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Juvenile Justice System in Pakistan: An Analysis of the Juvenile Justice System Act, 2018

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ABSTRACT

Juvenile justice system is indicative of a society that believes in rehabilitation, protection and acknowledging children as persons with rights, not as mini adults in the criminal process. The Juvenile Justice System Act, 2018 in Pakistan is one of the high-profile legislative initiatives to address the treatment of the children in conflict with the law in Pakistan through harmonization of the domestic legal frameworks with the constitutional guarantees and international standards of child rights. The present paper is a critical analysis of juvenile justice system in Pakistan, in terms of Juvenile justice system Act, 2018, with regard to its legal foundation, institutionalization, and implementation. It postulates that the Act in its introduction of the progressive principles: diversion, rehabilitation, child-friendly procedures, and ban on harsh punishment is limited to transformational capacity due to structural weakness, institutional capacity, and inconsistent enforcement.

The paper examines the way the Act will change the juvenile justice paradigm to lessen punishment and more towards rehabilitation which includes alternatives to detention, specialized juvenile courts, legal assistance, and protection against abuse. Simultaneously, it also indicates that there are significant obstacles in the form of insufficient awareness regarding law enforcement agencies, insufficient juvenile rehabilitation infrastructure, delays in age identification, and discrepancies in the provision of protection irrespective of the area. Such implementation loopholes compromise the purposes of the Act, subject the juveniles to lengthy imprisonment, and procedural infractions, and other rights violations. Placing the Juvenile Justice System Act, 2018 in the context of the larger Nepal constitutional and criminal justice framework, the article shows that a reform of juvenile justice needs to go beyond just the legislative creativity. It finds that the effective implementation of the objectives of the Act would require long-term institutional change, judicial review, capacity-building of stakeholders, and a rights-based willingness to also view juveniles as

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objects of protection and not objects of control.

Keywords: Juvenile Justice; Juvenile Justice System Act 2018; Children In Conflict With The Law; Rehabilitation; Diversion; Child Rights; Pakistan Criminal Justice System; Juvenile Courts; Age Determination; Protection Of Minors

Introduction

How a legal system treats children who are at variance with the law is one of the most important indicators of the legal system in regard to its adherence to the human rights, social justice and constitutional governance. Juvenile justice is based on the understanding that underage people, due to their age, physical, psychological, and emotional maturity, should have a different legal system with a stronger focus on rehabilitation and reintegration instead of punishment. In Pakistan, during most of the legal history, young offenders were treated and sentenced like adults, subjecting them to incarceration, abuse, and long-term stigmatization. This punitive disposition was not only incapable of dealing with the real problems of juvenile offending but it also embedded patterns of marginalization and crime. The legislative act Juvenile Justice System Act, 2018 demonstrated a landmark effort to right these historical shortcomings and to institute a child-based justice system based on protection, reform, and dignity.[1]

The Juvenile Justice System Act, 2018 came out against the backdrop of an increasing national and international concern on how juveniles are treated in the criminal justice system of Pakistan. Before its passage, the legal protection of juveniles was inconsistent and uneven as it was frequently based on court whims and caprice as opposed to legally enforceable under the law. The issues that kept on reoccurring with juvenile cases were age determination, lengthy detention, lack of representation and being exposed to adult prisoners. These were very contrasting to the constitutional guarantees of equality, dignity, and fair trial, and the international commitments of Pakistan with respect to the rights of the child. The Act was aimed at sealing these loopholes by offering a holistic legal approach that is specifically designed to target juveniles with the main focuses on prevention, diversion and rehabilitation.[2]

The distinctive nature of the Juvenile Justice System Act, 2018 is that it clearly abandons the tenets of retributive justice in the name of restorative and rehabilitative ideals. The Act also acknowledges that juvenile crimes are frequently connected to socio-economic deprivation, a lack of education, instability within the family setting and exposure to violence, which cannot be tackled using punitive incarceration. The Act seeks to limit the use of detention and promote the results that will support social incorporation by implementing machinery like diversion out of formal trial, creation of juvenile court, banning of harsh penalties, and legal aid. This change indicates the changing concept of juvenile justice as a social intervention and not the legal reaction

[1] Shah, S. A., Balasingam, U., Salman, N. W., Dhanapal, S., & Ansari, K. M. (2020). Restorative juvenile justice system in Pakistan: An overview. *International Journal of Criminal Justice Sciences*, *15*(2), 266-282.

