- Anomie undermines social control functions. Durkheim's ideas were applied to criminology by sociologist Robert Merton in his theory of anomie. He found that two elements of culture interact to produce potentially anomic conditions: culturally defined goals and socially approved means for obtaining them.

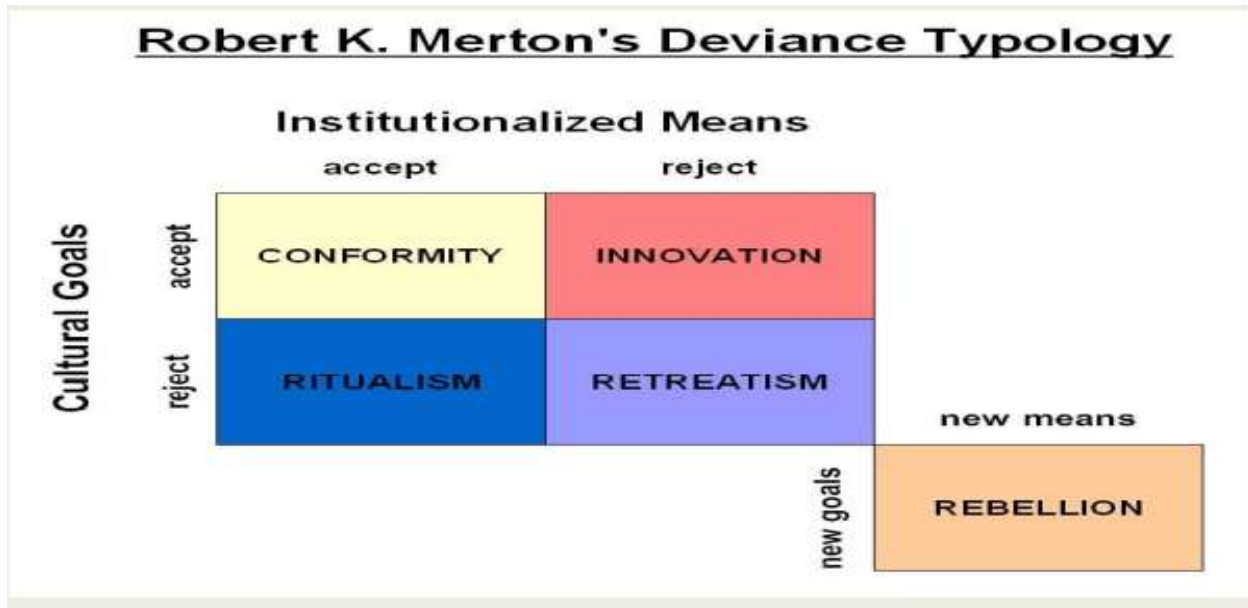


Key Elements:

There are five types of Adaptations:

- **Conformity** ▪ Agreement between an individual's behavior and a group's standards or expectations. A conformist is one who follows the majority's desires or standards.
- **Innovation** ▪ The act of introducing something new. Believes in society's standards or expectations but different mode of achieving them
- **Ritualism** ▪ People obey norms outwardly by "going through the motions," but they lack inner commitment to their roles and the underlying values of the social system

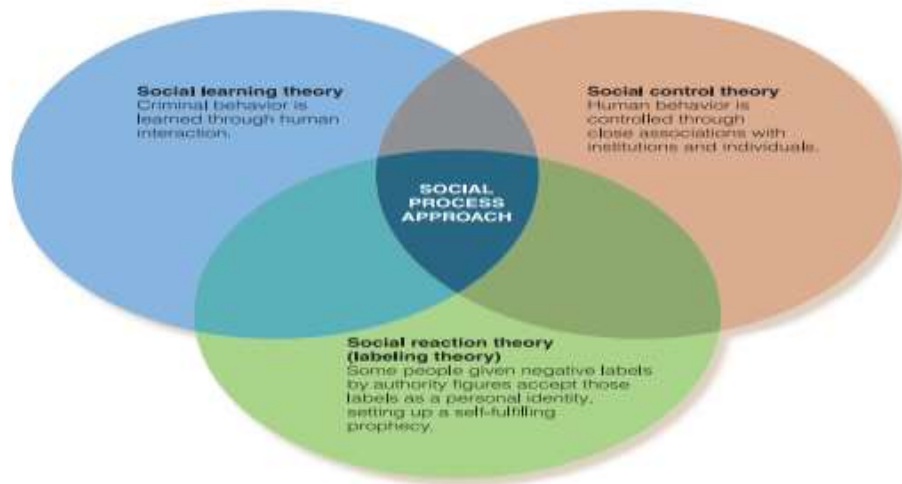
- **Retreatism** ▪ The rejection of culturally prescribed goals and the conventional means for attaining them. Drug addicts.
- **Rebellion** ▪ Rebellion, uprising, or insurrection is a refusal of obedience or order. It may, therefore, be seen as encompassing a range of behaviors aimed at destroying or taking over the position of an established authority such as a government, governor, president, political leader, financial institution, or person in charge



