

Criminal justice ethics in Pakistan

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Abstract

A complex interplay of legal, cultural, and religious factors shapes criminal justice ethics in Pakistan. Key ethical challenges include corruption within law enforcement, judicial independence, human rights violations, and unequal access to justice. Corruption, particularly within the police force, undermines public trust, while political interference compromises judicial independence, raising concerns about the fairness of legal decisions. Additionally, human rights abuses, such as custodial torture and extrajudicial killings, highlight severe ethical breaches in the system. The disparity in access to

justice, especially for marginalized communities, further exacerbates these ethical concerns. Religious and cultural influences, primarily rooted in Islamic principles, play a significant role in shaping the ethical framework, though interpretations may vary. While the legal framework in Pakistan outlines clear ethical guidelines, systemic issues and practical challenges continue to obstruct their consistent implementation, raising crucial concerns about fairness and justice in the country's criminal justice system.

Keywords: access to justice, corruption, human rights violations, judicial independence, legal framework

Introduction

Criminal justice ethics are a vital component of any legal system, as they govern the behavior, decision-making, and accountability of individuals and institutions involved in the administration of justice Banks (2024). The criminal justice system in Pakistan is crucial in maintaining law and order, protecting citizens' rights, and ensuring that justice is served. However, like many developing nations, Pakistan faces significant challenges in upholding ethical standards within its criminal justice system. These challenges stem from socio-political, cultural, religious, and institutional factors that complicate the implementation of ethical practices (Mubarak, 2022).

Ethical concerns within the criminal justice system encompass a wide array of issues, ranging from the integrity of law enforcement officers to the impartiality of judges, the treatment of detainees, and equitable access to justice for all citizens (Cheeseman, 2023). In Pakistan, these concerns are exacerbated by systemic corruption, political interference, inadequate resources, and social inequality, all creating barriers to fair and ethical practices in the justice system. Ethical dilemmas often arise in police conduct, judicial decision-making, and treating vulnerable populations, highlighting the need for reforms prioritizing justice and human rights (Bibi, 2023).

One of the most pressing ethical challenges in Pakistan's criminal justice system is corruption, particularly within law enforcement agencies. Police misconduct, bribery, and the misuse of power are widespread, contributing to public distrust in law enforcement. It creates an environment

where justice can be easily manipulated by those with financial or political influence, leaving marginalized groups vulnerable to exploitation. Ethical standards dictate that law enforcement should serve all citizens impartially, but in Pakistan, the reality often needs to catch up to this ideal (Hidayat, 2023).

Judicial independence is another critical ethical issue. While the Constitution of Pakistan guarantees the independence of the judiciary, in practice, there have been instances where political interference undermines this principle. High-profile cases, in particular, are often influenced by external pressures, leading to concerns about the fairness and impartiality of judicial decisions. Ethical justice requires that judges make decisions based on law, free from undue influence, but maintaining this independence can be challenging in a politically charged environment (Jatoi 2022).

Human rights violations within the criminal justice system, including custodial torture, extrajudicial killings, and the abuse of anti-terrorism laws, also raise serious ethical concerns. These practices violate national and international laws and erode human dignity and fairness principles guiding any justice system. In Pakistan, there have been numerous reports of such violations, often carried out under the guise of maintaining security or combating terrorism, further complicating the ethical landscape (Korai, 2024).

Additionally, access to justice remains a significant issue in Pakistan, particularly for the poor and marginalized. The legal system is often inaccessible due to high costs, complex procedures, and a need for more awareness among the general population. Ethical justice requires all citizens, regardless of socioeconomic status, to have access to legal representation and a fair trial. However, in many cases, only the wealthy can afford competent legal services, leaving the vulnerable disadvantaged (Aslam, 2022).

The ethical challenges within Pakistan's criminal justice system are multifaceted and deeply rooted in societal structures. Addressing these issues requires legal reforms and a commitment to ethical principles prioritizing fairness, transparency, and human dignity across all justice system levels (Soomro & Soomro, 2023).

Research Justification

Exploring criminal justice ethics in Pakistan is essential due to its unique socio-political context, which presents significant challenges in

upholding ethical standards within its legal system. Widespread issues such as corruption in law enforcement, judicial interference, human rights violations, and inequitable access to justice require critical examination. These factors severely undermine public trust in the criminal justice system, especially for marginalized populations.

Moreover, Pakistan's diverse cultural and religious fabric significantly influences its justice system. Understanding how these elements intersect with legal practices provides insight into how ethical principles are interpreted and applied in a justice framework heavily influenced by Islamic and common law traditions. Analyzing the ethical dimensions within these contexts is crucial for proposing reforms aligning with local values and international human rights standards.