[2] Ijaz, A., Madni, A., & Akhtar, N. (2021). Implementation of Juvenile Justice System Act 2018: Prospects and Challenges for Pakistan. *Review of Politics and Public Policy in Emerging Economies (ROPE)*, *3*(1), 79-85.

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to crime.[3]

Nevertheless, the adoption of the Juvenile Justice System Act, 2018 has faced serious difficulties despite being progressive oriented. Police departments do not have much knowledge and training on juvenile-specific procedures, which leads to the continued use of adult criminal procedures. Lack of proper infrastructure of juvenile courts, rehabilitation centers, and probation services is one of the limiting factors of the practical use of alternatives to detention. The age determination is a very controversial and slow procedure, which exposes children to a long period of imprisonment as the disputes are solved. These deficiencies indicate the disconnect between the intention of the legislation and the capacity of the institutions, bringing the efficacy of reform efforts without systemic reinforcing them into question.[4]

The judicial system plays a pivotal position in determining the operation of the juvenile justice system. Courts have a responsibility of ensuring that juveniles are detected at the earliest, accorded legal protection and steered out of the punitive procedure where necessary. The Act has been interpreted by courts to ensure that child-friendly practices and adherence to the statutory provisions are practicalized. Nevertheless, irregular enforcement on the trial level and the inability to coordinate stakeholders still hamper the consistency of enforcement. This anomaly undermines the protective system that the Act was designed to create and continues to promote disparities in juvenile treatment, by region and socio-economic background.[5]

The article attempts a critical review of juvenile justice system in Pakistan with particular regard to Juvenile Justice System Act, 2018. It aims to discuss the legal basis of the Act, the evaluation of how it is applied in practice, and stipulates structural and institutional issues, which hinder its effectiveness. The study posits that a juvenile justice reform should not just be limited to a statutory establishment but also to institutional capacity-building, judicial vigilance and long-duration rights-based commitment to child protection against the law.

Literature Review

Much academic interest has been evoked by the juvenile justice system especially in jurisdictions that are struggling to balance criminal responsibility with the need to protect and rehabilitate children. The literature continuously underlines the fact that children, at war with the law should be approached in a fundamentally different way, with references to the principles of developmental psychology, social welfare, and human rights norms. There is an initial theoretical literature in the field of juvenile justice, which points out to the fact that punitive actions against juvenile offenses are not only ineffective, but rather counterproductive, which strengthen deviant behaviour instead of correcting it. This literature has influenced the development of the modern concepts of juvenile justice as a rehabilitative and restorative procedure, which is

[3] Dilawar, M. N. (2024). A Shariah Appraisal of Pakistan's Juvenile Justice Act, 2018. *Available at SSRN 4716168*.

[4] Qazi, S., & Khan, A. S. (2022). Juvenile delinquency, age of majority, and protecting juvenile rights in Peshawar: A legal analysis. *Pakistan Journal of International Affairs*, *5*(4), 494-513.

[5] Khan, S. (2023). Critical analysis of the juvenile justice system in Pakistan: Challenges & way forward. *KJPP*, *2*(3), 26.

