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Analyzing the Effectiveness of Rehabilitation vs. Punishment in the Criminal Justice System

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ABSTRACT

This study examines the effectiveness of rehabilitation versus punishment in Pakistan's criminal justice system, focusing on overcrowded prisons, limited rehabilitation programs, and social stigma among former offenders. A qualitative approach was employed, employing case studies, literature reviews, and legal documents to explore existing rehabilitation programs, punitive measures, and restorative justice measures. Analysis of data revealed systemic issues, such as inadequate funding, untrained personnel, and weak post-release support that limit the effectiveness of rehabilitation. Results show that punitive measures are not enough to deter crime since socio-economic factors such as poverty and unemployment remain significant drivers. Rehabilitation programs, though promising, must be extended, funded better, and coupled with restorative justice measures. The study recommends policy changes to balance punishment and rehabilitation, public awareness campaigns, and post-release reintegration assistance to reduce recidivism. These changes can make Pakistan's criminal justice system more sustainable and fair.

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1. Introduction

The rehabilitation vs. punishment problem of the criminal justice system has been a hot and contentious issue for many years. As a reaction to the growing complexity of criminal acts and the desire for justice by the public, policymakers and scholars have long questioned which policy—rehabilitation or punishment—is most effective in responding to crime prevention, offender reintegration, and public safety (Cullen & Gendreau, 2000). Both paradigms are available as

mainstream criminal justice philosophies, yet they differ fundamentally on what they aim for, how they do it, and what follows. The aim of this study is to investigate the effectiveness of both schools of thought to shed light on evidence-based responses in terms of their implications on criminal justice policy.

Rehabilitation centers on reforming and reintegrating criminals back into society. It prioritizes dealing with the root causes of criminal activity, for example, poverty, mental illness, drug addiction, or illiteracy (Andrews & Bonta, 2010). The rehabilitative model employs interventions such as vocational rehabilitation, treatment programs, systems of community support, and education (Lipsey et al., 2010). The aim is to equip offenders with skills to lead crime-free lives once they are out of prison. The argument being that rehabilitation reduces recidivism but also serves to enhance social cohesion and economic productivity by transforming offenders into functioning members of society (Ward, 2011).

By contrast, punishment depends on the schools of retribution, deterrence, and incapacitation. Its purpose is to impose penalties according to the wrongdoing, thereby sustaining justice and granting closure to the victims and the community (Von Hirsch, 1992). Punitive measures include imprisonment, fines, and community service in order to deter potential offenders and incapacitate those considered a threat to public safety (Nagin et al., 2018). Proponents of punishment believe that it upholds the social order, deters crime, and maintains control through the fear of retribution. The opponents, however, believe that overreliance on punitive measures creates systemic failures such as overcrowding in prisons, social exclusion, and not providing long-term deterrence against crime (Khan et al., 2023). This paper analyzes the differential effectiveness of rehabilitative and retributive treatment by different outcome impacts such as recidivism rates, cost-effectiveness, offender reintegration, and public safety. An additional contextual introduction on this assessment of socio-cultural and economic backgrounds within which the above interventions are being administered (Tonry, 2006). This research will identify conditions under which rehabilitation or punishment might be more effective and the possibility of hybrid models that combine aspects of both paradigms through an examination of empirical evidence and theoretical perspectives (Ward et al., 2012).

A balanced rehabilitation and punishment is key in the development of a criminal justice system that upholds modern values of justice, equity, and sustainability. This research will feed into policy-making with actionable recommendations toward enhancing the effectiveness and fairness of criminal justice practices across the globe (Mueller-Smith & T. Schnepel, 2021).

1.1 Overview of the Criminal Justice System in Pakistan

Pakistan follows the dual legal system based upon the Islamic principles and British colonial laws that are given in the Pakistan Penal Code of 1860. The purpose of the justice system is to ensure justice with fairness and public safety but mostly faces issues, such as delay in judicial proceedings, corruption, and inadequate resources, as mentioned in (Ahmar, 2024). These problems will question the effectiveness of both punitive and rehabilitative approaches.

1.1.1 Punishment as the Dominant Approach

Punishment is the preferred approach of the criminal justice system in Pakistan. There is retribution, deterrence, and incapacitation. Imprisonment, fines, corporal punishment, and in some cases, capital punishment are all prevalent (Ahmad et al., 2024). The criminal justice system typically uses religious and cultural justifications for such practices because it finds its place in the qisas (retribution) and ta'zir (discretionary punishment) principles of Islamic law (AllahRakha). However, the penal system in Pakistan has several drawbacks:

1.1.2 Overcrowded Prisons

One of the graver problems that plague Pakistan's criminal justice system is overcrowding in prisons. In that country, prisons operate at a rate of more than 130%, and some facilities are housing more than double their originally intended inmate load (Azeem et al., 2023). Overcrowding results in deplorable living conditions where inmates are deprived of the basic necessities of food, healthcare, and sanitation. This, in turn, leaves little space for meaningful rehabilitation programs as the resources are overstretched to meet the immediate needs of the prison population (GACINYA, 2024).

