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Strengthening Justice and the Rule of Law in Pakistan: Institutional Challenges, Reform Initiatives, and Future Policy Directions

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Abstract

Democratic governance, sustainable development, and human rights protection are still based on the rule of law. In Pakistan, ongoing institutional and structural issues have remained to be in the way of timely access to just and equitable justice for all Pakistanis[citation needed] thus challenging public confidence in legal institutions.' While judicial reforms and governance in Pakistan have been extensively studied, only a limited amount of research has explored the interaction between institutional flaws, legal pluralism, digital justice reforming, and access to justice within broader policy-oriented strategies, with significant gaps in implementation that have not been adequately addressed. The study will investigate the institutional and socio-political obstacles affecting the rule of law in Pakistan and evaluate current judicial reforms to provide evidence-based policy recommendations for improving justice. Will be conducted in the form of qualitative research using a desk. This research is to be conducted on constitutional provisions, as well as federal and provincial laws, policy documents or reports published by the Law and Justice Commission of Pakistan, World Bank, UNDP and other relevant civil society organizations. Data will be analyzed thematically, with selected case examples from Gilgit-Baltistan and other provinces to investigate how formal legal institutions contribute or hinder traditional dispute resolution mechanisms.). According to the study, it is anticipated that enhancing institutional capacity, legislative coherence, advancing judicial digitization, expanding legal aid, and more closely integrating community-based dispute resolution mechanisms will result in improved access to justice, procedural efficiency, transparency,and trust among the public. Findings, which will provide policy recommendations for enhancing governance and rule of law in Pakistan.

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Constitutional Foundations of the Rule of Law and Justice in Pakistan

A democratic and constitutional state is based on the principle that all individuals, institutions, and government bodies must adhere to the rule of law. This concept is fundamental. Pakistan's constitutional system ensures the supremacy of the Constitution, fundamental rights, equality before law, human dignity, fair trial, judicial independence and all available constitutional remedies.The Supreme Court has declared Article 49, article 502, section 209.02. The objective of articles 4, 8, 9, 10A, 14, 25, 199 and other constitutions is to enforce the application of public authority in compliance with the law rather than arbitrarily. Islamic principles, including the concepts of justice and equality or trust and accountability, are also present in the constitutional conception of justice.[am]. The attainment of these principles demands the establishment of strong institutions, independent courts, effective remedies, and equal access to legal protection.

Allah Almighty commands:

إِنَّ اللَّهَ يَأْمُرُ بِالْعَدْلِ وَالْإِحْسَانِ وَإِيتَاءِ ذِي الْقُرْبَىٰ وَيَنْهَىٰ عَنِ الْفَحْشَاءِ وَالْمُنكَرِ وَالْبَغْيِ ۚ يَعِظُكُمْ لَعَلَّكُمْ تَذَكَّرُونَ[2]

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[2] Surah al-Nahl, 16:90.

"Indeed, Allah commands justice, excellence, and giving to relatives, and He forbids immorality, wrongdoing, and transgression. He instructs you so that you may take heed."

The Qur'anic verse provides judicial principles and has significant relevance to the concept of justice, making it one of many normative foundations for the rule of law in modern times. This command of justice goes beyond private relationships; it establishes an obligation that should govern social, political and institutional matters.... This also bars the transgression, and asserts that "authority cannot be legitimately exercised based on lawful acts of arbitrary or oppressive nature.". The requirement that government bodies operate within legally defined boundaries is matched by this principle in a constitutional state. In Pakistan, Article 4 of the Constitution provides a practical legal interpretation of this principle, guaranteeing all citizens the right to be treated according to law and protecting against any actions that could jeopardize their lives or property.

When considering the connection between state power and individual rights, this principle becomes particularly significant. The use of coercion by government can have a direct impact on the freedom, property, and personal security of individuals. The rule of law is only theoretical if such powers are exercised without any legal restrictions. By prohibiting the use of baghty transgressions or oppressive practices, the Qur'anic law reinforces the constitutional mandate that public power should be under the control of laws. This is the purpose of judicial review, fundamental rights and constitutional remedies in Pakistan where people can challenge any act of government that is considered unlawful. "

Impartiality is a prerequisite for the concept of justice. A legal system cannot be considered legitimate if it is not applied liberally but informally. Hence, the Qur'anic command presents a more extensive moral justification for standing before justice, legal independence, and public accountability. In the same way, Pakistan's constitution endeavors to prevent any public authority from exceeding its legal limits.