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designed to reintegrate, but not to punish it.[6]

Within the Pakistani context, the lack of a coherent juvenile justice system engaged has been criticized in the academic literature before the establishment of the Juvenile Justice System Act, 2018. Historians records how the young people were regularly taken through the adult criminal courts, imprisoned in adult jails and were subjected to procedures that did not favor them in terms of age and vulnerability. Some of these issues include arbitrary age setting, absence of counsel, pre-trial detention, and in-custodial abuse, which studies have noted as recurrent. This literature characterizes juvenile justice in Pakistan before the year 2018 as disjointed, discretionary, and largely reliant on personal judicial sensitivity instead of legal norms that should be enforced.[7]

Much of the literature focuses on examining the responsibilities of Pakistan as a member of the international child rights instruments and how this has contributed to the juvenile justice reform in the country. Scholars underline that global norms on the rights of the child demand states to consider the best interests of the child first, detention should be considered as the measure of last resort, and the alternative to formal criminal proceedings should be encouraged. Comparative studies observe that the juvenile justice reforming of Pakistan was long due considering these requirements and that the 2018 Act is an effort to harmonize domestic law to the global expectations. Critical commentators are however warning that legal alignment does not necessarily equate to compliance especially in systems that have weak implementation capacity.[8]

The Juvenile Justice System Act, 2018 has created an increasing amount of legal commentary that evaluates its normative advantages and its practical shortcomings. The general reaction of scholars is complementation of the Act in its incorporation of diversion mechanisms, child friendly procedures, ban on harsh punishments and the introduction of the juvenile courts. Such provisions are considered as a radical move towards rehabilitative paradigm and acknowledgement of children as rights bearers. Simultaneously, critical commentaries note that most of the mechanisms in the Act rely on underdeveloped institutional infrastructure. It takes trained probation officers, input of social welfare and community-based programs that are either not easily accessible or not evenly spread all over.[9]

Another significant theme of the literature is judicial interpretation. The legal scholars review how the courts have been interacting with the act especially where it concerns age determination, bail, and detention. The superior courts are often said to have enforced the protective purpose of the Act by stating the strict adherence to the

[6] ur Rahman, M. (2025). *Shari'ah Appraisal of Juvenile Justice System Act 2018* (Doctoral dissertation, International Islamic University, Islamabad).

[7] Malik, W. A. (2019). The Juvenile Justice System and the Right to Dignity of Juvenile Offenders in Pakistan. *PLR*, *10*, 141.

[8] Jamil, M., Jehanzeb, R., & Alam, K. (2025). Application of Criminological Theories in Combating of Juvenile Delinquency in Pakistan. *Social Science Review Archives*, *3*(4), 454-463.

[9] 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).

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statutory securing and acknowledging the vulnerability of children. Nonetheless, research also indicates discrepancies on the trial level, in which unawareness, bureaucratic inertia, and confusion during the procedure lead to inconsistent application. It is this imbalance that highlights the greater issue of the literature that judicial pronouncements can be no more than a replacement of institutional reform.[10]

Empirical and policy based research also has an additional effort of studying the institutional issues of juvenile justice implementation in Pakistan. Researchers present the lack of coordination among police, courts, probation department, and child protection institutions as one of the significant barriers. Police departments do not always get the experience of working with juveniles, this is why they still use adult criminal procedures. There is a lack of adequate and sufficient numbers and capacity of rehabilitation facilities to provide alternatives to detention. These works indicate that the success of the Act lies in the establishment of the institutions that support it and their long-term political backing despite the excellent legal framework.[11]

Social aspects of juvenile justice, such as poverty, low education levels, family issues and exposure to violence among others are also discussed in the literature in relation to contributing to juvenile offending. Scholars say that meaning rehabilitation cannot be made without touching on these underlying factors, despite the legal reform. On this basis, juvenile justice is placed in a wider scope of social welfare and child protection, where inter-sectoral cooperation outside the criminal justice system is needed.[12]

Altogether, the literature indicates that there is a consensus that the Juvenile Justice System Act, 2018 is a progressive and a necessary reform, but the potential to transform is limited to the challenge of its implementation. The disconnect between institutional reality and legal promise is always highlighted by scholars, and there is a need to consider approaches that integrate both the legal protection and the capacity-building measures with judicial training and social support. The article expands the current body of literature by critically analyzing the Act as an institutional project with a history of long-term dedication to the child rights and rehabilitative justice making it a legal instrument.