Given Pakistan's current judicial independence and police accountability, this research is timely and necessary. It aims to identify the gaps between the ethical codes outlined in legal provisions and the actual practices. This research will contribute to a broader understanding of how ethical reforms can be integrated into Pakistan's criminal justice system, promoting justice, fairness, and equity for all citizens.

Research Objectives

1. To examine the role of corruption in law enforcement agencies and its impact on criminal justice ethics in Pakistan.
2. To assess the level of judicial independence and the influence of political interference in Pakistan's criminal justice system.
3. To evaluate the accessibility of the criminal justice system for marginalized and economically disadvantaged groups in Pakistan.
4. To analyze the ethical implications of human rights violations within the criminal justice system in Pakistan.
5. To explore the influence of cultural and religious values on the ethical standards of criminal justice in Pakistan.

Research Methodology

This study employed a systematic review methodology, with research objectives established accordingly. A comprehensive literature review was conducted (Komba & Lwoga, 2020). Research findings were categorized based on their content (Hiver et al., 2021; Petticrew & Roberts, 2006), and classified information was incorporated into the study by organizing it into headings (Gan et al., 2021; Pawson et al., 2005). The evaluation of classified information and titles formed the basis of the study (Page, 2021; Rahi, 2017), ensuring the integrity of the research subject and its contents (Egger et al., 2022; Victor, 2008).

Literature Review

Criminal justice ethics is a critical aspect of any legal system, dictating the fairness, integrity, and legitimacy of law enforcement, judicial processes, and the overall maintenance of justice. In Pakistan, a country characterized by socio-political complexities, religious influences, and a fluctuating relationship with democratic governance, criminal justice ethics becomes an essential subject of inquiry (Rehman, 2023). This literature review aims to synthesize existing studies and discussions on the ethical issues within Pakistan's criminal justice system, focusing on corruption in law enforcement, judicial independence, access to justice, human rights violations, and cultural-religious influences (Imran, 2023).

I. Corruption in Law Enforcement

A significant body of literature highlights corruption in law enforcement as one of the most pervasive ethical challenges in Pakistan's criminal justice system. Studies reveal that police corruption, which includes bribery, extortion, and the use of excessive force, undermines public trust and widens the gap between law enforcement agencies and the general population. (Imran, 2023) notes that corruption within the police force is systemic and occurs at multiple levels, from street-level officers to high-ranking officials. Inadequate salaries, lack of accountability, and political interference often fuel this unethical conduct. Moreover, (Bibi, 2023) points out that police officers frequently engage in unlawful practices to supplement their income, further exacerbating the issue of police legitimacy (Zakir, 2023).

The literature also emphasizes the relationship between corruption and the broader political environment. Police officers are often seen as enforcers of the political elite's interests rather than impartial law enforcers. Researchers such

as Waseem (2022) have linked police misconduct to the manipulation of law enforcement by powerful political actors, who use the police to silence opposition, intimidate rivals, or protect their illicit activities. This collusion between police and politicians has created a culture of impunity where accountability mechanisms are weak or absent.

2. Judicial Independence

Another significant area of concern is the independence of the judiciary. A review of Pakistan's legal system indicates that while judicial independence is enshrined in its constitution, its practice is frequently compromised. According to Jatoti et al. (2022), political influence over the judiciary is a persistent problem in Pakistan, particularly in high-profile cases involving influential individuals or institutions. It has raised serious ethical questions regarding the impartiality of judicial decisions and the ability of the courts to act as a check on executive and legislative power (Akhtar, 2022).

Bari (2017) further elaborates that judicial independence is also hampered by internal corruption within the judiciary. Judges, especially at the lower levels, have been accused of accepting bribes or issuing biased judgments due to personal or political affiliations. These practices erode the public's confidence in the judiciary and make achieving a genuinely fair and impartial justice system difficult. The literature stresses the need for more robust accountability measures within the judiciary to uphold ethical standards and protect judicial integrity.

3. Access to Justice

Access to justice is a fundamental ethical concern, particularly in a country like Pakistan, where socioeconomic disparities are profound. Studies such as those by Aslam et al. (2022) suggest that the legal system disproportionately favors the wealthy and politically connected, leaving marginalized communities without adequate recourse to justice. One of the significant barriers to justice is the cost of legal representation. Aslam et al. (2022) highlight that competent lawyers charge exorbitant fees, making it nearly impossible for poor individuals to afford proper legal counsel.