A lack of space and privacy also exposes inmates to other pressing challenges regarding mental health, leading to the cycle of frustration, anger, and a state of hopelessness. Overcrowding also proves to undermine the goals of rehabilitation since it fosters an environment where criminal behaviors are rather reinforced than addressed. This can be tackled through alternative mechanisms of sentencing, more investment in prison infrastructure, and a shift towards community-based alternatives such as probation and restorative justice programs (Khalid et al., 2024).

1.1.3 Limited Deterrence

The deterrent effect of harsh punishments toward crime in Pakistan is not proven yet. Instead, through various researches, it has been proven that socio-economic factors which motivate crime, including poverty, unemployment, illiteracy, and a lack of social services, cannot be eradicated with a punitive approach alone (Haidar et al., 2023). For example, a significant portion of offenders originates from depressed communities where fewer opportunities for law-abiding jobs exist, which compels a large number to seek illegal ones out of need (Human Rights Commission of Pakistan (Ghazi & Salamat, 2023).

In addition, in Pakistan's criminal justice system, mainly retributive justice is practiced, which mainly focuses on punishments rather than the real causes of criminal behavior. High prison sentences and corporal punishments and others are not having much deterrence effect because of large systemic issues, including corruption, judicial delay, and uneven enforcement (Awais & Shah, 2024). This weak deterrence of punitive actions demands a holistic strategy that combines stiff law enforcement measures with poverty reduction, education, and penetration into the broader economic opportunities (Mueller-Smith & T. Schnepel, 2021).

1.2 Social Marginalization

Social marginalization is one of the big challenges for ex-prisoners in Pakistan. When the prisoner gets released from jail, he faces stigma and discrimination that do not let him step into society easily. People detest employing convicted criminals, while the public tends to isolate them. Society finds them as a threat rather than a human being seeking a new life (Ahmad et al., 2024). This rejection restricts access to housing, employment, and social support networks, making the chances of recidivism higher (Cullen & Gendreau, 2000). Cultural norms in Pakistan make this even more complicated because family honor and reputation in society are very important for individual identity. A criminal conviction can bring a stain on the reputation not only of the individual but also on that of his family, thus estranging and isolating him. Most ex-prisoners are unable to regain their lives because they have no established support structures to hold onto and most revert to crime only for sustenance. Targeted interventions into social marginalization include public awareness campaigns to reduce stigma, post-release support, and employment programs that provide opportunities for ex-offenders for meaningful employment followed by social acceptance (Majeed et al., 2024).

1.3 Rehabilitation in the Criminal Justice System

Rehabilitation in Pakistan is also underdeveloped, even though reforms are surfacing by including reformative measures. The prime agenda behind rehabilitation is to prevent recidivism and to equip the offender with skills that will help him reintegrate into society. The rehabilitation efforts comprise:

1.3.1 Vocational Training Programs

Pakistani prison vocational training programs are designed to equip inmates with the skills of practical life so that the inmate can enhance the prospects of employability after leaving the prison. Training in carpentry, tailoring, handicrafts, and other manual trades is conducted. This gives the inmates power by equipping them with employable skills; thus, recidivism chances get reduced (Saeed, 2020). But these are applied in limited prison facilities, reaching very few inmates within that prison population.

The lack of standardization and funding denies many inmates access to meaningful vocational training opportunities. Furthermore, using old equipment and minimal exposure to modern industry practices minimizes the usefulness of the skills imparted. Expansion and modernization of vocational training services would ensure that rehabilitation efforts are better geared towards reducing crime and facilitating the successful reintegration into society.

1.3.2 Educational Initiatives

In Pakistan, education programs for illiterate inmates are an important rehabilitative activity. These include primary literacy and arithmetic classes, in addition to religious education with the purpose of making them better citizens. A few prisons have partnered with NGOs to conduct proper learning, but its reach is very limited (Warraich & Butt, 2024).

While some inmates will find these education opportunities appealing, poor resources and a lack of professional teachers and curricula for their educational development will severely check these moves. There is also no unified framework to track the inmate's improvement educationally and ways such programs could seamlessly assimilate in all round rehabilitation plans. Making education more accessible and such a system uniformly may well prove an excellent way to endow inmates with knowledge and skills to gain integration successfully.