Methodology

The research paper follows a doctrinal research as complemented by institutional and rights-based analysis to discuss juvenile justice system in Pakistan with reference to the Juvenile Justice System Act, 2018. The doctrinal approach is explicitly suitable since the juvenile justice system in Pakistan is mainly conceptualized by the legal provisions, the constitution and the judicial interpretation as opposed to the empirical

[10] Ali, R., Khan, A. H., & Rajper, S. A. (2024). Examining the Structural and Operational Shortfalls in Pakistan's Juvenile Justice System Act (JJSA) 2018 in Comparison to UNCRC. *Journal of International Law & Human Rights*, *3*(1), 90-104.

[11] Qazi, S., & Khan, A. S. (2022). Juvenile delinquency, age of majority, and protecting juvenile rights in Peshawar: A legal analysis. *Pakistan Journal of International Affairs*, *5*(4), 494-513.

[12] Qazi, S., Jan, M. U. H. A. M. M. A. D., & Hussain, N. (2023). Analysis of Juvenile Laws and their Protection of Juvenile Offenders in Pakistan. *Journal of Social Sciences Review*, *3*(1), 347-361.

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adjudicatory paradigm. This study is aimed at the examination of the text, structure and goals of the Juvenile Justice System Act, 2018 to evaluate the effectiveness of the document in terms of child-based justice paradigm articulation and the potential of the provisions to overcome historical inadequacies of the criminal justice system in terms of juvenile treatment.

The main sources of this study are the Juvenile Justice System Act, 2018, the provisions of the Constitution of Pakistan being relevant in this regard, as well as the decisions of the Supreme Court and the High Courts interpreting and applying the principles of juvenile justice. The legal rationale is studied to comprehend the way the courts have been handling matters like determining the age, bail, detention, diversion and rehabilitation of juveniles. A special focus is on cases where courts have focused on best interests of the child, the procedural protections and adherence to the protective mechanisms of the Act. The analysis will allow the study to identify the new trends within the judicial practice as well as gauge how judicial interpretation has strengthened or weakened the intentions of the Act.

Along with the doctrinal analysis, the institutional perspective is also included in the study to evaluate the practical performance of juvenile justice system. The issue of juvenile justice is scrutinized as both a legal system and a network incorporating police, prosecution, the judicial system, probation services, rehabilitation centers and child protection systems. The methodology thus takes into account the influence of institutional capacity, administrative coordination and awareness of the stakeholders in implementation of the Act. The legal analysis is contextualized with the help of secondary sources, including academic literature, policy reports, and child rights studies, to determine the common implementation issues, including inadequate infrastructure, inadequate training, and uneven enforcement into regions.

An analytical framework based on rights is applied throughout the research to assess the Juvenile Justice System Act, 2018 against the constitutional guarantees of dignity, equality, and trial fairness, and the general principles of child rights. The juvenile justice is evaluated not only based on compliance to the procedures but also based on the ability to ensure the safety of these children, discourage re-offending, and reintegrate them to the society. This methodology will attempt to give an in-depth analysis of the juvenile justice system in Pakistan by incorporating doctrinal and institutional approaches, as well as rights-based approaches to analyze the strength of the norms of the Act along with the structural constraints that hamper its successful implementation.

Research Findings

The Juvenile Justice System Act, 2018, as analyzed and applied in practice, demonstrates a contradictory picture with a progressive intent of the law and structural and institutional gaps. Among the most remarkable conclusions, it must be noted that the Act is an unmistakable change in the policy of dealing with juveniles in Pakistan, in the official recognition of children in conflict with the law as a separate legal category and granting it protection, care, and rehabilitation rather than punishment. The legal focus on diversion, ban of cruel penalties, kid-friendly treatment, and legal aid represent a clear break with the previous approaches when the juveniles were regularly brought to the adult criminal justice system. This change has

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increased judicial sensitivity of juvenile rights and has also given some legal ground to contest illegal detention and violation of procedures.[13]

