

Subjective Part

Q. No. 3

Introduction:

According to social process theories of criminology, social relations of a person effects the nature of criminal and drives its habit of crime. Peers, family, teachers and others social relations impact the nature of criminals. It also helps in learning techniques, forced by peer groups and labelling of persons as special or outcasting them which leads to the criminal behaviour of people. Social Process Theory comprises three types of theories

- 1- Social Learning Theory, involves learning from social group
- 2- Social Control Theory; involves control by society
- 3- Labelling Theory; People labeled as special by society

Social Learning Theory.

According to this theory "Crime is the product of learning norms values and behaviours associated to the

with criminal activity."

It comprises three kinds of sub-theories

1- Differential Association Theory.

The theory was presented by Edwin Sutherland in 1930 and according to this theory there are various postulates, he devised, to describe that criminality is due to socialization process.

- 1- Criminal behaviour is learned
- 2- Learning is a by-product of social interaction
- 3- Learning occurs within all intimate related groups
- 4- Learning involves assimilating techniques of committing crimes i.e motives, drivers and style
- 5- Direction of crime is learned through favourable and unfavourable condition of law
- 6- A person becomes criminal when consequences are favourable for him
- 7- Differential association vary in frequency & intensity
- 8- It is a process of learning criminal behaviour

2. Analysis

This theory is considered as redundant since it does not hold the criminal

responsible of their actions rather it creates criminal delinquent as rational and symmetric.

Differential Reinforcement Theory

It was presented by Ronald Akers and he presented the concept of 'Direct Conditioning'. According to this theory, criminals are influenced by social groups and then the corrupt relatives, family and peers reinforce the criminal behaviour.

▣ How Social Learning Theory helps in understanding the trends of Cyber crime?

With the advancement in digital achievements, cybercrime has been increased and specially youth is involved in these kinds of organized crimes relating to cyber. Social learning theory helps young people to get involved in these types of crimes. Some reasons for it are given:

1- Learning from Social Media Platforms.

People

of young age are under the influence of growing impact of social media. This media reflects and images the cybercrime as intelligent behaviour and it causes deviation in youth's mindset.

2. Reinforcement Through Likes and Shares,

Social media algorithms unintentionally reward wrong behaviour. It includes likes and shares of harassing behaviour, Anonymity and Fake accounts reduce the fear of punishment.

3. Peer Group Influence:

Everyone in young generation is getting deviant due to the influence of media. These cyber criminals effect other peers and increase the number. It happens through gaming groups, chat groups and other pages and forums.

4. Media Representation.

Plays, serials, movies and digital content often portray these cybercriminals as unharmpful. But harassment stalking and aggressive, abnormal masculinity is quiet dangerous when it comes

to real life behaviour.

5. Lack of Effective Punishment.

Usually, cybercrimes are hard to locate due to strong security and often due to fake accounts. According to Social Learning Theory criminal behaviour is persistent because the punishment is absent. So due to weak cyber-crime enforcement capacity, the criminal is encouraged.

Conclusion.

Social Learning theory helps us in understanding the cyber crimes of harassment in Pakistan. It describes the impact of peers and society in developing criminal attitude in a person. If Pakistan wants to get rid of or at least decrease in the emerging & constantly growing problem, it should make sure the enforcement of law and severe punishment.

Q. No. 4

Introduction:

Constitution of Pakistan 1973 gives equal rights to every citizen of Pakistan. To provide equal rights it also devised a system of criminal justice. This system provide justice to the victims of criminal behaviour done by several groups or people. It runs by the Pakistan Penal Code 1860 and Code of Criminal Justice 1898. According to these acts, the proper system of investigation and punishments is carried out by judiciary of Pakistan.

Objectives of Criminal Justice System:

There are three main objectives of CJS of Pakistan.

1- Prevent the Occurrence of Crime:

The system helps in keeping peace and just environment in the country. It helps in making

sure that people who are innocent stay out of criminal zones and away from people.

2. Punish Criminals:

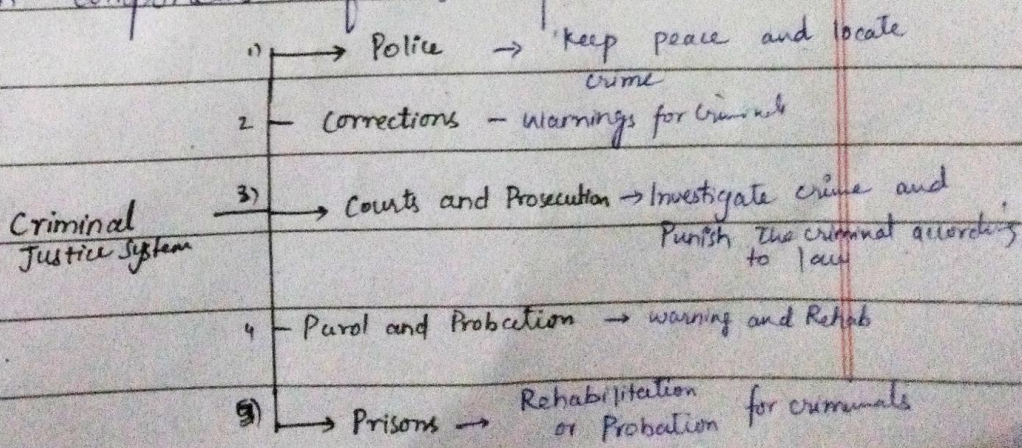
Courts and prosecution is designed to punish those ^{who} commit crimes and harm others. They make sure that punishment is enough to bring the criminal back to a normal life.

