

Q. 2.

Discuss in detail Islamic Perspective on deviance and crime. How far Islamic criminal justice system is successful in crime prevention. Compare and contrast it with the modern criminal justice system .

Section 2

Q. 3. Define, Differentiate Probation and Parole system in Pakistan. Do you think Pakistan is managing it efficiently? Also suggest remedial measures to improve the system.

Q. 4. Define Juvenile Delinquency. Explain theoretical causes of Juvenile Delinquency. Also critically analyze the current juvenile justice system of Pakistan.

Section 3

Q. 5. Enlist and discuss the principles of criminal investigation.

Question 2

A. T

INTRODUCTION

Shiekh Khalid

Hussain in his book "Islamic Criminal

Justice System", has beautifully

compared Islamic criminal justice

system with modern criminal

justice system. He argues that

Islamic criminal code is based

on divine rulings, therefore it is

sufficient enough to eradicate all

kinds of crime from the society.

This system tries to strike at the

roots of crime. On the other

hand, modern system remains

divided on the punishments. Nor does

it consider alcohol as the

root cause of crime. Islamic

system can revolutionize the

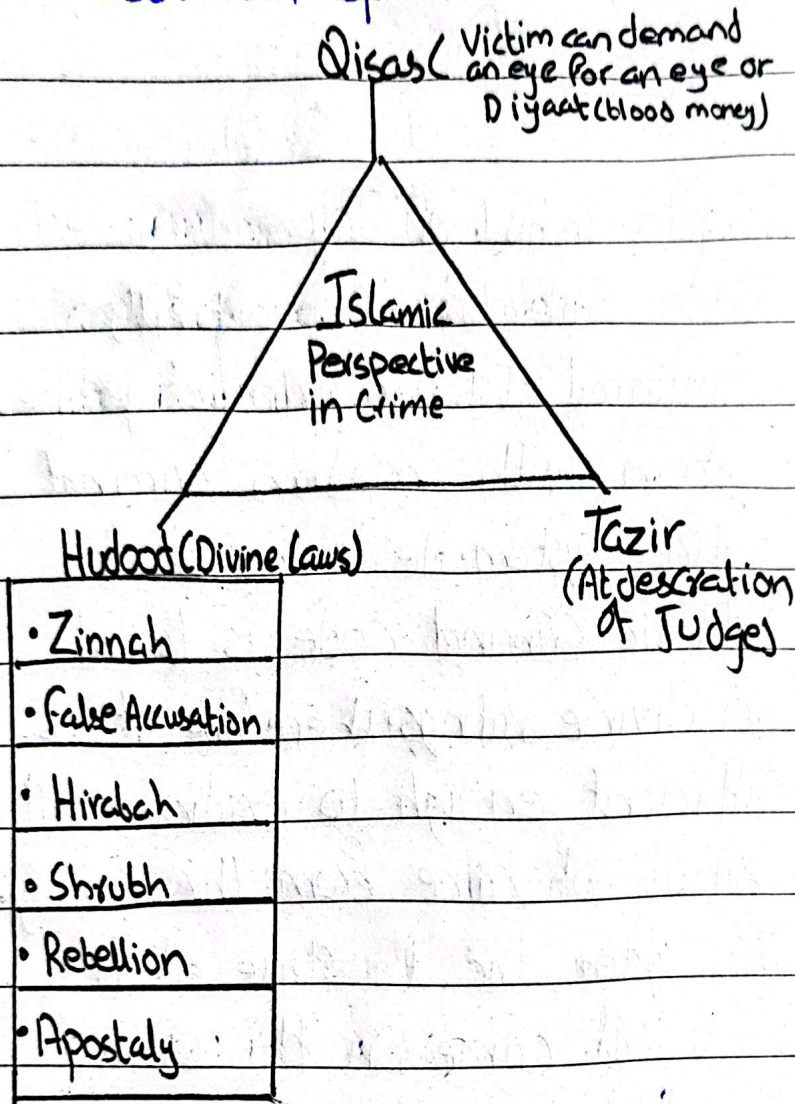
modern criminal justice system

if the world tries to

adopt it in letter and

spirits.

B. Punishments For Crimes in Islamic Perspective



Deviance in Islam

Informal deviance in Islam has been taught in its socio-moral code. For example, talking with disrespect with elders is a deviance, that Islam has taught as immoral.