One of the findings is associated with the age determination, which is one of the most debatable and time-consuming aspects of juvenile justice implementation. Although the Act is categorical that juveniles need to be identified at the earliest opportunity, age related disputes are common mostly as a result of absence of birth registration, poor documentation and inconsistency in medical assessment practices. Such conflicts tend to leave children in a long lock up in a normal police cell or even a prison pending age determination proceedings. The results show that age determination delays compromise the protective role of the Act and subject juvenile to the same harm that the Act was meant to stop. Though there has been the growing focus of the courts on the benefit of doubt favoring juvenility, inconsistencies in implementing the same in investigative and trial phases still undermine the timely protection in this regard.[14]

The other profound finding is with respect to the little use of the diversion mechanisms. Although diversion is a fundamental element of juvenile justice that is stipulated by the Act, in reality the implementation of this practice is unequal and underdeveloped. The police departments are also unprepared or untrained about the availability of such options as a diversion and still use formal arrest and prosecution even in low-level cases. Social welfare and probation departments that are important in determining eligibility to join the diversion program are often understaffed and under-resourced. Consequently, a large number of juveniles that would otherwise be diverted in their interests are needlessly put under trial and detention to the detriment of the rehabilitative purposes of the Act. This observation indicates that law provision is not enough in the absence of sociological capacity as well as guidelines of operations.[15]

The results also draw weaknesses in the institution and operation of the juvenile courts. Even though the Act envisages the possibility of having specialized courts that are well equipped to undertake proceedings that are child friendly, this does not translate into uniform availability of such courts in all jurisdictions. In most regions, the courts that have juvenile jurisdiction have not been trained or equipped to handle the cases, and the proceedings are similar to those of adult trials. This absence of specialization influences the way evidence is documented, the way bail is addressed and how the juveniles are treated in court diminishing the efficacy of the statutory protections. The lack of specific juvenile courts in some areas adds to unequal enforcement of the Act and reinforces unequal juvenile treatment.[16]

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[13] Haider, B., Begum, A., & Ali, M. A Critical Appraisal of Juvenile Justice System in Pakistan: Challenges and Way-forward.

[14] Ibrahim, A. (2025). Juvenile Wellbeing & Criminal Liability; An Examination on Systemic Inadequacies. *An Examination on Systemic Inadequacies (June 09, 2025)*.

[15] Hakeem, A., Aleem, A., Mushtaq, S. A., Shahab, S., & Javed, K. (2025). Pathways to Redemption: A Legal Analysis of Youth Rehabilitation Mechanisms in Pakistan. *The Critical Review of Social Sciences Studies*, *3*(1), 1748-1766.

[16] Nazim, M. F., Amjad, S., & Shahid, A. (2024). Juvenile justice reform: A comparative study of international practices. *PAKISTAN ISLAMICUS (An International Journal of Islamic & Social Sciences)*, *4*(01), 42-53.

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Another issue of concern is on detention practices. Although the act has focused on detention as a last resort alternative, juveniles are often detained because of absence of other facilities, delay in making the decisions about bail or because of administrative lethargy. There is a lack of adequate numbers and capacity of rehabilitation centers and borstal institutions which cause overcrowding and unavailability of education and psychosocial services. In other instances, the juveniles remain in places where they are being exposed to adult criminals, against the law. The practices do not only flout the letter of the law, but also flout the rehabilitative justification of the juvenile justice system.

The judicial intervention has also been significant in offering correction in the Act protections. Higher courts have stressed severity in adherence to juvenile justice protection especially in matters of age determination, bailing and the avoidance of cruel punishment. In a number of situations, juveniles have been ordered out of courts, transferred to relevant institutions, and institutional failure has been condemned. Nevertheless, the results indicate that judicial solutions tend to be reactive and narrow, compensatory, and focused on individual infractions instead of system change. Judicial direction to trial courts is still observed to be adhered to inconsistently especially in cases where there is no institutional support and administrative coordination.[17]

Lastly, the results reveal that the juvenile justice system has been shown to be affected by socio-economic factors. Marginalized juveniles are more prone to the lack of records, defense, and family support, and are susceptible to any violation of procedures and extended detention. Although the Act offers legal aid, there is no equality on access to quality representation. This gap implies that juvenile justice intersects with social inequalities overall, and it is necessary to adopt the combined strategies to include legal protection with social welfare assistance.