The challenges are even more pronounced in rural areas, where legal literacy could improve. Sultan and Fatima (2024) explain that many individuals, particularly women and minorities, are unaware of their legal rights and are thus easily manipulated by corrupt law enforcement officers or judicial officials.

Furthermore, informal justice mechanisms, such as Jirgas (tribal councils), often take precedence over formal legal processes in these regions, raising ethical concerns about the fairness and legality of such systems. The literature stresses that enhancing access to legal aid and increasing public awareness about legal rights are crucial steps in addressing these issues (Iqbal, 2023).

4. Human Rights Violations

Human rights violations, including custodial torture, extrajudicial killings, and the misuse of anti-terrorism laws, represent some of the most glaring ethical failures within Pakistan's criminal justice system. (Amnesty International, 2019) Moreover, Human Rights Watch (2020) has documented numerous cases of police brutality and torture, particularly in the treatment of suspects during interrogations. These practices are not only unethical but also illegal under both domestic and international law.

The misuse of anti-terrorism legislation is another area of concern. Studies by Korai et al. (2024) indicate that Pakistan's anti-terrorism courts (ATCs) have been used to expedite cases that do not fall within the scope of terrorism, resulting in unfair trials and harsher sentences for non-violent offenders. The literature points out that this misuse often targets political dissidents and marginalized groups, raising ethical concerns about the impartiality and justice of the legal process. Human rights organizations have called for reforms in the criminal justice system to ensure that human dignity and fundamental rights are respected (Kanwel, 2023).

5. Cultural and Religious Influences

The influence of culture and religion on criminal justice ethics in Pakistan cannot be understated. As the dominant religion, Islam significantly shapes societal norms and the ethical framework for administering justice. Studies by Ishfaq et al. (2024) emphasize that Islamic principles of justice, fairness, and equity are deeply embedded in the legal system, especially in family law and personal disputes.

However, the interpretation and application of these principles can vary, sometimes leading to ethical dilemmas. For instance, in some cases, the rights of women and minorities may be overlooked or compromised due to patriarchal interpretations of religious texts. In contrast, research by Ishfaq et al. (2024) points out that progressive interpretations of Islamic law can enhance the ethical administration of justice by promoting equality and fairness.

Historical Background of Criminal Justice Ethics in Pakistan

The historical background of criminal justice ethics in Pakistan is rooted in the colonial legacy of British India, which laid the foundation for the country's legal and justice systems. After the partition of India in 1947, Pakistan inherited the British legal framework, including laws like the Penal Code of 1860 and the Criminal Procedure Code of 1898. These laws provided the basic structure for law enforcement, judicial processes, and ethical guidelines (Kanwel, 2023).

Initially, colonial-era laws were primarily concerned with maintaining order and control rather than promoting justice, leading to ethical issues in law enforcement and judicial fairness (Zia, 2022). Over time, Pakistan adapted its legal framework to align with Islamic values. Incorporating Islamic principles into the legal system, particularly after the 1973 Constitution, introduced ethical dimensions based on concepts like justice (Adl) and equity (Qisas and Diyat).

However, the military coups and political instability that marked Pakistan's history weakened judicial independence and eroded the ethical standards in law enforcement. Corruption, political interference, and human rights violations became widespread, raising significant ethical concerns. Despite constitutional guarantees and reforms, these challenges persist, complicating efforts to create an equitable and ethical criminal justice system in Pakistan (Hidayat, 2023).

Criminal Justice Laws in Pakistan

The criminal justice system in Pakistan is governed by laws that guide ethical behavior among law enforcement, judicial authorities, and legal practitioners. Some critical pieces of legislation aim to uphold ethical standards in administering justice.

I. The Police Order, 2002: This law was introduced to reform the police force, aiming to enhance accountability, transparency, and public service. It outlines professional conduct and establishes oversight bodies like the Police Complaints Authority to address misconduct and corruption. However, the implementation remains challenging due to systemic corruption and the need for more resources.

2. The Code of Criminal Procedure, 1898 (CrPC): A cornerstone of Pakistan's criminal justice system, the CrPC defines the process of criminal investigation, arrest, trial, and sentencing. Ethical considerations are embedded in procedures that ensure fairness, such as the right to a fair trial and presumption of innocence until proven guilty.

3. Pakistan Penal Code, 1860 (PPC): The PPC outlines criminal offenses and their punishments, incorporating ethical principles to ensure justice. It emphasizes the importance of intent and proportionality in punishment, safeguarding individual rights.

4. The Legal Practitioners and Bar Councils Act, 1973: This law regulates the conduct of lawyers, emphasizing professional ethics, client confidentiality, and integrity in legal practice. Disciplinary actions are specified for breaches, ensuring accountability.