CRITICISM ON MERTON'S Strain Theory

- Strain theory best applies only to the lower class as they struggle with limited resources to obtain their goals
- Strain theory fails to explain white collar crime, the perpetrator of whom have many opportunities to achieve through legal and legitimate means
- Strain theory fails to explain crimes based in gender inequality
- Merton deals with individuals forms of responses instead of group activity which crime involves
- Strain theory neglects the inter- and intra-personal aspect of crime
- Strain theory has weak empirical evidence supporting it

4.2 SOCIAL PROCESS Theories:



4.2.1 SOCIAL LEARNING THEORIES:

- Social learning theorists believe crime is a product of learning the norms, values, and behaviors associated with criminal activity.
- Social learning can involve the actual techniques of crime
- Three most prominent forms of social learning theory: differential association theory, differential reinforcement theory, and neutralization theory

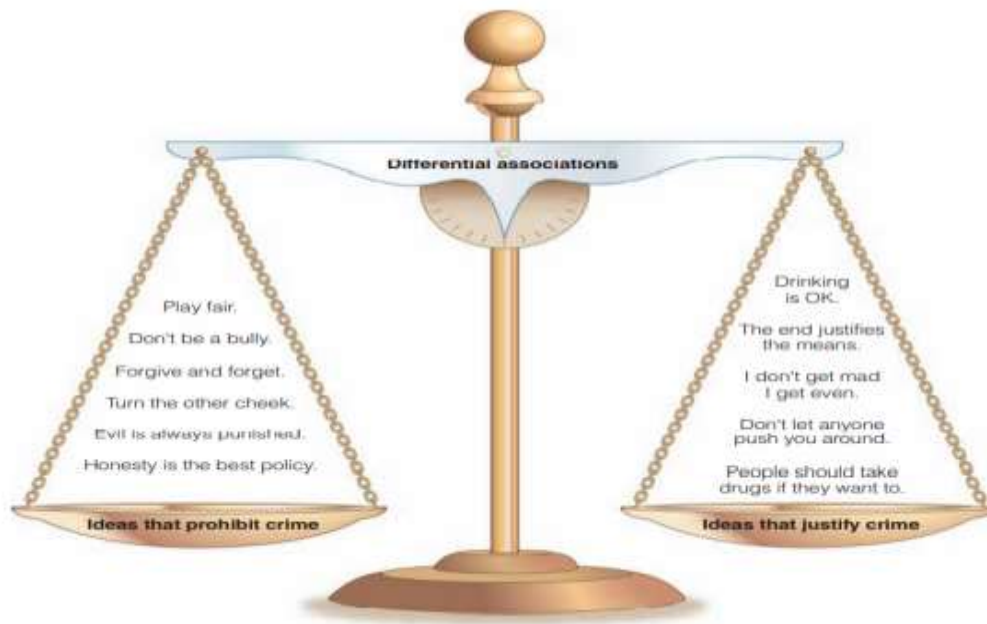
4.2.1.1 Differential Association Theory

- One of the most prominent social learning theories is Edwin H. Sutherland's differential association theory.
- Sutherland first put forth his theory in his 1939 text, **Principles of Criminology**. The final version of the theory appeared in 1947
- Remains one of the most enduring explanations of criminal behavior
- Criminality stemmed neither from individual traits nor from socioeconomic position; instead, he believed it to be a function of a learning process that could affect any individual in any culture. (Thesis)
- Acquiring a behavior is a social learning process, not a political or legal process.

Main Principles:

1. **Criminal behavior is learned:** Sutherland implied that it can be classified in the same manner as any other learned behavior, such as writing, painting, or reading. (not an inherent characteristic)
2. **Learning is a by-product of interaction:** People actively participate in the learning process as they interact with other individuals. (learned not only while living in criminal environment)

3. **Learning occurs within intimate groups:** People's contacts with their most intimate social companions— family, friends, peers—have the greatest influence on their deviant behavior and attitude development.
4. **Criminal techniques are learned:** Some children may meet and associate with criminal "mentors" who teach them how to be successful criminals and gain the greatest benefits from their criminal activities. They learn the proper way to pick a lock, shoplift, and obtain and use narcotics.
5. **Perceptions of legal code influence motives and drives:** The specific direction of motives and drives is learned from perceptions of various aspects of the legal code as being favorable or unfavorable. The reaction to social rules and laws is not uniform across society. People constantly come into contact with others who maintain different views on the utility of obeying the legal code. Some people they admire may openly disdain or flout the law or ignore its substance. The conflict of social attitudes and cultural norms is the basis for the concept of differential association.