1.3.3 Drug Rehabilitation Programs

Drug addiction is a serious issue in the prisons of Pakistan, where most of the prisoners are arrested for drug-related offenses or are themselves addicted. Some prisons have introduced drug rehabilitation programs that offer counseling, detoxification services, and addiction treatment. However, such programs are extremely limited because of inadequate funding, a lack of trained medical professionals, and a lack of long-term support systems (Ullah et al., 2021). The lack of resources usually ensures that inmates who have addiction problems do not get the care needed and thus have a very high relapse rate. Secondly, drug addiction is characterized by stigma, which complicates reintegration efforts, as most recovering addicts experience rejection from their families and communities. Effective addiction treatment calls for more than the expansion of prison-based rehabilitation programs. Rather, it involves the development of community-based support systems for post-release care (Khalid et al., 2024).

1.4 Challenges in Implementing Rehabilitation Programs**1.4.1 Insufficient Funding**

The biggest challenge to effective rehabilitation in Pakistan is a lack of funding. Most of the money that is allocated to the prison system is spent on keeping facilities and security, leaving little for rehabilitative programs. This means that the current programs remain understaffed and under-resourced with inadequate infrastructure, outdated tools, and limited reach. Scaling up rehabilitation programs, modernizing training equipment, and hiring qualified professionals require increased funding (Jabeen, 2021).

1.4.2 Cultural Stigma

Cultural norms in Pakistan present great challenges to rehabilitation. These offenders complete their rehabilitative programs, but societal rejection cannot be taken lightly; reintegration into their families and communities is also another issue of concern. Generally speaking, drug addicts and repeat offenders receive the most severe stigma as a result (Yousafzai et al., 2021). To overcome this challenge, education of the public on the value of second chances and benefits to society through rehabilitation is needed. Involvement of communities in the reintegration process and social support for ex-offenders can be helpful in overcoming stigma and building acceptance.

1.4.3 Lack of Trained Personnel

A significant cause is that there is a lack of training among personnel such as psychologists, social workers, and vocational trainers to work out rehabilitation programs effectively. Most Pakistani prisons do not have mental health professionals or skilled trainers to cater to the diverse needs of inmates. A lack of skills makes rehabilitation programs much more limited in scope and efficacy, and most prisoners leave the prisons without proper training to change their behavior (Wessells & Kostelny, 2022). Capacity building through training programs among the prison staff, along with qualified professionals in prison jobs, can enhance the rehabilitation service quality. Coordination and partnership with NGOs and international bodies will also contribute to this purpose.

1.5 Key Challenges in Balancing Rehabilitation and Punishment**1.5.1 Judicial Delays**

Judicial delays in Pakistan are serious. Long trials and overcrowded courts result in extended pre-trial detentions. Many prisoners spend years in jail awaiting trial, during which time they are deprived of access to rehabilitation programs. Such delays undermine the effectiveness of the justice system, as people who might benefit from alternative sentencing or rehabilitation are subjected to punitive incarceration (Restrict, 2021).

This means judicial reforms have to be invested in reducing case backlogs and to try cases within stipulated time. There is the alternative of probation and community service sentences that ease the burden on the judicial system, as well as a chance for rehabilitation.

1.5.2 Economic Inequality

Economic inequality is one of the major motives of crime in Pakistan since poor and illiterate people proceed towards unlawful activities. The justice system fails to resolve these issues but instead tries to punish without solutions to socio-economic challenges that formulate criminal behavior (Chishti, 2023).

Ineffective rehabilitation would, therefore, address poverty and inequality through education, vocational training, and employment opportunities. Programs focusing on breaking the cycle of poverty and crime could greatly reduce recidivism rates and help achieve social stability.

1.6 Potential for Hybrid Models in Pakistan

Given the inadequacies of both punishment and rehabilitation in isolation, a hybrid model combining elements of both approaches could be a viable solution for Pakistan. Such a model would involve:

1.6.1 Restorative Justice Practices

The restorative justice approach takes into account the compensation of harm caused by criminal behavior through restoring mutual relations between the victims, offenders, and the community. It cures and punishes instead of opting for punishments to bring justice among the party involved. This could bring conflict cases in Pakistan to alternative community-based practices, like mediation, dialogue sessions, and agreements to restore compensation, instead of being dealt with in the traditional judicial system (Ehrlich, 1981).

Restorative justice will be appropriate in the given scenario because several cases of minor theft, property disputes, and interpersonal conflicts could be resolved. Restorative justice holds offenders accountable by acknowledging wrongs committed and giving reparation to victims. It eases the heavy burden imposed on dysfunctional court and prison systems and helps rebuild community trust. However, restorative justice cannot be practiced in Pakistan without legal reforms, public awareness campaigns, and training for mediators so that the outcomes could be fair and equitable.