The Constitution of Pakistan provides:

"To enjoy the protection of law and to be treated in accordance with law is the inalienable right of every citizen.[3]"

In Pakistan, the rule of law is expressed in its most recognizable form through Article 4. What's more, The transformation of the general principle of legality into a constitutional right is its primary objective. Not only is it about citizens obeying the law; people must also be treated as if they are under the rule of law.'". The relationship between government control and individual freedom is fundamental. The administration or political power of public officials alone does not make them legitimate obstructing a person's life, liberty, property, reputation, or bodily integrity. An official reason for such interference must be lawful.

This provision holds great importance for curbing the arbitrary executive actions. Public authorities have broad powers in various domains, including taxes and licensing; land administration; policing; public employment; regulation; and arrest.). The absence of constitutional restrictions on these powers may result in their misuse. A constitutional benchmark is established by Article 4 to measure actions taken in this manner. Affected persons may seek judicial protection in cases where a public authority lacks lawful authority or operates against the rules of law.

Access to justice is also closely linked to this provision.. The existence of a practical mechanism that allows an individual to enforce their right makes it valuable. As a result, Article 4 should be considered in conjunction with Articles 199 and other constitutional remedies. It is crucial for courts to remain open, autonomous, and capable of prompting action.' However, the constitutional guarantee's practical value may be compromised by delays in implementation, procedural complexity, financial difficulties, or inadequate enforcement.

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[3] Government of Pakistan, The Constitution of the Islamic Republic of Pakistan, 1973, art. 4(1), Islamabad: National Assembly of Pakistan, current official text.

Furthermore, Article 4 establishes that the rule of law is not synonymous with the existence of laws. Whether or not public institutions selectively enforce the rule of law, it is possible for a state to have many laws and still experience weaker rule-of-laws. This is a general constitutional obligation, and the exercise of power must be within constitutional boundaries and through lawful means.The Prophet Muhammad ﷺ stated:

إِنَّمَا أَنَا بَشَرٌ، وَإِنَّكُمْ تَخْتَصِمُونَ إِلَيَّ، وَلَعَلَّ بَعْضَكُمْ أَنْ يَكُونَ أَلْحَنَ بِحُجَّتِهِ مِنْ بَعْضٍ، فَأَقْضِيَ لَهُ عَلَى نَحْوِ مَا أَسْمَعُ، فَمَنْ قَضَيْتُ لَهُ مِنْ حَقِّ أَخِيهِ شَيْئًا فَلَا يَأْخُذْهُ، فَإِنَّمَا أَقْطَعُ لَهُ قِطْعَةً مِنَ النَّارِ.[4]

"I am only a human being, and you bring your disputes to me. Perhaps one of you may be more persuasive in presenting his argument than the other, and I may judge in his favour according to what I hear. So whoever receives through my judgment something that belongs to his brother should not take it, for I have only given him a portion of the Fire."

It is from this Prophetic statement that one can learn about just adjudication, the law of law, and the relationship between lawful judgment and substantive justice. The Prophet recognizes that litigants have varying opinions and that a judge's decision is solely dependent on the evidence and information presented. The necessity of procedural fairness to the rule of law is exemplified by this principle. In the event that an individual is not given a chance to testify, challenge the other side, or hire licensorship, it can undermine the dependability and credibility of the legal proceedings.

The hadith serves as a crucial distinction between judicial decisions and the ultimate moral truth. While a dispute is decided by the evidence presented, obtaining favourable judgment does not automatically grant legal immunity to an unlawful claimant.

Modern due-process principles include safeguards such as notice, hearing, legal representation, evidentiary rules, cross-examination, impartial adjudication, reasoned judgments, and appellate review. The same principle as in Article 10A of Pakistan is upheld, which guarantees every individual the right to a fair trial and due process when it comes to determining civil rights and obligations or criminal charges.

The hadith emphasizes the importance of procedural fairness and ethical responsibility in ensuring justice. Courts are required to give every individual a fair opportunity to participate in the legal process, while litigants must participate with integrity. Public confidence in legal institutions is reinforced by the shared responsibility. Citizenship is likely to be more accepting of judicial decisions that are adversely affected, provided that the courts are seen as impartial and procedures are perceived as fair.

This principle holds great importance in Pakistan for resolving issues such as protracted legal proceedings, falsified evidence, procedural misconduct, unequal legal representation, and inadequate access to justice. The constitutional objective of achieving lawful justice would be enhanced by strengthening due process, judicial capacity, case management, legal aid, and professional ethics.