In general, the current research results suggest that the Juvenile Justice System Act, 2018 has provided the Juvenile Justice system in Pakistan with a solid legal base on which child-centered justice is to be implemented, yet its effects are limited by the gaps in its implementation. The shortcomings of institutional capacity, absence of coordination, and disproportionate awareness of the stakeholders remain in the way of achieving the goals of the Act. The results imply that the necessary juvenile justice change involves long-term investment in the institutions, training, and supervision to make the legal promise a lived guarantee of juvenile protection against children in conflict with the law.

Discussion

These results prove that Juvenile Justice System Act, 2018 is a major normative and legal step in the criminal justice of Pakistan, but there is a big gap between the promises on paper and the reality within the institutions. The main success of the Act is the fact that it did not adhere to the previously dominant adult-centric, punitive reasoning when it comes to the treatment of juveniles, and instead adopted a child-centered one, where the primary focus is on rehabilitation, reintegration, and

[17] Khan, I. A., Ashraf, C., & Manzoor, B. (2025). THE IMPACT OF TRAUMA ON JUVENILE OFFENDERS: A STUDY OF THE PAKISTANI JUSTICE SYSTEM. *ASSAJ*, *3*(01), 82-93.

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procedural protection. This has not just been a technical change, but it demonstrates a changing constitutional and moral realization that children have unique vulnerability and developmental needs that must be addressed through specific legal action. Nevertheless, the degree to which such a normative change is converted into actual change depends so much on institutional preparedness, administrative facilitation and internalization of the principles of juvenile justice by frontline operators like police, prosecutors and trial courts.[18]

One of the most crucial aspects that arise out of the analysis is that the success of juvenile justice reform can not be achieved in case of legislative design when the institutions that implement need to be structurally feeble or aligned towards adult criminal procedures. The most radical elements of the Act including diversion, child-friendly trial procedures, and detention as the last resort all assume the presence of trained staff, operational probation systems and sufficient rehabilitation centers. In the absence of these supportive structures or their underdevelopment, the legal system would be inclined to devolve towards older traditions of convenience, inertia and scanty resources. This leaves a scenario where the Act serves as a guiding document which is advocated primarily on a high court level, whereas the daily cases of juvenile delinquents at police stations and trial courts are handled in a manner of parallel handling of adult criminal cases.[19]

The determination of age presents the real frailty of juvenile safeguards. Effectiveness of the Act greatly relies on early identification of the juveniles, but due to the realities of documentation in Pakistan, including lack of full registration of birth and inconsistent record keeping, the issue of age disputes is common. In the process of age determination, the juveniles can be handled as adults, as to important parts of the process, such as arrest, remand, and initial detention. This is not a procedural delay, but could subject children to irreparable damage by being placed in adult custodial settings, using forceful interrogation and psychological trauma. Even though the role of age determinations in the court in adjudicating and in the application of benefit of doubt favoring the juvenility is being increasingly acknowledged, inconsistent enforcement of the same at lower levels implies that institutionalized habits and gaps in documentation of court proceedings weaken child protection.[20]

The scarcity of diversion and alternative to formal prosecution also indicates the clash between the rehabilitative philosophy and the institutional limits. The purpose of diversion is to avoid the formal criminal system of children who have been identified as potentially vulnerable to criminality, as it is acknowledged that early contact with detention programs and systems by adversary trial can support the formation of criminal identity and destabilize social development. However, diversion involves working cooperation: the police have to know and implement the courses of

[18] Riaz, N., & Amjad, S. (2019). The Status of Restorative Justice in Pakistani Legal System: An Analysis of Pakistani Laws with Special Reference to Certain Case Studies. *Restorative Justice in Pakistan*.