C. Islamic Criminal Justice System As Successful in Crime Prevention

1. Adultery has been countered permanently

Islamic criminal code has countered act of adultery permanently by giving punishments

For Married
• Stoning to death

For Unmarried
• 100 Lashes to be applied

2. False accusation has been deterred

False accusation in Islam has been deterred by giving punishments. For example, false accusation of adultery committed by a free man and by slave. 80 Lashes in case of a free man. Whereas 40 forty lashes for a slave.

3. Problems due to alcoholism are being eradicated

Alcoholism remains the root cause of all the crimes in the society. Islam has deterred this under hadd law. Forty lashes to be applied on the person found drinking

4. Example has been set for heinous crimes - Hirabah

Islam has also set examples for those who think of committing heinous crimes such as hirabah (robbery). For example, Islam has countered this act by giving punishment of death penalty

5. People think twice before committing an act of stealing.

Islam has deterred people from committing

an act of stealing. For example, amputation of right hand till wrist, then left leg till ankle, then incarcerating the individual

6. No more conspiracy against the ruler

In Islam the ruler is accountable before Allah Almighty only. No one has right to do conspiracy against him. Hadoodh Law has criminalized such act.

D. Modern Criminal Justice System Fails to deter

1. ~~Retributive measure~~ Loop holes are looked upon to evade the charge

Modern criminals tries to find loop holes in the criminal procedure code to evade the charges

2. No standard for determining False accusation

There is no standard in

corroborating if the accusation is true or false.

3. Unable to counter actions committed under influence of alcohol

Alcoholism in modern criminal system is not defined as a crime. However, criminologists have found that alcoholism triggers criminal instincts

4. Examp
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4. Increasing heinous crimes defines failure of modern criminal justice system

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Heinous crimes in the modern system are increasing. No proper punishments are termed in order to counter hirabah plus murder

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7 steal
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5. Theft is not being countered efficiently.

Most of theft cases are not given retributive

punishment. That increases the pressure on victims to take law in their hands

E. Islamic Criminal Justice System can Revolutionize Modern Criminal Justice System

Islamic criminal justice system can revolutionize modern criminal system, if the modern law makers try to adopt islamic measures. For example, Modern System should adopt that eyewitnesses are required to penalize first. Adultrious acts can be countered. Moreover, crime can be eliminated

F. Conclusion

In summation, Islam is indeed a complete code of life that has provided criminal code that can have deterrent effect on criminals. That will help forming a crime less society.

Question 4

A. J. INTRODUCTION

Justice Nazeer

Armed in one of his publications have beautifully highlighted that Pakistan remains unable to deliver to its children, specially juveniles. Although juvenile justice act 2018 has defined juvenile and provided the procedure for dealing it but, pillars of criminal justice system remains unable to work according to it. Juvenile delinquency is expanding in our society due social and psychological factors. Moreover, some theorists have explained that socio-economic factors such as poverty, and illiteracy also play an important role in triggering the criminal instincts in the childrens.

B. Juvenile Delinquency in

Pakistan Penal Code

Section 82: A child between the age of 7 years and 10 years is not to be categorized as Criminal

Section 83: A child who is 12 years has not reach the stage of maturity to understand the consequences of ages.

C. Theoretical Causes of Juvenile Delinquency

Social Perspective

• Social learning- child learn from adults

• Social Differentiation- Increasing frequency of child with criminal partners

• Social labelling- a child who is derogated due to his fathers criminal act may resort towards crime