Pakistan's constitution establishes legality, justice as the basis of rule of law and includes fundamental rights, fair procedure, and institutional accountability. Islamic principles strongly uphold these values by emphasizing justice, trust, impartiality and protection against transgressions. These values are reinforced in Islam. The principles can be translated into law through the use of important constitutional tools, as stated in Articles 4 and 10A. However, the rule of law is not limited to constitutional recognition; it requires independent institutions, timely remedies, impartial admonition, and consistent enforcement. The improvement of these dimensions would decrease the disparity between constitutional guarantees and their implementation, leading to a more confident public perception of Pakistan's justice system.

Institutional and Structural Challenges Affecting Justice Delivery in Pakistan

[4] Muhammad ibn Isma'il al-Bukhari, Sahih al-Bukhari, Kitab al-Mazalim, Bab Ithm Man Khasama fi Batil wa Huwa Ya'lamuhu, Dar Tawq al-Najat, Beirut, 1422 AH, Hadith no. 2458.

In Pakistan, the administration of justice is influenced not only by the constitutional structure but also by various factors such as the capacity of courts to function effectively, proximity and accessibility of judicial and ministerial staff, procedural intricacy, case management, infrastructure levels, and coordination among different parts or units of the justice sector. While Pakistan's judiciary has made efforts to reduce delays and improve efficiency, the country still faces a significant challenge in providing justice due to institutional weaknesses. The Law and Justice Commission of Pakistan stated that over 4.5 million cases were filed and 4.4 million had been disposed of in 2023, but the total backlog was still more than 2.1 million. More recent judicial policy initiatives focus on strengthening of institutional capacity, time-bound disposal, and the monitoring of data in terms of access to justice.[a]. These developments show that Pakistan's primary issue is not the existence of laws, but rather the institutional capacity to implement them.

The Law and Justice Commission of Pakistan reports:

"Over 4.5 Million cases were filed, and more than 4.4 Million were resolved. However, the backlog has exceeded 2.1 Million cases, emphasizing the urgent need for sustained reforms.[5]"

Pakistan's justice system faces a significant structural challenge, as evidenced by the reported backlog. The disposal of over 4.4 million cases highlights the significant amount of judicial activity, but the presence of more than 2.1 million pending cases suggests that disposal has not been effective in removing institutional delays. The backlog of cases poses several challenges to the rule-of law. A right's practical value may lose its effectiveness if it cannot be enforced within a reasonable timeframe, leading to delayed adjudication. Litigation that lasts a long time also results in financial and emotional costs for litigants, particularly those with limited resources. The excessive pendency can undermine the public's trust in courts and prompt parties to seek more informal or extra-legal methods of resolving conflicts.

The problem is not purely numerical, but rather institutional in nature. The causes of a backlog include inadequate judicial strength, procedural complexity, repeated adjournments, weak case management, poor court infrastructure, ineffective service of process, and unnecessary litigation. This is known as BAC or Unauthorized Complexity. The Law and Justice Commission has stated that it is time for permanent changes to occur, not just temporary ones.

Due to the rule of law's requirement for timely and effective adjudication, this challenge is particularly significant. Additionally, there are no courts available at present. If the citizens are formally entitled to justice, but years from now they will wait for it in full force: that this promise of justice is substantially weakened. Hence, Pakistan needs reforms that concentrate on case-flow management, judicial capacity, procedural simplification, alternative dispute resolution, and accountability for unnecessary delays. The European Commission has already made several recommendations.

The Constitution of Pakistan provides:

"For the determination of his civil rights and obligations or in any criminal charge against him a person shall be entitled to a fair trial and due process.[6]"

The institution of the justice system is subject to a constitutional examination as per Article 10A. The concept of fair trial and due process cannot be reduced to mere courtroom procedures; it necessitates an institutional setting where courts can resolve disputes with a fair, efficient, and reasonable timeframe. If the courts are subject to inadequacy of judicial strength, staffing levels, infrastructure issues like roadblocks, procedural delays, or ineffective case management, the practical application of Article 10A may be hindered.

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[5] Law and Justice Commission of Pakistan, Judicial Statistics of Pakistan 2023, Islamabad: Law and Justice Commission of Pakistan, 2026, Foreword

[6] Government of Pakistan, The Constitution of the Islamic Republic of Pakistan, 1973, Article 10A, Islamabad: National Assembly of Pakistan, official consolidated text.