6. **Differential associations may vary in frequency, duration, priority, and intensity.** Whether a person learns to obey the law or to disregard it is influenced by the quality of social interactions
7. **The process of learning criminal behavior by association with criminal and anticriminal patterns involves all of the mechanisms involved in any other learning process.**
8. **Criminal behavior is an expression of general needs and values, but it is not excused by those general needs and values because noncriminal behavior is also an expression of those same needs and values:** This principle suggests that the motives for criminal behavior cannot logically be the same as those for conventional behavior.

- Sutherland rules out such motives as desire to accumulate money or social status, personal frustration, or low self-concept as causes of crime because they are just as likely to produce noncriminal behavior, such as getting a better education or working harder on a job. It is only the learning of deviant norms through contact with an excess of definitions favorable toward criminality that produces illegal behavior. According to Sutherland's theory, individuals become law violators when they are in contact with people, groups, or events that produce an excess of definitions favorable toward criminality and are isolated from counteracting forces. A definition favorable toward criminality occurs e.g. when a person is exposed to friends sneaking into a theater to avoid paying for a ticket or talking about the virtues of getting high on drugs. A definition unfavorable toward crime occurs when friends or parents demonstrate their disapproval of crime.

4.2.2 SOCIAL CONTROL THEORY

- Social control theories maintain that all people have the potential to violate the law and that modern society presents many opportunities for illegal activity.
- Focus on the Q: Why do people obey the rules and laws?
- Social control theorists argue that people obey the law because behavior and passions are being controlled by internal and external forces.

4.2.2.1 Hirschi's Social Bond Theory

- Hirschi links the onset of criminality to the weakening of the ties that bind people to society
- All individuals are potential law violators, but they are kept under control because they fear that illegal behavior will damage their relationships with friends, parents, neighbors, teachers, and employers. (Thesis)
- Without these social ties or bonds, and in the absence of sensitivity to and interest in others, a person is free to commit criminal acts.

Elements of the Social Bond:

Hirschi argues that the social bond a person maintains with society is divided into four main elements:

1. Attachment: Attachment refers to a person's sensitivity to and interest in others. Hirschi views parents, peers, and schools as the important social institutions with which a person should maintain ties.

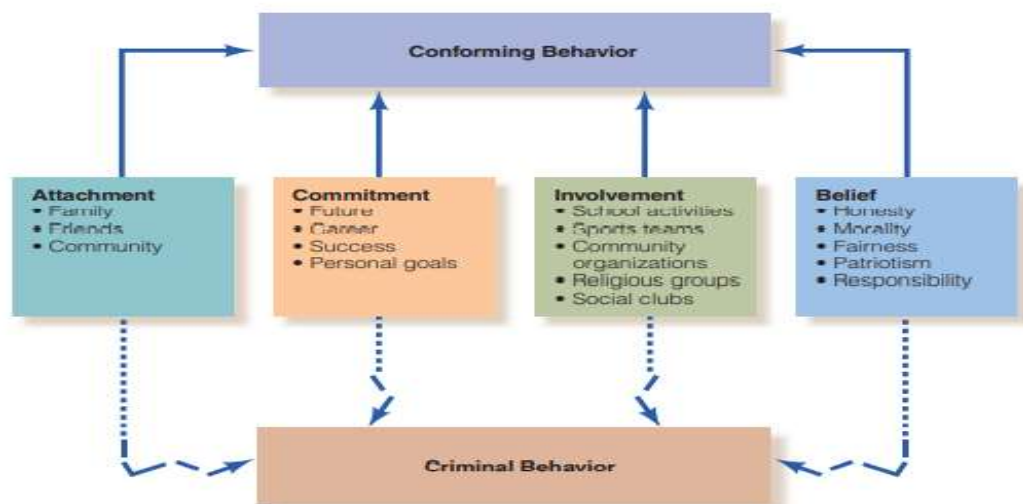
2. Commitment: Commitment involves the time, energy, and effort expended in conventional lines of action, such as getting an education and saving money for the future e.g. Kids who drink and engage in deviant behavior are more likely to fail in school

3. Involvement: Heavy involvement in conventional activities leaves little time for illegal behavior.

4. Belief: If the beliefs are absent or weakened, individuals are more likely to participate in antisocial or illegal acts.