Psychological Perspective

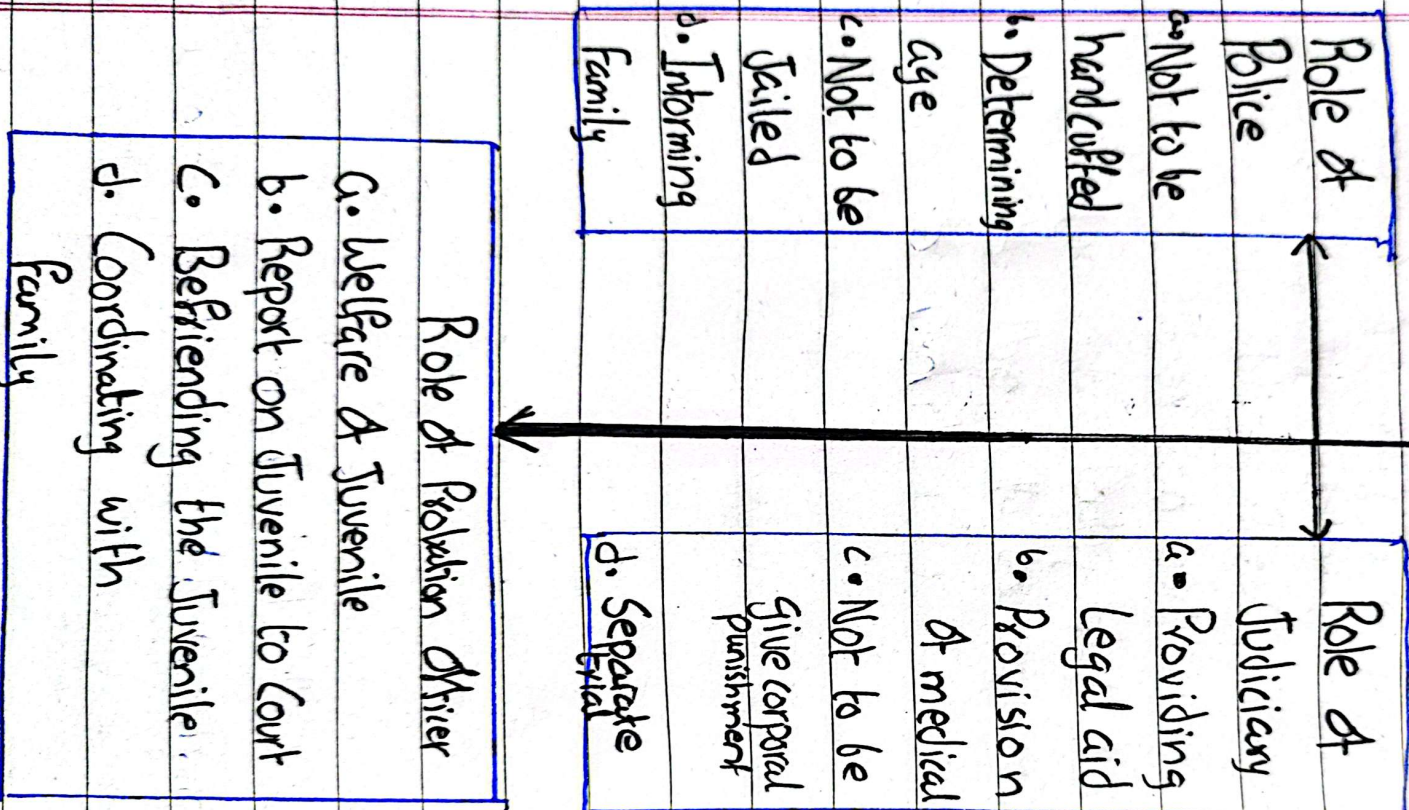
• Cognitive learning

• Observational learning based on act. eg a child may become angry to get things as he watches his brother

D. Juvenile Justice System of Pakistan

Juvenile Justice

System Act 2018



E. Issues of Juvenile Justice System in Pakistan

1. Police remains unable to detect the current age

Police in Pakistan

remains unable to detect Original current age due to Fornication of educational and birth certificate. For example, Shrivah

Jatoi.

2. No separate Juvenile facility

There are no

separate juvenile facility to hold juveniles as highlighted in juvenile justice system act section 11.

3. Juvenile Justice Committee is

only on piece of paper

Juvenile Justice Committee

is not established to defer the cases and decreasing the load from juvenile courts

4. Untrained Probation Officers Fail to deliver

Untrained probation officers fails to deliver the juvenile as well as courts due to lack of training.

5. Lack of funds do not provide an up to the mark legal aid.

Due to lack of funds, the states remains unable to provide legal aid of a standard as mentioned in section 4.

F. Recommendations to Improve Juvenile Justice System in Pakistan

1. Medical test of Juvenile offenders should be made compulsory
Medical test of the juvenile offenders should be made compulsory to counter illegal practice of false formation of papers to evade charge.

2. More Juvenile Courts needs to be established

More juvenile courts are needed to resolve the back log of cases regarding juvenile cases in the courts of Pakistan

3. Juvenile Justice Committee should be made

Juvenile Justice Committee should be made to resolve the issues outside of courts to decrease backlog of cases

4. Training Institutes for Probation Officer

Training institutes for training officers should be made. That will train an officer to perform his duty effectively and efficiently.