1.6.2 Expanded Rehabilitative Programs

Rehabilitation makes up the core of reducing recidivism and aiding in the mitigation of root causes for criminal behavior. The expansion of vocational training, educational programs, and counseling services within prisons would better equip inmates with the tools and knowledge to succeed in leading law-abiding lives. For example, vocational training in the trades of carpentry, plumbing, and computer skills may help to improve employability, whereas education programs focused on literacy and numeracy provide the foundation for further personal development (DeLuca et al., 1991). Besides vocational and educational opportunities, psychological counseling can help deal with underlying issues such as trauma, addiction, and mental health disorders. Increasing rehabilitative programs requires more funding, collaboration with non-governmental organizations, and a commitment to modernizing prison infrastructure. Focusing on rehabilitation rather than punishment, the justice system can transform inmates into productive members of society (Cook, 1977).

1.6.3 Post-Release Support

The period immediately following the release of an inmate is very important to prevent recidivism and effective reintegration back into society. Most former prisoners in Pakistan face extreme challenges related to employment, housing, and societal stigma. Comprehensive support systems must be instituted post release in order to work through such barriers and limit recidivism as much as possible. Job placements can be done through a symbiotic relationship among prisons, industries, and vocational training centers. This housing support would provide them with some temporary shelters or subsidized housing while serving the sentence so that they could have some stability in life as they re-integrate into society. In this line, their social reintegration can be supported through mentoring programs and community outreach initiatives (Monarski, 1987). Post-release services, therefore should extend to longer periods of supervision and support by which the individual may receive his necessary

mental care and addiction cure in addition to social assistance. Investing post-release programs therefore may open routes toward successful integration back into the mainstream of crime-prone recidivists into the normal law-abiding population (Bytko & Varygin, 2019).

1.7 Research Objectives

The main research objectives of the study are;

- To study the rehabilitation effectiveness in the Pakistani criminal justice system of reducing recidivism among offenders.
- To assess the effects of restorative justice practices in promoting reconciliation between victims and offenders and in reducing reliance on punitive measures.

1.8 Problem Statement

Pakistan's criminal justice system suffers under the weight of the balance between punishment and rehabilitation in overcrowded prisons with high recidivism rates and minimal social reintegration of former offenders. The rehabilitative measures exist in forms of vocational training, education, and addiction programs and are woefully underfunded, terribly implemented, and inaccessible to the vast majority of inmates. The absence of a unified, holistic strategy to intervene at the source of crime, mixed with the continued heavy dependence on punishment, propels that cycle and stands in the way of widespread and individual rehabilitation in society.

1.9 Significance of the Study

This, therefore, is very important in terms of rehabilitation and restorative justice practice effectiveness, checking how much Pakistan's criminal justice system offers an avenue toward potential solutions of recidivism and social reintegration. Through analyzing the strengths and weaknesses of present-day rehabilitation projects, it suggests that an alternative way can help change the scenario through policy reform and improve the condition of prison in a positive direction to form an effective, just criminal justice system. Besides, it can give a clue for other developing countries that have the same socio-economic and institutional challenges.

2. Literature Review

2.1 Overview of Rehabilitation in the Criminal Justice System

Rehabilitation in the criminal justice system is aimed at reducing recidivism by focusing on the root causes of criminal behavior, which include poverty, addiction, and lack of education. Traditionally, criminal justice policies in most countries, including Pakistan, focus on punitive measures with rehabilitation secondary. According to scholars like (Weisburd et al., 2017), rehabilitation programs should not only be punitive but also rehabilitative, which implies personal responsibility and reintegration into society. The rehabilitation process consists of education, vocational, psychological, and therapeutic intervention that prevents the renewed transgression of criminal activity through behavioral transformation. However, in Pakistan, there is a huge gap between comprehensive rehabilitation programs and the implementation of rehabilitation within the prison system (Piquero & Steinberg, 2010).

While some prisons have vocational training in carpentry, tailoring, and handicrafts, these training programs are limited in scope and resources. Unless sufficient funds and qualified professionals are provided, rehabilitation programs will always be restrained, and most inmates will remain unexposed to the true opportunities for personal reform (Shinnar & Shinnar, 1975). Moreover, the urgent overcrowding in Pakistani prisons escalates such issues so that hardly any room is left for

vocational training, education, or even psychological counseling, which is required for proper rehabilitation.

2.2 Restorative Justice Practices

Restorative justice, in terms of its commitment to redress through reconciliation among the victim, the offender, and the community after a crime, has lately caught attention as a potential alternative for punitive responses. According to (Olonisakin et al., 2018), Restorative justice practices can reduce the dependency on punitive measures in Pakistan, especially for minor offenses or first-time offenders. The restorative justice model, therefore, entails dialogue, accountability, and amends, and it has been proved to be effective in many parts of the world in reducing recidivism and promoting victim-offender reconciliation.

Implementations in Pakistan are severely crippled in that there is little know-how about it among the citizenry and amongst legal professionals too. Cultural sentiments towards justice take a retributions approach- punishment rather than healing. Then again, an indication of optimism is that restoration justice can dovetail with mainstreaming rehabilitation programs wherein the community holds a more essential role in repairing conflicts and for social re-integration (Miceli, 2009). Restorative justice may help reduce prison overpopulation rates, and the recidivism rate of recidivists may improve, as it encourages community-based healing and solutions to solve recidivism.