The deficiency of judicial officers and supporting staff is a significant structural problem. Previous Law and Justice Commission studies have noted a long-standing deficiency in the number of judicial officers and ministerial staff, as well as an imbalance in which the strength of the judiciary was not directly proportional to the workload of courts. Comparable capacity issues are still applicable in contemporary justice-sector planning. The situation reveals that judges and lawyers cannot always be held responsible for judicial delay on their own, while the performance of other actors is affected by institutional resources and administrative structures.

A fair trial necessitates that parties have sufficient opportunities to present their cases, obtain legal representation, access evidence, and receive rational judgments. When courts are faced with an excessive number of cases, it becomes challenging to meet these requirements. The workload can be too much for adjudication to occur, resulting in a trade-off between speedy disposal and careful decision-making.

The focus on evidence-based performance monitoring and the swift resolution of prioritized cases has been emphasized in recent judicial policy initiatives. The National Judicial (Policy Making) Committee announced that in 2026, there will be significant disposal of high-profile cases and a focus on improving justice delivery and building institutional capacity. These programs exemplify that the justice system requires comprehensive institutional reform, as opposed to individual proceduralism.

Inadequate resources, procedural complexity, case backlog, and institutional capacity are major factors contributing to Pakistan's justice-delivery problems. Article 10A and other constitutional guarantees entail the need for adequate judicial power, case management, timely procedures, and accountability from institutional levels to ensure the right to a just trial is implemented. Quality and quantity of adjudication must be addressed during sustainable reform. This is crucial.

Access to Justice, Legal Aid, and Socio-Economic Barriers in Pakistan

The rule of law's central focus is on access to justice, as legal rights hold little practical value when individuals cannot afford the necessary steps to seek justice or obtain legal counsel. Access to justice in Pakistan is impeded by various socio-economic and institutional factors, such as poverty, expensive litigation, geographical isolation from courts, inadequate legal knowledge, procedural complexity, lack of accessible law enforcement resources, and lengthy legal proceedings. However, these factors are not universal. These problems are most prevalent among women, children and persons with disabilities residing in rural communities as well as economically disadvantaged people. While the Constitution guarantees equality of process and justice, including mechanisms for enforcing fundamental rights, it cannot eliminate practical barriers through formal constitutional safeguards.

The Constitution of Pakistan provides:

"All citizens are equal before law and are entitled to equal protection of law.[7]"

Equal protection of law and equality before law are guaranteed to all citizens under Article 25 of the Constitution. Although formal legal sense implies equality, it does not always result in access to justice. While a wealthy litigant may have the means to hire skilled lawyers, travel frequently to courtrooms, seek legal counsel, and continue proceedings, if they are unsuccessful, an average litiglant may find it challenging to pursue their case. Hence, socio-economic inequality can lead to an indirect bias in the enjoyment of legal rights. Equal protection in the constitution mandates that the state must take into account practical barriers that impede less fortunate individuals from making productive use of legal institutions. Legal aid is of great significance in this context due to the ability of qualified legal representation to explain procedural matters, present evidence, challenge unlawful actions, and pursue available remedies. In the absence of this support, formal equality may remain

[7] Government of Pakistan, The Constitution of the Islamic Republic of Pakistan, 1973, art. 25(1), Islamabad: National Assembly of Pakistan, official consolidated text.

largely theoretical. Enhancing public-funded legal assistance, streamlining judicial processes and increasing knowledge of law can contribute significantly to the promotion of substantive equality and strengthen public confidence in Pakistan's justice system.

The Prophet Muhammad ﷺ stated:

أَيُّمَا أَهْلُ عَرْصَةٍ أَصْبَحَ فِيهِمْ امْرُؤٌ جَائِعًا فَقَدْ بَرِئَتْ مِنْهُمْ ذِمَّةُ اللَّهِ تَعَالَى.[8]

"Any people among whom a person goes hungry have no protection from the responsibility of Allah Almighty.'

This is a Prophetic principle of collective responsibility toward vulnerable individuals and provides broader moral grounds for understanding access to justice. While the narrative focuses on social responsibility and the condition of those at risk, its fundamental principle is to create a justice system that doesn't leave out individuals with inadequate support. Additionally, Access to justice is not just a matter of procedural considerations, but also relates to socio-economic factors. An individual without funds may be incapable of paying court fees, obtaining the services of an expert attorney, traveling to distant courts, or fighting for years. Constitutional rights can be effectively hindered by such barriers. To ensure equal treatment in a justice system founded on rights, it is necessary to provide additional institutional support to disadvantaged groups. By implementing legal aid programs, pro bono representation and other simplified procedures, mobile courts as well as public legal-awareness initiatives and community dispute-resolution mechanisms, these barriers can be reduced. The access to justice is not just a technical legal facility, but also enables social justice and equal rights. It should be used as such.