57. Conclusion

All in all, delinquency is interesting Pakistan. Act has been made but lacks in implementations due to some issues. These issues can be eradicated by following the recommendations

Question 5

A. I INTRODUCTION

James Brian in

his book "Modern Criminal Investigation" has defined different types

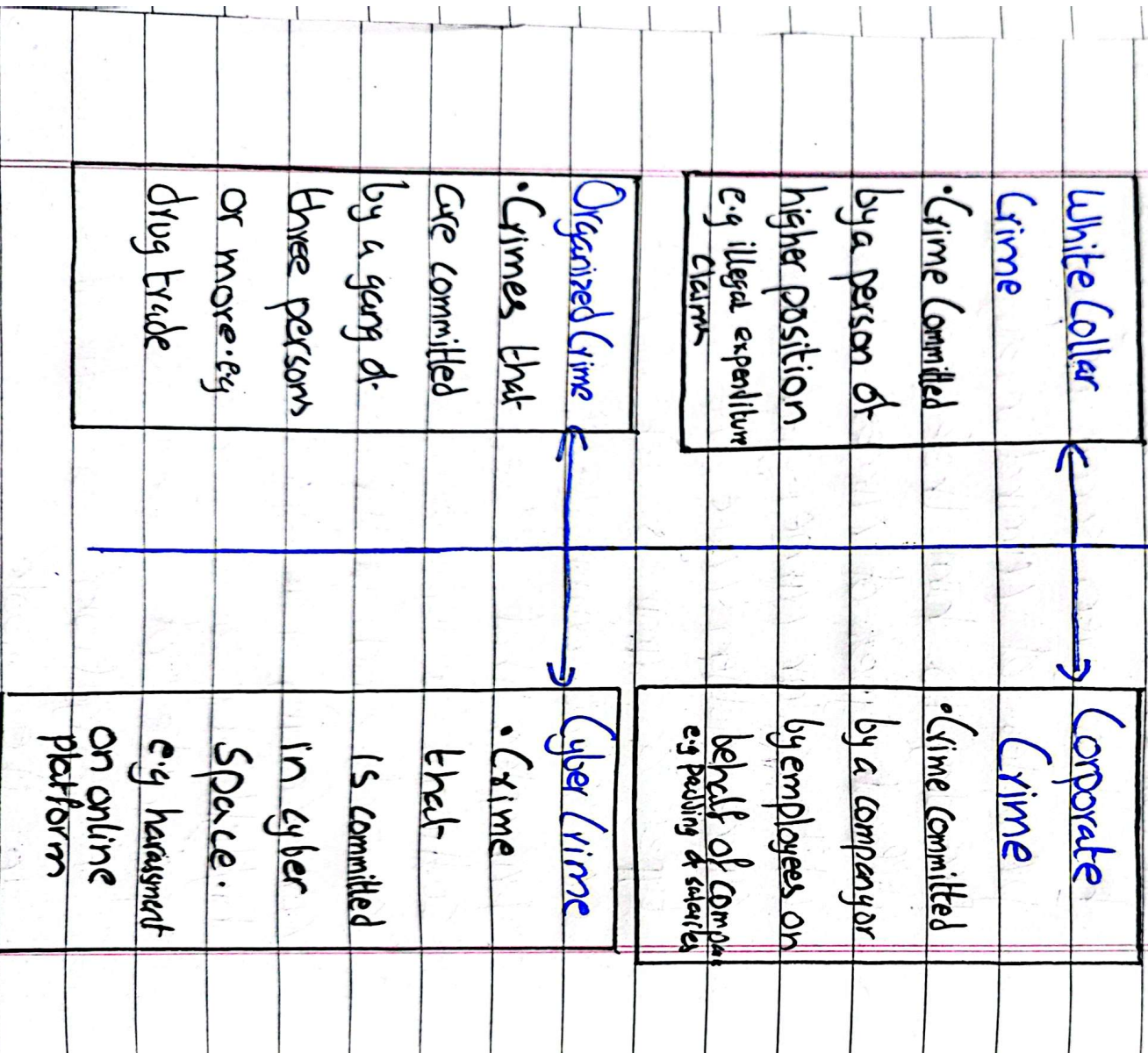
of crimes in the society. Moreover, he has given some important principles of criminal investigation