5. The Anti-Terrorism Act, 1997: While primarily focused on counter-terrorism, this law raises ethical concerns due to provisions allowing extended detention without trial, raising human rights issues. Amendments and scrutiny continue to seek a balance between security and ethical justice.

Overall, Pakistan's criminal justice ethics laws emphasize fairness, accountability, and rights protection, though implementation often faces challenges like corruption, political interference, and resource constraints.

Challenges for Criminal Justice Ethics in Pakistan

1. Corruption: A significant challenge in Pakistan's criminal justice system is corruption within law enforcement agencies. Bribery, coercion, and misuse of power undermine the system's integrity and erode public trust. This corruption creates an environment where justice can be easily manipulated, often leaving the marginalized and disenfranchised without recourse.

2. Judicial Independence: The judiciary in Pakistan sometimes faces political interference, which compromises its independence. It undermines the ethical principle of impartiality, as decisions can be swayed by external pressures rather than being based solely on law and evidence.

3. Access to Justice: Inequitable access to legal resources is a primary ethical concern. The high cost of legal representation and lack of awareness about legal rights disproportionately affect people with low incomes, who often need help

to afford a fair trial. This disparity exacerbates social injustice and hampers equality before the law.

4. Human Rights Violations: Reports of custodial torture, extrajudicial killings, and abuse of anti-terrorism laws highlight severe ethical breaches. These violations contradict fundamental human rights principles and undermine the credibility of the criminal justice system.

Opportunities for Criminal Justice Ethics in Pakistan

1. Legal Reforms: Comprehensive legal reforms can address systemic issues of corruption and inefficiency. Strengthening anti-corruption measures, enhancing transparency, and ensuring stricter accountability can improve the ethical standards of law enforcement and judicial bodies.

2. Judicial Training: Investing in judicial training and promoting ethical education for judges and law enforcement officials can reinforce the importance of impartiality and integrity. It can help mitigate the impact of political interference and enhance justice's quality.

3. Public Awareness: Increasing public awareness about legal rights and providing affordable legal aid can bridge the gap in access to justice. Empowering citizens with knowledge and resources can help ensure that justice is accessible to all, regardless of socioeconomic status.

4. Human Rights Advocacy: Strengthening human rights organizations and promoting a culture of respect for human rights can help address systemic abuses. Advocacy and oversight can drive reforms and hold perpetrators accountable, reinforcing ethical practices.

Discussion

Criminal justice ethics in Pakistan is marked by significant challenges, reflecting law enforcement, judicial independence, and human rights issues. Corruption within the police force is a primary ethical concern, with bribery and misuse of authority undermining public trust and the justice system's integrity. This corruption disproportionately affects people experiencing poverty, who often lack the resources to navigate or contest the system effectively.

Judicial independence is another critical ethical issue. Despite constitutional guarantees, political interference frequently hampers the impartiality of the judiciary. Such interference compromises the principle that legal decisions should be based solely on the law and evidence rather than external pressures. Access to justice remains a pressing concern, particularly for marginalized communities. Financial barriers and lack of awareness can severely limit an individual's ability to seek legal recourse, highlighting an ethical dilemma in a system where justice is not equally accessible to all.

Human rights violations, including custodial torture and extrajudicial killings, further exacerbate ethical challenges. These practices contravene fundamental human dignity and justice principles, revealing deep flaws in enforcing ethical standards. Additionally, while Islamic principles of fairness and equity influence Pakistan's legal system, varying interpretations can lead to inconsistencies in ethical practices.

Conclusion

Pakistan's ethical criminal justice landscape is fraught with significant challenges that impact the system's effectiveness and public trust. Corruption within law enforcement agencies undermines the integrity of the justice process, with bribery and abuse of power being prevalent issues that mainly affect marginalized communities. Judicial independence, though constitutionally protected, is often compromised by political interference, raising concerns about the impartiality of legal decisions.

Access to justice remains a critical ethical issue, as financial and logistical barriers prevent many individuals, especially in rural areas, from obtaining fair legal representation. This disparity reinforces the divide between the wealthy and the poor, further entrenching social inequities. Moreover, human rights violations, including custodial torture and extrajudicial killings, highlight severe lapses in ethical practices within the criminal justice system, calling into question the commitment to uphold fundamental human rights and dignity.

Cultural and religious values, while providing a framework for ethical behavior, sometimes lead to conflicting interpretations and practices that challenge the consistency of justice. Addressing these ethical challenges requires comprehensive reforms that enhance transparency, accountability, and

accessibility within the system. Strengthening institutional integrity, ensuring genuine judicial independence, and fostering a culture of respect for human rights are essential steps towards building a fair and just criminal justice system in Pakistan. The ethical principles of justice and equity can be meaningfully realized only through sustained efforts to tackle these issues.