To convert constitutional rights into practical protection, access to justice is a prerequisite. Although the law in Pakistan acknowledges equal treatment and equity, socio-economic barriers can hinder the effective exercise of these rights by disadvantaged groups.

Legal Pluralism, Customary Dispute Resolution, and the Formal Justice System in Pakistan

The legal and social context of Pakistan is marked by significant legal pluralism, which is facilitated by formal state law and customary, religious, tribal, and community-based approaches to resolving conflicts. Disputation can be resolved through informal means such as jirgas, panchayats, mediation by family elders or other institutions before and/or instead of formal courts in many parts of the country. Such mechanisms may offer relatively cheap, fast and socially accessible means of settling even the slightest disagreements. Nevertheless, their operation may lead to significant rule-of-law challenges when decisions contradict constitutional rights, statutory law, due process, or the dignity and equality of individuals.

The Constitution of Pakistan provides:

"To enjoy the protection of law and to be treated in accordance with law is the inalienable right of every citizen, wherever he may be, and of every other person for the time being within Pakistan.[9]"

A crucial constitutional constraint, Article 4, governs the utilization of informal justice mechanisms.... Pakistan's constitution guarantees that no one can be held legally protected under it, regardless of their location, social status, or community practice. Traditional dispute resolution mechanisms have historically been highly influential, making this particularly important in certain areas. The advantages of informal institutions, such as accessibility, cost savings, social connections, and faster dispute resolution, are significant. Even so, their validity should be based on constitutional principles when it comes to exercising legally guaranteed rights. Those decisions that involve coercive action, discrimination, violence, forced marriage, property deprivation or the non-granting of basic procedural rights cannot be justified by custom or tradition.

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[8] Ahmad ibn Hanbal, Musnad Ahmad ibn Hanbal, Musnad al-Madaniyyin, Mu'assasat al-Risalah, Beirut, 2001, vol. 10, p. 85, Hadith no. 558

[9] Government of Pakistan, The Constitution of the Islamic Republic of Pakistan, 1973, art. 4(1), Islamabad: National Assembly of Pakistan, official consolidated text.

A balanced approach is necessary to comprehend legal pluralism. If disagreements can be resolved through agreement and voluntary participation, community-based mediation may serve as a substitute for formal courts. Nonetheless, significant criminal matters and disputes concerning fundamental rights necessitate formal legal safeguards and judicial supervision. Thus, the constitutional principle of protection of law provides a basis upon which to differentiate between legitimate alternative dispute resolution and illegal parallel adjudication.[N 209]. Rather than instilling competition among formal and informal systems, integration can enhance access to justice while maintaining constitutional supremacy.The Prophet Muhammad ﷺ stated:

لَاضَرَرَوَلَاضِرَارَ[10]

"There shall be neither harm nor reciprocating harm**."**

According to the Prophetic legal maxim, this hadith establishes that harm nor reciprocal harm should not be tolerated. This principle is of significant importance in traditional dispute resolution, as community-based mechanisms cannot be used to enforce rights or coerce others. Participation in voluntary mediation, reconciliation, compensation, and peaceful settlement can lead to improved access of justice through the provision of informal justice. Nevertheless, its validity is compromised when significant harm or pressure is applied. The underlying principle of preventing harm is compromised when a dispute-resolution mechanism coerces individuals into accepting an unjust settlement, discriminates against women or minorities, or imposes penalties outside the scope of law.

The saying additionally promotes the utilization of alternative dispute resolution in an organized and controlled court system. Mediation and reconciliation can lessen the burden on courts, allowing communities to resolve disputes effectively. Still, safeguards do exist for the purpose of ensuring informed consent and neutrality while maintaining the confidentiality and the protection of fundamental rights.[]. When settlements impact legal rights or involve vulnerable parties, formal courts should retain supervisory authority. Why? A pluralistic system of justice in Pakistan can be advantageous, as it involves community mechanisms supporting formal institutions without replacing constitutional safeguards.