According to him there are different types of crimes such as white collar crime, green collar crime, golden crime, and different types of criminals such as habitual, occasional criminals. All the

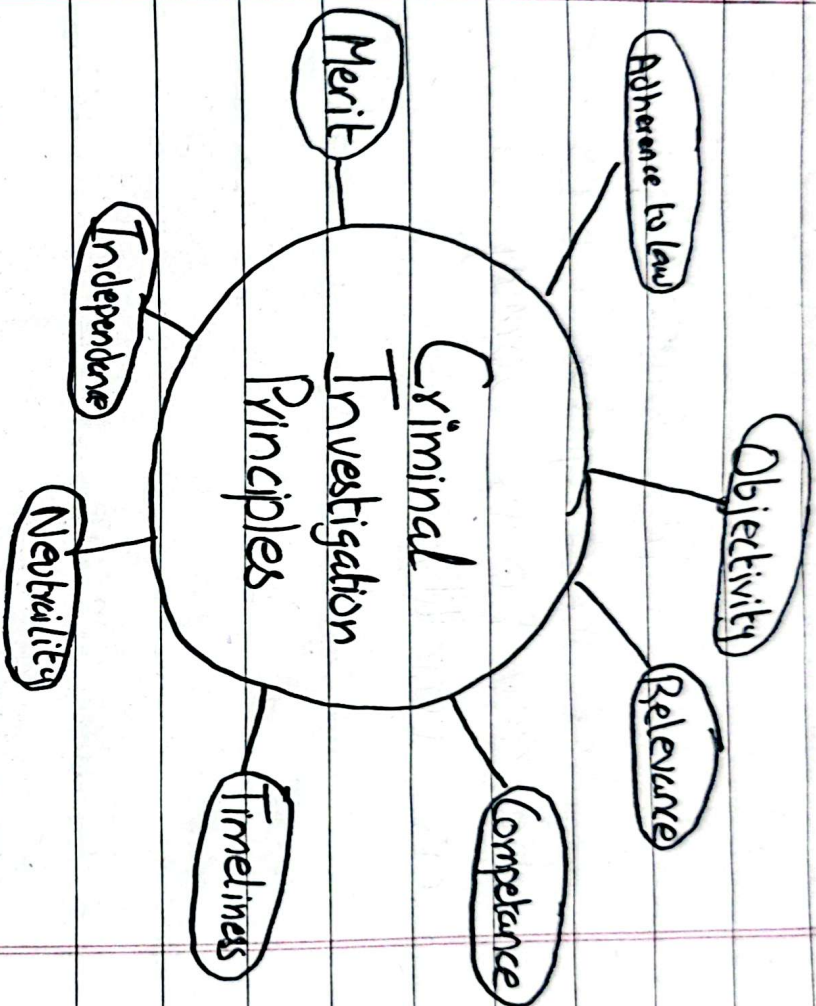
principles that defined are sufficient enough to nab the criminals and putting a curl on crime. Coming paragraphs will highlight types of crime, and principle of criminal investigation as defined in the book.

B. Crimes and Its Types, Elucidated in a Flow Chart.

Types of Crimes



C. Principles of Criminal Investigation in Criminology.



1. Objectivity of the Criminal Investigator

The investigator during the investigation must remain stick to the facts & the case, they should not look things or facts in subjective way

2. Sifting relevant Facts from the information

The investigator should sift the relevant information from the facts

information taken through interviews.

4. Competence of the investigator matters a lot

The competence

of the investigator means that the case he is working on is his speciality. For example an investigator of kidnapping should stick to cases of kidnapping.

5. Learning towards either party should be avoided

An investigator

should not lean towards either party of the case due to his private relations. For example an investigator should not take side with his family during the investigation

6. Investigator should not be pressurized politically

An investigator should

not be pressurized by politicians, as it was done during Benerji Bomb blast case in Rajasthan.

7. Submission of case in time

An investigator must conclude his case in time with all the facts and figures, and submit the case through prosecution.

8. Adherence to laws of criminal Procedure

An investigator must remain adherent to laws of criminal procedure to nab the culprit in time.

D. Conclusion

In a nutshell there are different types of crimes in the society. All of these crimes can be investigated by following basic principles of criminal investigation.