[19] Ali, F., & Taieb, M. (2021). Juvenile Justice System and the Rehabilitation of Juveniles in Mardan, Khyber Pakhtunkhwa, Pakistan. *Pakistan Journal of Social Sciences (PJSS)*, *41*(4).

[20] Majeed, M., Parveen, A., & Zahoor, M. A. (2024). The Role of Judiciary and Police in Juvenile Delinquency: A Comprehensive Examination. *Annals of Human and Social Sciences*, *5*(2), 194-204.

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diversion, probation officers need to determine the appropriateness, and the social welfare systems should facilitate the rehabilitative results. In areas where such mechanisms are flimsy, the use of diversion is usually under-explored and the juveniles are made to undergo formal trials, which they do not need. This not only overstretches the courts but also defeats the main rehabilitative point of the Act, and transforms juvenile justice into a delayed adult criminal justice, as opposed to a separate system.[21]

Implementation is also largely influenced by the availability and effectiveness of juvenile courts. Juvenile courts that are specialized are meant to offer child-responsive procedures and adjudication based on the best interests of the children. In those jurisdictions where this is not established or adequately resourced, adult courts hear children cases, which may not be training or resourced, may not have the right environment, and may not be flexible in its procedures. This is inconsistent with the child-friendly nature of the Act and most of the time leads to juvenile proceedings that treat the juveniles like regular defendants. The lack of dedicated judicial infrastructure is also a source of variability, in which juvenile protections will be based on the sensitivity of individual judges, but not on institution-based design.[22]

The issue of detention practices continues to occupy the key place in the debate due to the lack of correspondence between the principle in the statutes and the reality on the ground. The rights based approach to detention as the final option in the Act is an acknowledgement that detention is especially destructive in children. Nevertheless, underage criminals are kept in custody because they have no other choice, bail bonds do take time, and there is no rehabilitation center. Institutional scarcity even where there are progressive legal regulations requires that the system must revert to detention as a default. This does not only go against the objectives of the Act but also predisposes the chances of abuse, stigmatization, and recidivism. The argument has therefore brought out that legal change in the absence of institutions investment is paradoxical in that it creates symbolic protection at the expense of real change.[23]

Judicial review has been a significant factor in influencing the practice of juvenile justice especially via the intervention by the higher courts which focused upon adherence to the Act and safeguarding of the rights of the children. However judicial remedies are confined in their systemic impact in that courts are unable to create institutions, distribute resources, or provide administrative coordination. In places where executive agencies do not bring about rehabilitation centers, train police or enhance probation services, the judiciary is unable to execute the Act. This implies that the juvenile justice reform needs a robust executive ownership with the aid of

[21] Siswanto, M. A. (2025). Child Criminal Justice System in Islamic Law and the Convention on the Rights of the Child: A Comparative Study Between Indonesia, Iran, and Pakistan. *KnE Social Sciences*, *10*(28).

[22] Sajid, I. A., Ahmed, S., & Ashiq, U. (2021). Perceptions of Probation Officers about Juvenile Justice System in Khyber Pakhtunkhwa, Pakistan. *Pakistan Journal of Criminology*, *13*(4).

[23] Haq, Z. U., & Muhammad, S. (2026). Juvenile Delinquency among Afghan Refugee Communities in Pakistan: Causes, Patterns, and Policy Responses. *Pakistan Journal of Criminology*, *18*(01), 01-12.

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legislative control and long-term funds.[24]

Lastly, the discussion points out that juvenile justice cannot exist outside the wider socio-economic realities. A number of juveniles that run into conflict with the law are influenced by poverty, lack of education, family instability, and violence. A youthful criminal justice system that is limited in perspective, that is, only dealing with legal systems without incorporating social welfare measures, runs the risk of curing symptoms and not the causes. It is proper that effective juvenile reform entails inter-sectoral partnership involving the criminal justice, education, child protection and community support systems. The Juvenile Justice System Act, 2018 offers a relevant legal framework, yet its opportunities will be achieved only in case Pakistan perceives the juvenile justice as the comprehensive child protection initiative, not as a minor procedural transformation.