4.2.2.1 Criticism on Hirschi's Social Bond Theory

- 1. Deviant Peers and Parents:** may lead to crimes
- 2. Changing bonds:** Bonds vary with time. Sometimes weak bonding may lead to delinquency or sometimes strong.
- 3. Restricted in scope:** Doesn't explain heinous crimes efficiently



4.2.3 Social reaction theory / Labelling theory:

- Explains how criminal careers form based on destructive social interactions and encounters.
- Its roots are found in the symbolic interaction theory which holds that holds that people communicate via symbols—gestures, signs, words, or images—that stand for or represent something else
- Social reaction theory picks up on these concepts of interaction and interpretation
- Throughout their lives, people are given a variety of symbolic labels and ways to interact with others. These labels represent behavior and attitude characteristics; labels help define not just one trait but the whole person

Primary and Secondary Deviance:

- One of the best-known views of the labeling process is Edwin Lemert's concept of primary deviance and secondary deviance.
- **Primary Deviance:** According to Lemert, primary deviance involves norm violations or crimes that have very little influence on the actor and can be quickly forgotten.

- Secondary Deviance:** In contrast, secondary deviance occurs when a deviant event comes to the attention of significant others or social control agents who apply a negative label. The newly labeled offender then reorganizes his or her behavior and personality around the consequences of the deviant act

The Labeling Process



3.5 Islamic Perspective on Crime:

Principles of Islamic Perspective on Crime:

- Deterrence
- Rehabilitation
- Restitution
- Incapacitation

Types of Crimes in Islam:

I--Hudud: Violation of the injunctions of Allah Almighty where punishment has been prescribed by the Shariah. Following Crimes fall under the purview of Hadud.

i. Zinah (Punishment): Stoning to Death in case of “Muhsan” or married and 100 stripes in case of Non-Married.

ii. Qadhaf (False Allegation of Zinah). (Punishment: 80 Stripes for free person and 40 for slave)

iii. Shurb(Drinking):(. Punishment: 80 Stripes)

iv. Shiraqah(Theft): (First Time Amputation of Hand , Second Time, Amputation of Left Foot till Ankle, Thirld Time Imprisonment for Life).

v. Hirabah (Dacoity): In case of Hirabah

vi. Apostacy(Riddah).

II--Tazir Crimes relating to private injuries where punishment is left to the discretion of “court”. **(DIYYAT, QASSAS)**

III—Siyasah Crimes against state and public order whose punishment is left at the discretion of state **(REBELLION, NON PAYMENT OF ZAKAT, VIOLATION OF STATE LAWS)**

SECTION 2

1. CRIMINAL JUSTICE SYSTEM

1.1 Overview

- Refers to agencies of govt charged with enforcing law, adjudicating criminals and correcting criminal conduct.
- A criminal justice system is a set of legal and social institutions for enforcing the criminal law in accordance with a defined set of procedural rules and limitations
- It is a framework comprising of individuals, institutions, rules, procedures combined together in order to prevent and control crimes in society
- Essential instrument of social control

1.2 Objectives of CJS

Deterrence: To prevent the occurrence of crime

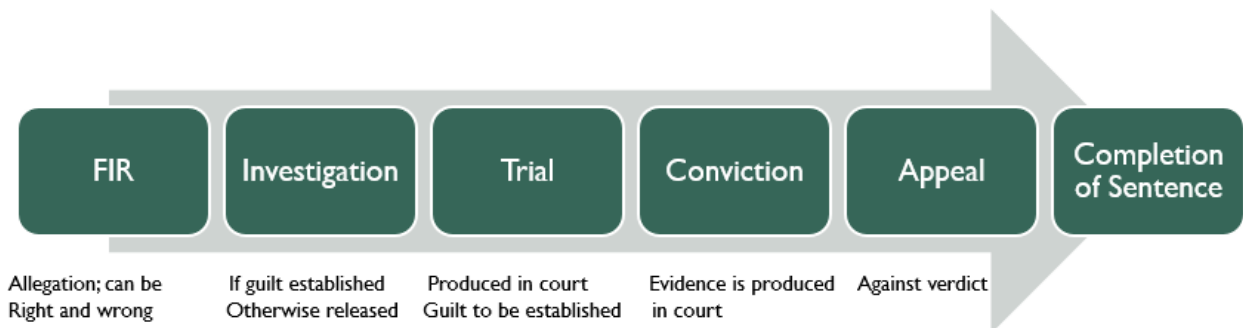
Rehabilitation: Transformation of an offender into a healthy individual

Retribution: To make criminal suffer in the same way

Incapacitation: to keep criminals away from society

Restitution: Compensation to the victims.