3. Rehabilitate Criminals:

It has also designed prisons and rehabilitation centers for criminals to provide them the normal life back they have been living before committing crime.

Components of Criminal Justice System of Pakistan:

There are three main components of CJS of Pakistan



1. Police

Police is the major department in CJS of Pakistan. Its duties include to keep peace and locate the place where crime is committed.

It works differently under cognizable and non-cognizable offence.

- In the case of cognizable offence, Police takes the authority, report FIR and take the application to magistrate for further action permission.
- In case of non cognizable offence, which is beyond the authority of police, The case report must be presented to magistrate to get the warrant issued for further investigation.

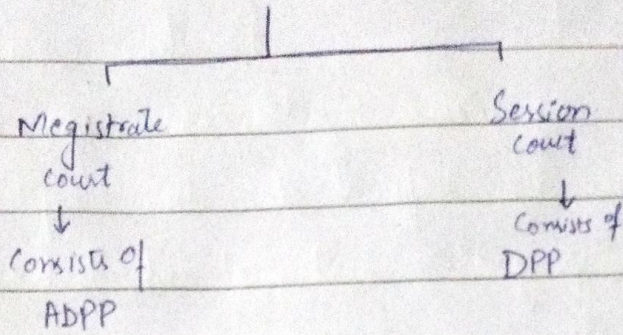
2. Courts and Prosecution:

There are two

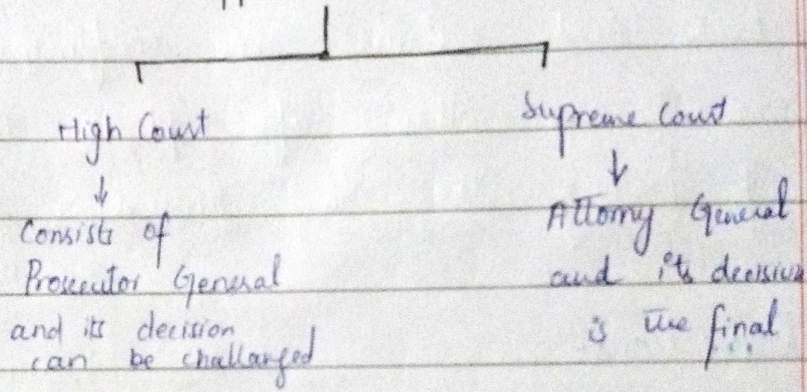
types of courts in CJS.

- 1) Trial Courts
- 2) Appellate Courts

Trial Court



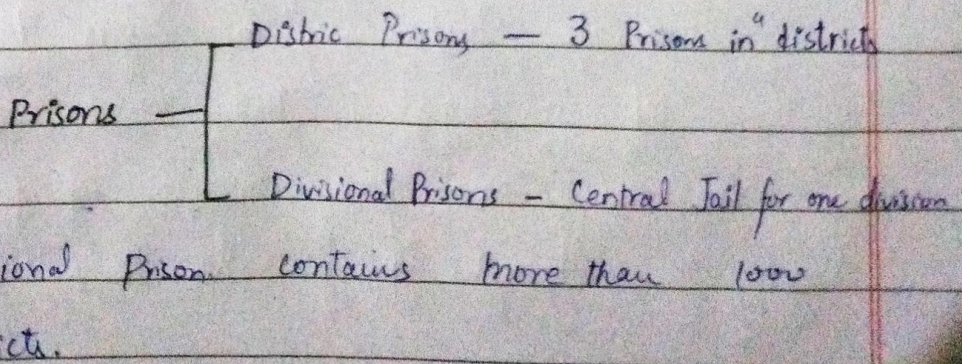
Appellant Courts



Prosecution department has been separated from courts and they investigate the case studied by police department

3. Prisons

Prisons are also of two kinds



4. Parol and Probation

Parol can be defined as the decrease or completion of punishment before it is completed based on good and decent behaviour by criminals in prisons.

Probation is the term used for check and balance or confinement of criminals in other safe places instead of putting them in prisons.

5. Corrections:

This term is very likewise to the term probation. In this process, criminal is given chances of correction instead of putting them in jail.

Juvenile Justice System in Pakistan.

Juvenile Justice system refers to the system of investigating the crimes committed by juveniles and the process of punishment they go through. A juvenile is the

person who is below the age 16 and has committed crime. Pakistan has its own JJSA of 1970 and works according to it. Still there are some measures to improve the system.

Measures to improve.

1. Uniform Enforcement.

There must be uniform enforcement of juvenile justice system. Police and courts should make sure that there are ~~less~~ or no injustice in treatment of juveniles.