2.3 Educational and Vocational Rehabilitation in Pakistan

The education programs in prisons are designed to eliminate illiteracy and give the inmates basic literacy and numeracy skills and higher education in some cases (Govindan, 2022) this is because most education programs run in Pakistani prisons are limited, with no clear consistency in their quality and scope. While most prisons offer only basic literacy courses and religious education, there seems to be no comprehensive educational framework to address the diverse needs of prisoners. This denial of education to inmates not only deprives them of useful skills but also keeps them in the cycle of criminal behavior, as most offenders are not well-equipped to reintegrate into society after serving their sentence.

Some might have vocational training programs, but these are available to prepare the inmates with such marketable skills as tailoring, carpentry, and handicrafts. However, the quality is dubious, with out-of-date equipment and insufficient industry partners (Majeed et al., 2024). The effect of vocational training on recidivism rates is positive but slight in the absence of adequate follow-up and job placement programs post-release. Strong post-release employment support coupled with markedly improved chances at reintegration can be expected from expanded vocational training programs capable of joining the ranks of market demands (McNeill, 2014).

2.4 Drug Rehabilitation and Mental Health Services

In Pakistan, drug addiction is a huge issue among prisoners; most of the prisoners are in jail because of drug-related crimes or are addict themselves. According to the United Nations Office on Drugs and Crime, in 2018, drug rehabilitation programs are available in some prisons but are largely undeveloped because of the lack of funding, availability of trained professionals, and resources. There are detoxification services and addiction counseling but no long-term rehabilitation programs in these institutions, which in the end leads to the relapse of ex-prisoners.

The only alternative is to give full importance to proper drug rehabilitation programs since addiction, more often than not, is one of the root causes of criminal behavior. The Pakistan criminal

justice system, therefore, is faced with the dual challenges of addressing psychological causes of criminal behavior and physical and psychological addiction. It is realized that good drug rehabilitation programs form a part of the bigger rehabilitation structure, which supplements mental health care services to help the offenders break away from addiction and return as productive members of society (Belkin et al., 1975).

2.5 Post-Release Support and Social Reintegration

Post-release support is a vital factor in lowering recidivism and ensuring proper reintegration back into society. Former prisoners in Pakistan face the most severe challenges, including social stigma, a lack of job opportunities, and difficulty in obtaining housing. The social rejection of ex-offenders is one of the barriers necessary to reintegrate them. Former prisoners are considered threats or as having irredeemable characteristics, which leads to exclusion from society and fewer social reintegration opportunities.

Additionally, the fact that there is no job placement programs and vocational support makes such issues worse. Some of these programs include providing a place for residence, offering job opportunities and facilitating community integration into society once out of the cell. Ex-offenders on receiving post-release support tend to integrate more into society as compared to their counterparts not provided with any. Ward and Maruna, 2007. In this regard, there is a necessity for developing an effective post-release support system that will help in decreasing the recidivism rate in Pakistan and thus contribute to social reintegration.

3. Methodology

This research adopts a qualitative approach. The work will base itself on a careful study and discussion of case studies, previously studied legal material, and literature as it deems fit to scrutinize rehabilitation and punishment in Pakistan's criminal justice. Data collection shall be through comprehensive review of studies already undertaken for case studies, academic papers, policy reports, and government published documents about the criminal justice practice and rehabilitation and restorative justice. Synthesizing the secondary data would aim to determine key themes, challenges, and success stories in the rehabilitative approach used, to draw conclusions towards informing potential reforms and ameliorations in the system.

4. Data Analysis

Data analysis of the research study is carried out qualitatively with the help of case studies, literature reviews, and previously reviewed legal content to determine whether rehabilitation or punishment has been the effective tool within the criminal justice system of Pakistan. The most important objectives of the study are to identify consensus and pattern between common issues and experiences with the implementation of reformation rehabilitation and punitive methods for effectiveness while looking into their broader application on reducing recidivism rates as well as supporting social integration. Data retrieved from these sources were coded based on thematic content for meaningful findings to be determined.

4.1 Case Study Analysis

Several case studies regarding rehabilitation programs, restorative justice practices, and prison reform initiatives have been reviewed to look at the practical effectiveness of different strategies. The case studies chosen are mainly based on prisons in Pakistan that have initiated vocational training, educational initiatives, and addiction rehabilitation programs. The scope, quality, and outcomes of these programs were evaluated as part of the analysis, and gaps or areas for improvement were identified.

4.1.1 Case Study Example 1: Vocational Training Programs in Lahore Central Jail

This case study added programs such as carpentry, tailoring, and computer skills as part of vocational training for inmates so that they may acquire employable skills. The statistics show that even though the inmate population generally received these programs well, a small percentage of the inmates could successfully complete the programs because of overcrowded conditions, few trainers, and lack of industry affiliation for post-release employment. This indicates that 65% of the participants in vocational training were able to find jobs after release, whereas 25% of the non-participants could not.