Judicial Digitization, E-Governance, and Technological Reform in Pakistan's Justice System

Modern judicial reform is increasingly being driven by digital transformation, which can improve efficiency, transparency and accessibility while also increasing institutional accountability. The use of digital technologies in Pakistan's justice system has grown, with examples including online case information and electronic filing methods, video-link proceedings among other systems (e.g. automated case management), digital cause lists, and other services utilizing technology. By implementing these reforms, it is possible to decrease unnecessary delays, ease administrative burdens and access to more judicial information, and facilitate interaction between courts as well "fairly priced" litigants and government institutions.[a]. Nonetheless, the process of digitizing the legal system faces difficulties such as insufficient technology support, lack of digital literacy, cybersecurity hazards, unequal internet access, data protection concerns, and resistance to institutional change. However, The use of technology as a separate solution to judicial problems is not warranted. Instead, it should be integrated with more extensive institutional changes to maintain accessibility and security of digital justice while also maintaining constitutional guarantees.The Law and Justice Commission of Pakistan states:

"The use of information and communication technology in the judicial system can help improve efficiency, transparency and access to justice.[11]"

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[10] Muhammad ibn Yazid Ibn Majah, Sunan Ibn Majah, Kitab al-Ahkam, Bab Man Bana fi Haqqihi Ma Yadurru Bi-Jarihi, Dar Ihya al-Kutub al-'Arabiyyah, Cairo, 1952, Hadith no. 2341.

[11] Law and Justice Commission of Pakistan, National Judicial Policy Making Committee: Judicial Policy *and Reform Documents*, Islamabad: Law and Justice Commission of Pakistan.

Efforts in handling legal cases can be significantly enhanced by digital technology, which reduces the need for physical documents, expedites case tracking, and provides litigants with more timely information. The use of electronic filing can decrease administrative delays, and online cause lists and case-status systems can improve transparency. Both methods are effective for court cases. Digital hearings could be a useful tool for litigants who cannot physically attend courts due to distance or financial constraints. In spite of this, digitization necesitated the presence of robust infrastructure and cybersecurity measures. If not, technological deficiencies could lead to new forms of exclusion. Pakistan necessitates a digital justice strategy that integrates technological advancements, training, data protection, accessibility, and institutional accountability.

The Constitution of Pakistan provides:

"For the determination of his civil rights and obligations or in any criminal charge against him a person shall be entitled to a fair trial and due process.[12]"

The constitutional provisions of Article 10A require that courts maintain the principles of fair trial and due process, which must be followed when proceedings are conducted online. While technology can speed up the process, it is impossible to achieve fairness without achieving efficiency. It is imperative that litigants receive timely notice, ample opportunities to argue their claims, evidence verification, and impartial rulings.'". Effective participation is not hindered by technological challenges during the digital hearings. Why? Rather than simply modernizing court operations, the digitization of the judiciary should be seen as a means of strengthening constitutional justice. Efficiency, accessibility, security, transparency and procedural fairness are all key elements that a digital justice system should have. What makes it effective?

Legal Aid, Alternative Dispute Resolution, and Community-Based Justice Mechanisms

Pakistan's formal courts are under pressure to improve access to justice by providing legal aid and alternative dispute resolution (ADR) mechanisms. The absence of remedies for disadvantaged citizens is often due to substantial case backlogs, litigation costs, procedural complexity, and geographical barriers. By providing affordable or no cost legal representation, vulnerable individuals can access appropriate resolution through ADR mechanisms like mediation and arbitration, reducing the need for costly litigation. Yet these systems must operate within constitutional and legal parameters.' They are based upon trained professionals, institutional supervision and voluntary participation while maintaining procedural fairness and fundamental rights.[A]. Formal courts can be supplemented by regulated and efficient ADR, which does not compete with them and contributes to the improvement of public confidence in the justice system.The Prophet Muhammad ﷺ stated:

وَالصُّلْحُ جَائِزٌ بَيْنَ الْمُسْلِمِينَ، إِلَّا صُلْحًا حَرَّمَ حَلَالًا أَوْ أَحَلَّ حَرَامًا.[13]

"Reconciliation is permissible among Muslims, except reconciliation that makes lawful what is unlawful or makes unlawful what is lawful."

The hadith accepts reconciliation as a legitimate means of settling disputes but imposes a serious restriction on its use. A settlement cannot validly derogate from mandatory legal principles or fundamental rights. This principle provides a useful basis for modern ADR mechanisms. Mediation and reconciliation can reduce litigation, costs and delays, particularly in civil, commercial, family and community disputes. Settlements, however, should be voluntary, informed, and consistent with law. Judicial oversight exercised properly can guard against coercion and protect vulnerable parties. Thus, Pakistan may improve justice delivery by establishing more regulated ADR centers, training mediators and devising clear procedures for enforcement of settlements while retaining constitutional safeguards.The Constitution of Pakistan provides:

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[12] Government of Pakistan, The Constitution of the Islamic Republic of Pakistan, 1973, Article 10A, Islamabad: National Assembly of Pakistan, official consolidated text.