2. Age Determination Procedure.

There must be a proper scientific method or procedure used by juvenile courts to determine the age of criminals. As the case of Diva Zahra was solved by determining their age through scientific methods & procedure.

3. Speedy Trials.

The most faced problem of Pakistani courts is long held trials.

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In case of juvenile justice, there must be no room for delays as it concerns the life of young person. If the cases are dragged it will be harmful for physical and mental state of juveniles.

4- Police Reforms and Trainings:

There must be special trainings of police department to counter juvenile justice cases. They must not be countered like normal adult cases. Moreover the responsible check and balance by authorities is must for making sure the police is working efficiently & according to law for juveniles.

5- Strengthen Alternate Sentence System:

There must be proper regulation of probation or punishment for juveniles. The criminals juvenile with heinous crime must be observed carefully under responsible staff and rehabilitation must be provided to them.

Conclusion:

Pakistan's criminal justice system has been active since its creation as it was adopted by British system of 19th Century. Although various reforms happened as in Police KP in 2017 yet there are loopholes which hinder the capacity of criminal justice system to help in prevailing rule of law in the country.

Q. No. 6

Introduction:

An interview can be defined as "non accusatory and open ended information gathering process by victims or witnesses to gather facts and information."

It is a normal conversation without using any force or lawful verdicts. On the other hand Interrogation is defined as

"Accusatory and strategic questioning to criminals to determine their culpability or to get confession."

It includes enforcement of lawful verdicts
and interrogation.

Difference between Interview and Interrogation:

Interview

- It is a non accusatory information gathering process.
- It is usually conducted to victims and witnesses.
- It does not have strict or lawful language use.
- It is usually neutral.
- It is done to get facts and views of witnesses & victims.

Interrogation

- It is an accusatory and strategic information gathering process.
- It is conducted to criminals and offenders.
- It is done with strictness and using lawful verdicts as a reference.
- It is not neutral but still criminal is considered not as accused.
- It is done to get confirmation or confession of criminals.

Protection of Rights of Criminals.

Constitution of Pakistan gives rights to ~~its~~ the criminals and offenders. These rights are included in Pakistan Penal Code Act.

1- Right to be Informed

It is stated under article 10 of PPC. According to this law, criminal must be informed firsthandly before arrest about the crime he committed.

2- Right of Fair Trial.

It is stated under Article 10A of PPC that criminal must have the right of fair trial without any biasness.

3- Right to behold dignity and Privacy

It is the article 14 of PPC and it suggests that every criminal must be treated with basic human dignity and his/her privacy must not be overthrown.

4) Right to Silence.

A criminal can remain silent

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if during question he encounter unspeakable facts.

5. Production Before Magistrate,

In case of non-cognizable offence, culprit must be presented before magistrate in 24 hours.

6. Medical Facilities,

Criminals must be provided with basic medical facilities if they encounter any disease or problem.

7. Juveniles and Women:

Juveniles must be treated according to Juvenile Justice system of Pakistan. Women should not be mistreated and presence of female staff during investigation must be checked properly.

8. Trained Investigators,

Investigation staff must be trained properly for dealing with the range of crimes from heinous to low case crimes.

Conclusion

Pakistan is one of the countries which need reforms in police and investigation departments despite having proper law system. Training is must needed for investigators and of course the awareness. Proper public awareness might decrease the flaws in reporting and help in evidence collecting which can ease interrogation process.

Q. No. 9

Introduction

Terrorism can be defined as 'A criminal act against civilians committed with the intent to cause death or serious injury by attacking or taking hostage to provoke state or international authorities or to compel government to either do or abstain from an act.'

Terrorism has been a growing crime in Pakistan since last three decades. It has claimed thousands of lives in these years. But the process of investigation

and justice failed to punish the offenders as it is difficult to locate and ~~case~~ arrange trials for ~~cases~~ like this.

Is Terrorism an Organized Crime?

Terrorism

is not an organized crime. It is done by non-state actors so it is difficult for them to reason it with proper gain or idea. Yet it is sometimes linked to religious supremacy but since it is dangerous of sovereignty of state, it is never organized properly.

Aid of Terrorist Organization by Terror Narco Nexus:

Narcotics is ~~usually~~ an organized crime and done by groups and Mafia by proper structuring and techniques. These narcotics businesses aid Terrorism in Pakistan by financing, training and strategizing their movement.

a. Financing of Terrorism.

Terrorists are financially

added by narco nexus groups to carry out their business and expanding the narcotics through their circles.

b. Recruitment and Driving:

Terror-Narco groups recruit and drive terrorists for their own needs and work. They provide routes and secret mapping for their business.

c. Training.

Terrorists are recruited and trained under mafia bosses and experienced criminal groups to carry out the business.

d. Undermining State Authority.

Both groups, drug-traffickers and terrorists, challenge the state authority. The aim of state to save the country from terror is undermined by these actors.

Conclusion:

These groups challenge the rule of state and work through the

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unknown routes. Since the naze groups work as organized crime groups, it is difficult to locate and investigate them. When terrorist compliance with them, it becomes difficult to eradicate them as well.