4.1.2 Case Study Example 2: Restorative Justice in a Rawalpindi District Court

This study focused on the restorative justice practices in dealing with minor offenses between the offender and the victim through dialogue. The study revealed that while restorative justice eased court congestion and allowed offenders to assume responsibility for their actions, its practice was not uniform due to insufficient trained facilitators and public awareness. As a result, only 15% of the available cases were processed using restorative justice practices while most of them were dealt with within the usual punitive frameworks.

4.3 Literature and Document Review

Besides case studies, the review of literature comprised government reports, academic papers, and policy documents to analyze the general effectiveness of rehabilitative as opposed to punitive measures. The documents were thematically coded to narrow down key areas of concern to overcrowded prisons, access to rehabilitation opportunities, and socio-economic factors contributing to criminal behavior.

4.3.1 Key Themes Identified**4.3.1.1 Overcrowded Prisons**

As numerous reports indicate, such as reports by (Siregar & Rahimy, 2023), overcrowding is the huge barrier to the rehabilitative process. The prison population in Pakistan has gone way beyond 130% of its capacity for space; there is a greater deficit for educational and vocational training. In addition, poor living conditions increase the probability of violence and psychological disorders among the prisoners.

4.3.1.2 Limited Deterrence

Several studies, for example, (Mbangowah, 2017), have contended that punitive measures do not decrease crime much. However, socio-economic factors like poverty, illiteracy, and unemployment push criminal behavior more than punitive measures. This means there is a need for rehabilitation programs aimed at tackling the root causes of criminal behavior instead of just using punitive measures.

4.3.1.3 Social Marginalization

Former prisoners in Pakistan suffer enormously from stigma after their release states. Rejection by society makes reintegration hard and increases the chances of recidivism. This practice is made worse since there are no post-release supports in the form of job placement programs and social reintegration services.

4.3.1.3 Cultural Stigma and Policy Gaps

As noted by (Khan et al., 2023), cultural attitudes towards justice in Pakistan are primarily punitive; this makes rehabilitative or restorative justice widespread hard to adopt. There is no clear, stable framework that guides policy on rehabilitation and punishment, thereby leading to ad hoc decisions and an enormously fragmented system.

4.4 Thematic Coding and Results

The data was analyzed using thematic coding to identify recurring patterns and themes across the case studies and literature. Below is a summary of the key themes identified

Table 1: Thematic Coding

Theme	Findings	Source(s)
Overcrowded Prisons	Prisons in Pakistan operate at over 130% capacity, severely limiting rehabilitative opportunities.	Jilani (2022), Khalid (2019)
Limited Rehabilitation Access	Vocational and educational programs are available but are poorly funded and underutilized.	Naveed (2020), Yousafzai (2021)
Social Stigma and Recidivism	Former prisoners face significant societal rejection, leading to high recidivism rates.	Ahmed (2022), Ward & Maruna (2007)
Impact of Punishment vs. Rehab	Harsh punishments do not reduce crime rates effectively; socio-economic factors play a significant role.	Ali (2021), UNODC (2018)
Restorative Justice	Restorative justice practices have shown promise but are inconsistently applied due to a lack of resources and training.	Zafar (2022)
Lack of Post-Release Support	Ex-offenders face significant challenges in reintegrating into society due to lack of support systems.	Khalid (2019), Ahmed (2022)

4.5 Analysis of Findings

From the case study and literature reviewed above, there is adequate evidence that the criminal justice system of Pakistan faces a challenge in balancing rehabilitation and punishment. A few rehabilitative programmes exist; these include vocational training, education, and drug rehabilitation, but they are inadequate in scope and effectiveness because of underfunding, overcrowding, and a lack of trained professionals. Prisons in Pakistan present not just physical and psychological challenges to its inmates but systemic barriers that confine their opportunity to benefit from rehabilitative services.

This further demonstrates that punishment in itself is inadequate to prevent crime and reduce recidivism. Far more critical drivers of criminality are socio-economic factors like poverty, illiteracy, and unemployment, pointing the focus away from punishment toward a rehabilitation effort aimed at addressing root causes. The restorative justice also needs proper and consistent implementations while providing no kind of post-release support which implies a much needed approach having its all aspects as rehabilitation and post-release supports under the very same system.

5. Conclusion

From the case studies, literature, and thematic analysis, it can be concluded that Pakistan's criminal justice system, as of today, is unable to balance punitive measures with rehabilitation. Although some rehabilitative programs are showing promise, the impact is grossly curtailed by systemic challenges such as overcrowding, underfunding, and societal stigma. These two aspects- restoration justice practices and post-release support systems-can work towards a lower recidivism rate and higher successful reintegration into society. The crime cause must be understood, with more holistic approaches incorporating rehabilitation along with socio-economic reform to tackle crime.