1.3 Process of CJS



1.4 Components of CJS



1.5 Police

1.5.1 Roles and responsibilities of Police

Police Section 4 of Police Order 2002 deals with responsibilities

- Law Enforcement
- Registration of FIR
- Identifying criminal suspects
- Investigating crime and criminal suspects
- Protection of Life and Property
- Resolving Conflict
- Detection and prevention of crimes
- Providing emergency medical services
- Aiding individuals in danger
- Civil Order

1.5.2 Problems and challenges of police

1. Acute Paucity of Financial Resources: (Budgets for Investigation RS 295: Lahore, 328:Isb, 166: Sialkot)

2. Acute Shortage of Manpower: (World/ UN Standard 1:222, Pakistan 1:500, excluding Protocol 1:720)

3. Political Interference: Politicized recruitments, frequent transfers etc.

4. Lack of Effective Training and Education

5. Continuation of Colonial Legacy: Pak inherited 80 yrs old police system from British which was designed to protect interests of colonial govts. Even after 74 yrs of independence, still authoritarian and not people friendly

6. Rampant Corruption

7. Thana Culture and False FIRs/ Non registrations of FIR

8. Performance and capability crisis/ No HR Mechanism

1.5.3 Recommendations / Traditional vs innovative policing

- Training of officials especially junior staff (increase no of training institutes)
- Allocation of adequate budgets
- Increased salaries to curb corruption in lower ranks
- Increased accountability and proper measures for performance evaluation
- Increase police staff and strength
- Increase female staff to curb gender-based crimes
- Incorporate modern policing techniques (community policing)

1.6 Courts / Judiciary

- Place where arguments get settled
- Court applies the law to the argument at hand
- Court gives the punishment
- In Pakistan following are types of courts –
- District Court – High Court – Supreme Court – Special Courts

1.6.1 CRIMINAL TRIAL PROCEDURE

- When any person is apprehended for committing any crime, after investigation – that is to be completed within 14 days u sec 173 of CrPC – he she is subjected to rigorous trial in the prescribed criminal courts that has jurisdiction in the said matter

- Court before commencement of trial, is duty bound to allow an alleged offender to appoint defense counsel of his/ her choice u Article 10 of constitution
- Then Court pronounces a charge against an alleged offender that describes the nature of offence and nature of act or omissions that constitutes a specific crime.
- Thereafter, prosecution is given an opportunity to present evidence that it has against the alleged offender
- The defense counsel is given full opportunity to cross examine and object to prosecution evidence within the prescribed limits of law
- Prosecution to be conducted by state; however, an aggrieved person by the offence can appoint his/ her own prosecution counsel in addition to the state counsels already duty bound to prosecute.
- After the prosecution concludes its evidence, the presiding judge put certain questions u sec 342 CrPC to the alleged offender. (An opportunity to alleged offender to explain the evidence against him/ her)
- Then Judgement
- In both cases, prosecution and alleged offender has right to appeal against the judgement in the immediate court

1.6.2 PROBLEMS OF JUDICIARY

- Outdated Legal Framework
- Huge Back log of Cases (3 Million Cases Pending)
- Acute Shortage of Judges (Around 4000 judges for 220+ Mn population)
- Corruption mostly in lower ranks
- Political Victimization
- Adjournments and unnecessary details
- Non-Professional Conduct of Bar
- Lack of effective Accountability

1.7 Prison

- A place in which people are legally held as a punishment for a crime they have committed or while awaiting trial.