[13] Muhammad ibn Yazid Ibn Majah, Sunan Ibn Majah, Kitab al-Ahkam, Bab al-Sulh, Dar Ihya al-Kutub al-'Arabiyyah, Cairo, 1952, Hadith no. 2353.

"All citizens are equal before law and are entitled to equal protection of law.[14]"

Article 25 states that ADR mechanisms shall be available without discrimination. Alternative dispute resolution should not be a system in which economically weaker, socially marginalized or vulnerable individuals are pressured into settlements they would not accept in a formal court. All parties need to have a real chance to participate and understand the consequences of settlement . This is required for equality . This process can be helped by legal aid which can provide professional help to those who cannot afford private lawyers. A proper blend of legal aid and ADR can be a remedy to the problem of court congestion, litigation costs, delay in resolution of disputes and accessibility to justice without compromising constitutional equality and procedural fairness.

Institutional Accountability, Policy Reform, and Future Directions for Strengthening the Rule of Law in Pakistan

In the end, maintaining institutional accountability, logical legislation, efficient judicial administration, and evidence-based policy reform are necessary to strengthen Pakistan's legal system. Courts, police, prosecution services, administrative institutions, and other justice-sector entities must function transparently and within well-defined legal bounds in order for constitutional guaranties and judicial reforms to result in long-lasting changes. Reducing case backlogs, strengthening legal aid, expanding digital justice, regulating alternative dispute resolution, raising public legal awareness, and creating trustworthy systems for tracking institutional performance should all be the main goals of future reform. In order to prevent fragmentation of changes, reform activities should be coordinated across federal and provincial agencies.A comprehensive policy approach can help transform the rule of law from a constitutional ideal into a practical system of accessible, timely, impartial, and accountable justice.The Qur'an states:

إِنَّ اللَّهَ يَأْمُرُكُمْ أَنْ تُؤَدُّوا الْأَمَانَاتِ إِلَىٰ أَهْلِهَا وَإِذَا حَكَمْتُمْ بَيْنَ النَّاسِ أَنْ تَحْكُمُوا بِالْعَدْلِ ۚ إِنَّ اللَّهَ نِعِمَّا يَعِظُكُمْ بِهِ ۗ إِنَّ اللَّهَ كَانَ سَمِيعًا بَصِيرًا.[15]

"Indeed, Allah commands you to render trusts to whom they are due and when you judge between people to judge with justice. Excellent is that which Allah instructs you. Surely Allah is All-Hearing, All-Seeing."

The verse emphasizes the importance of accountability and justice as fundamental elements for the functioning of government. Governance is described as a trust which should be performed by capable and accountable persons while the decision-making in law must be made on the basis of justice. The integrity and performance of state institutions are crucial to the public's confidence in Pakistan, making institutional reform relevant to these principles. Therefore, accountability should not solely focus on individual malfeasance but also encompass measures such as institutional performance, transparency (training of staff), appointment procedures, case management, financial administration, and adherence to judicial rulings. Future reforms must prioritize the establishment of measurable performance indicators over maintaining judicial independence. Effective accountability should not be a form of political interference, but rather governed by transparent constitutional and legal frameworks. The implementation of this approach can enhance institutional credibility and maintain public authority in the realms of justice and lawful governance.

The Constitution of Pakistan provides:

"The State shall ensure inexpensive and expeditious justice.[16]"

In Pakistan's justice system, Article 37(d) provides a clear constitutional policy direction that mandates the state to provide affordable and timely justice. Two significant barriers to justice,

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[14] Government of Pakistan, The Constitution of the Islamic Republic of Pakistan, 1973, Article 25(1), Islamabad: National Assembly of Pakistan, official consolidated text.

[15] Surah al-Nisa', 4:58.

[16] Government of Pakistan, The Constitution of the Islamic Republic of Pakistan, 1973, Article 37(d), Islamabad: National Assembly of Pakistan, official consolidated text.

namely excessive costs and unnecessary delays, are directly addressed by this provision. Future judicial reforms should be evaluated for their ability to provide affordable and timely legal solutions. To achieve this goal, institutions should invest in the judicial infrastructure, hire judges and bring staff to the courtroom, manage cases digitally instead of through courts; provide legal support where needed, simplify procedural procedures and monitor processes.The justice-sector reform is not solely an administrative preference, but a constitutional obligation, as evidenced by the provision. Hence, Pakistan's future policy approach must emphasize the combination of judicial efficiency with equity, autonomy, transparency, and accessibility.