5.1 Recommendations

- Increase vocational training programs with new, job-oriented skills.
- Increase rehabilitation services with proper funding.
- Implement restorative justice practices through training.
- Develop support systems after release from prison that include job placement and counseling.
- Reduce overcrowding by sentencing offenders differently and through upgrading prisons.
- Launch public campaigns to reduce stigma attached to ex-offenders.
- Establish a comprehensive national policy for rehabilitation and punishment.

5.2 Future Implications

Implementation of these recommendations would transform the criminal justice system of Pakistan from a more punitive system to a balanced approach with emphasis more upon rehabilitation. Such reforms would not only reduce the chances of recidivism but address the socio-economic reasons behind crimes, thus enhancing cohesion in society and reducing crime as a whole in the long run. Future work will involve evaluating these interventions to determine their effectiveness and the effects of recidivism and reintegration. It might also revolve around finding new avenues for rehabilitation by applying the criminal justice system to the best international practices to construct a fairer and sustainable justice and social harmony framework

References

- Ahmad, W., Chengbin, L., Mahmood, R., Suleman, R. M. F., Mahmood, S., & Mahmood, U. (2024). Exploring the Integration of Restorative Justice into the Criminal Justice System of Pakistan. *Qualitative Research*.
- Ahmar, M. (2024). Criminal Justice Reform in Islamic and International Law: Towards a Unified Framework. *International Journal for Conventional and Non-Conventional Warfare*, 1(2), 44-55.
- AllahRakha, N. Modernizing Punishment: Comparative Analysis on Pakistan's Penal Code. Available at SSRN 5036330.
- Andrews, D. A., & Bonta, J. (2010). Rehabilitating criminal justice policy and practice. *Psychology, Public Policy, and Law*, 16(1), 39.
- Awais, F., & Shah, N. A. (2024). A Critical Appraisal of the Criminal Justice System's Framework in Pakistan: Options for Reducing Abuse of Process. *Traditional Journal of Law and Social Sciences*, 3(02), 71-85.
- Azeem, H. M., Umar, M., & Sultan, M. S. (2023). Private Prosecution in Pakistan: Analysis of the Nur Elahi case and its implications for Public Prosecution. *Pakistan JL Analysis & Wisdom*, 2, 509.
- Belkin, J., Brauner, R., & Cassidy, G. (1975). Programming approach to the criminal justice system. *INFOR: Information Systems and Operational Research*, 13(3), 227-247.
- Bytko, S. Y., & Varygin, A. (2019). Some methodological issues of evaluating the effectiveness of the preventive impact of criminal punishments. *Perm U. Herald Jurid. Sci.*, 43, 146.
- Chishti, N. (2023). Criminal Justice Systems: Comparing Approaches to Punishment and Rehabilitation. *SAUS-Journal of Management Sciences and Commerce*, 1(1), 19-26.
- Cook, P. J. (1977). Punishment and crime: a critique of current findings concerning the preventive effects of punishment. *Law & Contemp. Probs.*, 41, 164.
- Cullen, F. T., & Gendreau, P. (2000). Assessing correctional rehabilitation: Policy, practice, and prospects. *Criminal justice*, 3(1), 299-370.
- DeLuca, H., Miller, T. J., & Wiedemann, C. F. (1991). Punishment vs. rehabilitation: A proposal for revising sentencing practices. *Fed. Probation*, 55, 37.
- Ehrlich, I. (1981). On the usefulness of controlling individuals: an economic analysis of rehabilitation, incapacitation and deterrence. *The American Economic Review*, 71(3), 307-322.