Functions of Jail:

- Execution of sentence

- Rehabilitation and reformation of prisoners
- Welfare of prisoners
- Enforcement of jail laws

6Cs Model of Prison Management:

Custody; Care; Control; Correction; Cure; Community (socialization)

- Overcrowding
- Shortage of jail staff
- Lack of sanitation and health facilities
- Violence against prisoners / physical and psychological torture/ sexual harassment
- Criminal Labelling by society afterwards
- Lack of educational / training and vocational facilities
- Gangsters operate in jails / drugs consumption

Solutions:

- Adequate allocation of budgets
- Vocational and training programs
- ADR
- Probation and Parole

1.8 Probation

- Release of an offender by the judge instead of sending him to the jail in anticipation that the offender will mend his way and become healthy individual of the society.
- Probation is suspension of imposition of sentence of imprisonment or the postponement of final judgement in a court case. (Probation of Offenders Ordinance 1960)
- John Augustus is said to be the father of Probation. He offered voluntary probation service to rehabilitate and reform the offenders. In 1841 he rescued an offender who was convicted on the charge of drinking. The offender was given three weeks to mend his ways. When he appeared in the court after three weeks, his look was completely changed.
- Probation of Offenders Ordinance 1960 (17 sections)
- Who can Award Probation? (Sec 3)

i. A High Court ii. A Court of Sessions iii. A Judicial Magistrate

1.8.1 Conditions of Probation:

- i. First time offender (Not given in the law but evolved traditionally)
- ii. Not applicable for the offences punishable with death and life imprisonment for male offenders.
- iii. Not applicable for the offences punishable with death for female offenders
- iv. Submission of Bond to the effect of not repeating the offence
- v. Fixed Place of residence or occupation in local jurisdiction
- vi. Placement under the supervision of a probation officer
- vii. Revocation of the Order on repetition of offence
- viii. The Court can alter terms and conditions of Bond
- ix. It is granted after submission of SIR by probationary officer
- X. Case is not discharged during the probation period rather it is put to freeze.
- xi. Execution of bond by offender for compliance of terms of probation. Bond asks for 3 things:

Will never commit crime again; will fulfill conditions of probation; in case of failure to comply with the terms of probation, will pay penalty mentioned on bond to state.

1.8.2 FUNCTIONS OF PROBATIONARY OFFICERS: (sec 13)

- i. Explaining terms and conditions of probation to probationer; if deemed necessary, by warnings, endeavor to ensure their observance by the probationer.
- ii. Periodic visit of the offender (Frequent in first 2 months)
- iii. To ascertain conformance to the conditions of bond by the offender
- iv. Counseling the offender
- v. Reporting the conduct of offender to head of his department (Officer in charge)

1.9 PAROLE

- Conditional release of a prisoners before completion of sentence in order to place him under an employer
 - Prisoners Probational Release act 1926 (total of 8 sections) empowers the executive of province to release certain offenders on parole .
 - Eligibility for Parole License
- i. First Time Offender awarded up to two years of Punishment(after 1.5 years) or

- ii. Of less than 21 years of age /imprisonment up to 14 years(1/3rd of Imprisonment)
- iii. Life Imprisonment more than 14 years (10 years)

Selection on the basis of application of prisoner; on recommendation of superintendent of jail; on application of relative or friend of the prisoner

1.9.1 Conditions of parole

- Parole is permissible for any offense except death penalty
- Good conduct is basic requirement for award of parole
- The offender is placed under employment
- The place of employment of an offender is required to be away from his home to extent of 100km
- The period of parole should be equal to the remaining part of sentence
- Placed under an employer and the supervised by a “Parole Officer”
- Undertaking to meet condition of license/ revocation of parole in case of violation of terms of license
- The guilt of offender is not quashed

1.9.2 Functions of parole officer:

- To work under the control of Assistant Director Parole
- Supervision of licensee/prisoners
- Agreement with the employer
- Ensuring reasonable lodging/sanitary conditions for licensee/prisoners
- Report breach of conditions by the prisoners
- Pay periodic visits to parolees, and submit reports to Ad R&P about parole work
- Visit jails and arrange interviews of good conduct prisoners

1.9.3 Advantages of probation and parole:

- **To rehabilitate and reintegrate offenders as law abiding citizens**
- **Prevents further burdening of CJS**
- **Cuts down Govt expenditures on Prisons**

- **To kill the crime not the criminals:** Research studies show that prisons are breeding places for professional criminals. Anees Jilani in his book “Cries Unheard : Juvenile Justice System in Pakistan”

“Every habitual offender has been a first time offender”

- Lesser chances of labelling

1.9.4 Difference between probation and parole

PROBATION	PAROLE
Probation of Offenders Ordinance 1960	Good Conduct Prisoners Probation Release Act 1926
Awarded by judge	By Govt
Awarded through probation order	Awarded through license
Offender is not sent to jail	A specific portion of sentence is undergone by offender
No employment is involved	Offender is placed under employment
No restriction on free movement	Offender cannot move freely
Guilt of the offender is quashed	Guilt is not quashed
Period of probation is left to the discretion of judge	Period of parole is equal to remaining portion of sentence

2. Juvenile Delinquency

2.1. Delinquency

- A legal term that distinguishes between youthful offenders and adult offenders that has its origins in the concept of culpability.
- Except in rare instances, juvenile offenders are not referred to as criminals. Acts that are forbidden by law are called delinquent acts when committed by juveniles.