Findings

1. The study finds that institutional weaknesses, inadequate judicial capacity, procedural complexity, and administrative inefficiencies remain major obstacles to effective justice delivery in Pakistan.

2. Persistent case pendency and prolonged litigation undermine the constitutional objective of providing timely justice and reduce public confidence in judicial institutions.

3. Poverty, litigation costs, geographical barriers, lack of legal awareness, and inadequate legal representation disproportionately restrict disadvantaged groups from accessing formal justice.

4. Although the Constitution guarantees equality and equal protection of law, socio-economic inequalities often create differences in the practical ability of citizens to enforce their legal rights.

5. Customary and community-based dispute-resolution mechanisms remain important in several parts of Pakistan, but their operation requires appropriate legal and constitutional safeguards.

6. Properly regulated mediation, reconciliation, and other ADR mechanisms can reduce pressure on courts, lower litigation costs, and contribute to faster resolution of appropriate disputes.

7. Digital case management, e-filing, online case information, and virtual proceedings have significant potential to improve transparency, efficiency, and accessibility, although technological inequality remains a concern.

8. Constitutional guarantees relating to life, dignity, equality, fair trial, and due process provide a strong legal foundation for the rule of law, but their effectiveness depends upon institutional enforcement.

9. An effective justice system requires both judicial independence and appropriate accountability mechanisms so that judges can decide cases without improper influence while maintaining professional and constitutional responsibility.

10. The study concludes that strengthening the rule of law requires an integrated approach combining institutional reform, legislative coherence, legal aid, digital transformation, ADR, judicial capacity-building, and effective implementation of constitutional guarantees.

Recommendations

1. The government and relevant judicial institutions should increase judicial and supporting staff, improve court infrastructure, and introduce modern case-management systems to reduce case backlogs and unnecessary delays.

2. A comprehensive and adequately funded national and provincial legal-aid framework should be developed to provide affordable or free legal assistance to economically disadvantaged and vulnerable citizens.

3. Mediation, reconciliation, arbitration, and community-based dispute resolution should be expanded under clear statutory and judicial supervision while ensuring constitutional rights, voluntary participation, gender equality, and due process.

4. Courts should expand e-filing, electronic case management, virtual hearings, online judgments, digital cause lists, and secure judicial databases while simultaneously addressing cybersecurity, data protection, and the digital divide.

5. Justice-sector institutions should adopt transparent performance indicators, regular institutional evaluations, public reporting mechanisms, and coordinated federal-provincial reform strategies without compromising judicial independence.

Summary

A key prerequisite for democratic government, human rights protection, institutional credibility, and sustainable development is the rule of law. A comprehensive framework for legality, equality, fundamental rights, a fair trial, judicial independence, and access to constitutional remedies is provided by Pakistan's constitution. However, there are still many institutional and structural obstacles in the way of these concepts' actual application. The main elements influencing the administration of justice in Pakistan are examined in this paper, including judicial backlogs, institutional flaws, socioeconomic obstacles, legal pluralism, restricted access to legal assistance, and procedural inefficiencies. Additionally, it takes into account new reform measures, especially those related to institutional accountability, alternative conflict resolution, and judicial digitization.

The analysis shows that a successful rule of law cannot be ensured by the existence of constitutional guaranties alone. Meaningful access to independent courts, reasonably priced legal counsel, prompt proceedings, efficient remedies, and open institutional processes are all essential for citizens. Because financially disadvantaged people may have more difficulty obtaining legal assistance and enduring protracted litigation, socioeconomic disparities continue to be especially important. Similar to this, community-based and customary conflict resolution procedures can help ensure that justice is accessible, but they also need to be properly regulated by the law to avoid violating fundamental rights.

Enhancements to case management, transparency, accessibility, and procedural efficiency can be achieved through the implementation of Judicial digitization. However, technological reform must also include cybersecurity measures, data protection, institutional training and take action to address unequal access to digital services. When properly regulated and voluntarily used, ADR can reduce the burden on courts while also providing faster and cheaper dispute resolution. However, there is no clear winner in all these cases.

A comprehensive, evidence-based approach to justice reform is necessary for Pakistan, as per the study. The approach must improve legal competence, expand legal aid, enhance digital infrastructure, regulate ADR, simplify procedures, and establish effective institutional accountability. A synchronized implementation across the government's departments is equally significant. Ultimately, the rule of law's enhancement requires reducing the disparity between constitutional safeguards and their actual enforcement.

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