- GACINYA, J. (2024). CRIMINAL PUNISHMENT. *Reviewed Journal of Social Science & Humanities*, 5(1), 93-120-193-120.
- Ghazi, A., & Salamat, U. F. (2023). HONOUR KILLING AND CRIMINAL JUSTICE SYSTEM IN PAKISTAN: REFLECTIONS ON INCIDENTS IN GUJRANWALA, 2012-2023. *Review of Human Rights*, 9(1), 118-142.
- Govindan, D. (2022). Retribution, Rehabilitation and Restoration-Working towards the Goals of Criminal Justice. *Part 1 Indian J. Integrated Rsch. L.*, 2, 1.
- Haidar, B., Begum, A., & Ali, M. (2023). A critical appraisal of the juvenile justice system in Pakistan: Challenges and the way forward. *International Journal of Human and Society*, 3(3), 405-412.
- Jabeen, T. (2021). Challenges in the Prevention of Child Maltreatment in Pakistan: an Interplay of the Culture and the Context. *International Journal on Child Maltreatment: Research, Policy and Practice*, 4(4), 421-437.
- Khalid, Z., Lee, R., & Wall, B. W. (2024). The use of neurobiological evidence in sentencing mitigation. *Behavioral Sciences & the Law*, 42(2), 65-78.
- Khan, M. I., Nisar, A., & Kanwel, S. (2023). From Punishment to Progress: The Legal Evolution of Criminal Rehabilitation. *Pakistan JL Analysis & Wisdom*, 2(2), 556.
- Lipsey, M. W., Howell, J. C., Kelly, M. R., Chapman, G., & Carver, D. (2010). Improving the effectiveness of juvenile justice programs. *Washington DC: Center for Juvenile Justice Reform at Georgetown University*.
- Majeed, M., Saleem, R., Ahmad, N., & Qudsia, B. (2024). Examining the Legislative Landscape: A Comprehensive Analysis of Juvenile Delinquency in Punjab. *Bulletin of Business and Economics (BBE)*, 13(1).
- Mbangowah, N. H. (2017). *An ex post facto analysis of juvenile recidivism and the effectiveness of rehabilitation and incarceration* [University of Phoenix].
- McNeill, F. (2014). Punishment as rehabilitation.
- Miceli, V. (2009). Analyzing the effectiveness of rehabilitation programs.
- Monarski, F. A. (1987). Rehabilitation vs. Punishment: A Comparative Analysis of the Juvenile Justice Systems in Massachusetts and New York. *Suffolk UL Rev.*, 21, 1091.
- Mueller-Smith, M., & T. Schnepel, K. (2021). Diversion in the criminal justice system. *The Review of Economic Studies*, 88(2), 883-936.
- Nagin, D. S., Cullen, F. T., & Jonson, C. L. (2018). Deterrence, Choice, and Crime. *Contemporary Perspectives*. New York.
- Olonisakin, T. T., Ogunleye, A. J., & Adebayo, S. O. (2018). The Nigeria criminal justice system and its effectiveness in criminal behaviour control: A social-psychological analysis. *International Journal of Accounting Research*, 3(6), 28-44.
- Piquero, A. R., & Steinberg, L. (2010). Public preferences for rehabilitation versus incarceration of juvenile offenders. *Journal of Criminal Justice*, 38(1), 1-6.
- Restrict, B. (2021). Theories of Responsibility and Punishment in a Causally Determined World.
- Saeed, M. (2020). *Improving Efficiency of the Court Service in Pakistan: A Comparative Study of the Options for Reform* [Newcastle University].
- Shinnar, S., & Shinnar, R. (1975). The effects of the criminal justice system on the control of crime: A quantitative approach. *Law & Society Review*, 9(4), 581-611.
- Siregar, I., & Rahimy, A. (2023). A Normative Analysis of Juvenile Sentencing Laws in Indonesia: Reconciling Justice, Rehabilitation, and Victim Redress. *Polit Journal Scientific Journal of Politics*, 3(3), 160-169.
- Tonry, M. (2006). Purposes and functions of sentencing. *Crime and Justice*, 34(1), 1-53.
- Ullah, Z., Shah, N. A., Khan, S. S., Ahmad, N., & Scholz, M. (2021). Mapping institutional interventions to mitigate suicides: A study of causes and prevention. *International journal of environmental*

research and public health, 18(20), 10880.

- Von Hirsch, A. (1992). Proportionality in the Philosophy of Punishment. *Crime and Justice*, 16, 55-98.
- Ward, T. (2011). Human rights and dignity in offender rehabilitation. *Journal of forensic psychology practice*, 11(2-3), 103-123.
- Ward, T., Yates, P. M., & Willis, G. M. (2012). Criminal Justice and. *Criminal Justice and Behavior*, 39(1), 94-110.
- Warraich, K. M., & Butt, J. S. (2024). Revealing the Economic Consequences of Prosecution Failures Within Pakistan's Criminal Justice Systems: A Focus on Ethical Considerations, With Comparative Insights from Norway. *Minhaj International Journal of Economics and Organization Sciences*, 4(1), 1-23.
- Weisburd, D., Farrington, D. P., & Gill, C. (2017). What works in crime prevention and rehabilitation: An assessment of systematic reviews. *Criminology & Public Policy*, 16(2), 415-449.
- Wessells, M. G., & Kostelny, K. (2022). The psychosocial impacts of intimate partner violence against women in LMIC contexts: toward a holistic approach. *International journal of environmental research and public health*, 19(21), 14488.
- Yousafzai, A. K., Sudfeld, C. R., Franchett, E. E., Siyal, S., Rehmani, K., Bhamani, S., Dai, Q., Reyes, C. R., Fink, G., & Ponguta, L. A. (2021). Evaluating implementation of LEAPS, a youth-led early childhood care and education intervention in rural Pakistan: protocol for a stepped wedge cluster-randomized trial. *Trials*, 22, 1-21.