2.2. JUVENILE DELINQUENT

- Adolescents become a juvenile delinquent after being judged guilty of a crime by a court of law.

- These delinquent behaviors may include; littering, theft robbery, dacoity, addiction, Car-lifting, pick-pocketing, cell phone snatching, stealing, drug selling and murder etc.

2.3. STATUS OFFENDERS

- A status offender is someone charged with an offense that would not be a crime if committed by an adult.
- Common examples are running away from home, being truant from school, and being beyond parental control.
- Status offenders are virtually never incarcerated for their first offense
- Juvenile court systems handle status offenses, which are treated differently than criminal offenses.
- In 1961, the California legislature was the first to remove noncriminal conduct of youth from its delinquency definition.
- Under most state codes, juvenile status offenders break laws that cover how children or adolescents should behave.

DIFFERENCE:

- Juvenile Delinquents are juveniles who commit offenses that are violations of the law at any age. If a person of age less than 18 years commits a crime as defined in Pakistan Penal Code , he is a juvenile Delinquent.
- Status offender is a term used to describe an action which is an offence only because it has been committed by a juvenile and if it would have been done by an adult it would be no crime. E.g. If a juvenile smokes tobacco then he may be termed status offender as smoking otherwise is not a crime

2.4. JUVENILE JUSTICE SYSTEM:

Juvenile justice is the area of criminal law applicable to persons who at the time of commission of an offense have not attained the age of 18 years

The main goals of a juvenile justice system are:

- Rehabilitation rather than punishment for juvenile criminal behavior
- Avoid the stigmatization resulting from a criminal conviction and phenomenon of reoffending
- To hold juvenile accountable
- Ensure a mechanism to comprehensively assess the juveniles

Some juveniles are registered as adults. Unavailability and lack of proper documentation for different categories of prisoners. However, as of 2017, there were 1188 children in Pakistan's jails. Majority of them is under trial and only around 10% are convicted

2.4.1 JUVENILE JUSTICE SYSTEM ORDINANCE 2000:

Key features of JJSO 2000:

- Not to be handcuffed, given corporal punishments or made to do labor or awarded death sentence (Section 12)
- To be considered a child if under 18 years of age (Section 2(b))
- To be given legal aid at the expense of the state (Section 3(1))
- To be tried by a Juvenile court (Section 4)
- The case to be decided within four months of the court taking notice of the offense (Section 4)
- To be tried separate from adults – No joint trials (Section 5)
- To be given medical assistance at the expense of the state (Section 6(6))
- To be produced before the medical board for the determination of age if a question arises as to the age (Section 7)
- Protection of identity (Section 8)
- To be released on bail in all bailable offenses by the SHO or by the Juvenile Court if the SHO has not released the child on bail (Section 10)
- To be placed under the custody of a probation officer a suitable person or institution dealing with the welfare of the children if a parent or guardian of the child is not present; under no circumstance to be kept in a police station or jail in such cases (Section 10 (3))
- To be released on probation under the custody of a probation officer or responsible guardian (Section 11)

2.4.2 JUVENILE JUSTICE SYSTEM ACT 2018:

- On May 18 2018, the President of Pakistan approved the Juvenile Justice System Act (JJSA) 2018, which was passed by the Parliament in 2018
- JJSA 2018 overcomes the shortcomings which were present in Juvenile Justice System Ordinance 2000, and provides a much better system for criminal justice and social reintegration for juvenile offenders.
- The Act defines a child according to the definition of UNCRC as ‘a person who has not attained the age of eighteen years.
- JJS Act 2018 classifies the criminal offences into following three different categories:
 - **Minor**, which means an offence for which maximum punishment under the Pakistan Penal Code, 1860 is imprisonment for up to three years with or without fine. A juvenile is entitled to bail in minor offences, with or without surety bonds by Juvenile court.