Recommendations

- 1. Strengthen anti-corruption measures:** Implement robust frameworks within law enforcement agencies. Regular audits, operations transparency, and severe corruption penalties can help reduce unethical practices.
- 2. Enhance judicial independence:** Ensure the judiciary operates free from political interference. Establish independent oversight bodies to monitor judicial conduct and decision-making processes.
- 3. Improve access to legal aid:** Develop and fund comprehensive legal aid programs to ensure that individuals from all socioeconomic backgrounds can access competent legal representation.
- 4. Promote human rights training:** Integrate education and training into police and judicial training programs. Emphasize the importance of upholding human rights and ethical standards in all aspects of criminal justice.
- 5. Strengthen oversight mechanisms:** Create independent bodies to investigate allegations of police misconduct and human rights abuses. Ensure these bodies have the authority and resources to hold offenders accountable.
- 6. Facilitate community policing:** Encourage community policing initiatives that build trust and collaboration between law enforcement and local communities. It can improve transparency and reduce instances of abuse.
- 7. Enforce legal and ethical standards:** Establish clear ethical guidelines and codes of conduct for all criminal justice professionals. Regularly review and enforce these standards to ensure compliance.
- 8. Address socioeconomic barriers:** Implement policies to address those that prevent access to justice. It includes subsidies for legal fees and support for marginalized communities.

9. Promote public awareness: Increase public awareness about legal rights and the justice system through educational campaigns and community outreach. An informed public is better equipped to advocate for their rights and hold the system accountable.

10. Encourage ethical leadership: Foster a culture of ethical leadership within criminal justice institutions. Leaders should model ethical behavior and promote a commitment to justice and integrity throughout their organizations.

Research Limitations

Research on criminal justice ethics in Pakistan faces several limitations. First, access to reliable and comprehensive data is challenging due to the need for more transparency and consistent reporting in law enforcement and judicial proceedings.

Second, detailed empirical studies are scarce, focusing on specific ethical issues within the Pakistani context, limiting the depth of analysis. Third, political and social sensitivities can hinder objective research, as findings may be influenced by prevailing biases or resistance from stakeholders. Additionally, the influence of cultural and religious norms on ethics complicates the generalizability of findings across different regions and communities. Finally, Pakistan's rapidly evolving legal and political landscape can quickly render research outdated, requiring constant updates to remain relevant. These limitations necessitate a cautious approach to interpreting research findings and their implications for policy and practice.

Research Implications

Research on criminal justice ethics in Pakistan has several implications:

1. Policy reform: Findings can guide policy recommendations to address corruption and improve transparency in law enforcement and judiciary processes, fostering a more ethical system.

2. Training and education: Research highlights the need for comprehensive ethics training for law enforcement and judicial officers to enhance professionalism and adherence to ethical standards.

3. **Human rights advocacy:** Identifying systemic issues can support advocacy efforts to address human rights abuses and promote reforms that protect detainees and ensure fair treatment.
4. **Legal aid:** Insights into access barriers can inform strategies to enhance legal aid services, ensuring that marginalized communities receive fair representation and justice.
5. **Cultural sensitivity:** Understanding the role of cultural and religious values in shaping ethical practices can lead to culturally sensitive approaches in implementing justice reforms.

Future Research Directions

Future research on criminal justice ethics in Pakistan could focus on several key areas to address existing challenges and improve the system:

1. **Corruption and accountability mechanisms:** Investigating the effectiveness of current anti-corruption measures and developing new strategies for enhancing accountability in law enforcement. Research could explore the impact of technology and transparency initiatives on reducing corrupt practices.
2. **Judicial independence and integrity:** Examining the extent of political interference in judicial processes and its impact on case outcomes. Studies could propose reforms to strengthen judicial independence and develop frameworks to ensure impartiality in decision-making.
3. **Access to justice:** Analyzing barriers marginalized communities face in accessing legal resources and representation. Research could assess the effectiveness of legal aid programs and suggest improvements to ensure equitable access for all citizens.
4. **Human rights and legal protections:** Evaluating the implementation and impact of human rights protections within the criminal justice system. Research could focus on identifying and addressing systemic abuses and propose policies to safeguard individual rights more effectively.
5. **Cultural and religious integration:** Investigating how Islamic principles are integrated into the legal system and their influence on ethical practices. Research could explore ways to harmonize religious values with modern legal standards to enhance justice.

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