- ■ **Major**, which means an offence for which punishment under the Pakistan Penal Code, 1860 is imprisonment of more than three years and up to seven years with or without fine. Bail shall also be granted in major offences with or without surety bonds by juvenile court.
- ■ **Heinous**, which means an offence which is serious, brutal, or shocking to public morality and which is punishable under the Pakistan Penal Code, 1860 with death or imprisonment for life or imprisonment for more than seven years with or without fine. A juvenile of less than sixteen years of age is entitled to bail in heinous offences, but a bail is on discretion of court if juvenile is more than sixteen years of age.
- **Right of legal assistance:** every juvenile or child victim of an offence shall have the right of legal assistance at the expense of the State. A juvenile shall be informed about his right of legal assistance within 24 hours of taking him into custody. Lawyer shall have more than 7 years practice increased from 5 in JJSO2000
- **Observation home:** this means a place where a juvenile is kept temporarily after being apprehended by police as well as after obtaining remand from juvenile court or otherwise for conducting inquiry or investigation. Observation Homes shall be made separately from police stations.
- **Juvenile rehabilitation centers:** this is a special kind of prison established exclusively for keeping juvenile offenders. The convicted juvenile, shall be confined to the premises till the completion of period of imprisonment or until they turn 18 years of age. Here convicts can receive an education as well as vocational or technical training for their development and includes certified institutions including women crises centres.
- **Determination of age mechanism:** JJS Act 2018 makes it compulsory upon the ranking officer-in-charge, or the investigation officer, to make an enquiry to determine the age of any such alleged offender, who physically appears or claims to be a juvenile.
- Age shall be determined on basis of accused person's birth certificate, educational certificates or any other pertinent documents. In absence of such documents, age of such accused person may be determined on the basis of a medical examination report by a medical officer.
- **Disposal of Cases through Diversion:** This is an alternative process of determining the responsibility and treatment of a juveniles on the basis of their social, cultural, economic, psychological and educational background, without resorting to formal judicial proceedings. The complaint against a juvenile shall be referred to the Juvenile Justice Committee for disposal through diversion. All offences, either minor or major, shall be compoundable for purpose of diversion. For major offences, diversion can only be exercised if the age of the juvenile is not more than 16 years.
- **Juvenile Justice Committee:** this shall dispose of cases through diversion within a period of one month from the date of the referral. The Committee shall dispose of a case with consent of the complainant by resorting to different options, including restitution of movable property, reparation of the damage caused, written or oral apology, participation in community service, payments of fine and costs of the proceedings, placement in juvenile rehabilitation centre; and written and oral reprimand. If the offence has been committed against a State and not against

an individual; the Committee may dispose of the case through diversion with consent of the concerned public prosecutor. The Committee shall also perform inspection of Observation Homes and Juvenile Rehabilitation Centres and may give directions to concerned persons for welfare and social re-integration of juveniles kept in these places.

- The J.J. Committee is set to consist of four members, including a serving Judicial Magistrate with powers under section 30 of CrPC (Head of Committee); District Public Prosecutor; Member of local Bar having at least 7 years' experience, appointed by the concerned Sessions Judge for a period of 2 years; and serving probation officer or social welfare officer not below BPS-17. One thing that is missing is the presence of a qualified child rights activist that understands the plight of the underage victims, and is equipped to deal with their issues.
- **Separate challan and trial of juvenile offenders:** a juvenile shall not be charged with and tried for an offence together with an adult person. But if it is in the interests of justice to hold a joint trial of a juvenile and an adult, the juvenile court may dispense with the physical presence of the juvenile and they may be allowed to join the Court proceedings through audio-visual technology link.
- **Imposition of penalty for disclosure of identity of juvenile or to publish proceedings of juvenile court:** JJS Act 2018 exclusively bars revealing the identity of an accused juvenile to the public without the authorization in writing of the juvenile or their next-of-kin. The S.H.O, investigating officer or the juvenile court can also grant permission in this regard.
- **Special provisions for female juveniles:** Female juveniles shall not in any circumstances be apprehended or investigated by a male police officer or released on probation under supervision of a male officer.

A female juvenile shall only be kept in a Juvenile Rehabilitation Centre established or certified exclusively for female inmates.
- **Removal of disqualification attached with conviction:** A juvenile offender convicted under the provisions of JJS Act 2018 shall not suffer a disqualification, if any attaching to a conviction of an offence under such law.
- **Preventive Detention:** No child shall be arrested under any of the laws dealing with preventive detention or under the provisions of chapter VIII of the Code of criminal procedure.

2.5 Problems or Challenges of JJS in Pakistan

- 1. Absence of effective age determination mechanism
- 2. Lack of specially trained juvenile judges
- 3. Overburdened Judiciary
- 4. Lack of coordination between probation officers and police
- 5. Lack of proper database and information/ documentation

- 6. Shortage of trained staff (Probation officers and prosecutors)
- 7. Absence of rehabilitation and observation homes
- 8. Lack of finances
- 9. No attention to public awareness