Recommendations

To implement a positive change in the Juvenile Justice System Act, 2018 to realize the desired objective of changing the attitude of Pakistan towards children in conflict with the law, reforms should not just be transformed on paper but address long-term institutional, administrative, and social transformation. The primary and most urgent suggestion is the enhancement of the mechanisms of early identification and age determination. Proper and prompt identification of juvenility is the pathway via which all the other safeguards provided in the Act are implemented. The law enforcing bodies should be obliged to make age determination a priority exercise during the arrest and not a controversial subject that is awaited till later in the proceedings. Institutionalization in form of binding rules and training programs should be required in terms of standardized procedures in assessing age, well operated timelines of medical and documentary verification and the need to apply the benefit of doubt in favor of juvenility. Unless timely delivered, juveniles will be left to face the adult criminal procedures, which makes the protection system of the Act useless.

Second, the diversion mechanisms should be institutionalized as the core of the juvenile justice but not as the alternative. Effective training of police officers, prosecutors, and probation officials to adopt principles of diversion, criteria of eligibility, and procedural safeguards should be structured in order to meet consistency in their application. They should also promote diversion using functional probation and social welfare services that would have the capability to make assessments, check compliance and rehabilitate the criminal. Without such support, diversion may only have been an ideal but not a practical way out. The will of the legislature must be thus met with administrative outlay on human capital and community based programs that have the potential to offer viable alternatives to prosecution and detention.

Third, special juvenile courts should be introduced and reinforced. The juvenile courts should not just be on paper, but be furnished with trained judges, kid friendly atmosphere, and streamlined procedures according to the needs of the children. The judicial training must focus on child psychology, rehabilitative justice, and the best

[24] Iqbal, K. (2009). Judging Juvenility: Determination of age of Juvenile Offenders under Pakistan's Juvenile Justice System. *Pakistan Journal of Criminology*.

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interests of the child so that the judges can be in a position to exercise discretion in a manner that fits the objectives of the Act. In areas where it is not yet possible to create specialized courts, special juvenile benches that are required to undergo some kind of training and implements specific procedural policy should be put in place so as to provide minimum levels of child-sensitive adjudication.

Fourth, detention will have to undergo reforms so that it is strictly adhered to the concept of deprivation of liberty as a measure of last resort. Bail policies must be done with rights sensitivity, especially when the juveniles are charged with minor crimes or when the postponement in trials can be blamed on institutional inefficiency. The number and capacity of rehabilitation centers and borstal institutions should be increased so that the juveniles who need any custodial action are put in places where they can be taught, counseled and reintegrated instead of punishing them. Their continued presence in adult detention facilities of juveniles should be addressed as a hate crime against statutory and constitutional responsibilities, and be subject to administrative responsibility.

Fifth, legal assistance and representation of juveniles should be enhanced and should be practiced as opposed to being just in principle. Proper legal representation is very essential in facilitating early detection, bonding, diversion and guard against procedural abuse. Special child-rights and juvenile justice courses should be designed by the public defender systems, bar associations and legal aid authorities to provide juvenile defense services through lawyers trained in child rights and the juvenile justice process. In the absence of able representation, the juveniles, especially those of the disadvantaged backgrounds, are susceptible to rights abuses even with the existence of protective laws.

Sixth, coordination and accountability mechanisms that exist between institutions need to be improved. Juvenile justice has numerous players that include police, prosecution, courts, probation services, social welfare agencies and child protection institutions. To avoid the delay of the process, the fragmentation of the procedures, regular coordination forums, shared data systems, and the proper distribution of responsibilities are necessary. Surveillance agencies should also be formed or enhanced to control the adherence to the Act, gather information about juvenile cases, and bring to light systemic malfunctions. Open reporting and legislative control can also help to see that juvenile justice reform is a long term policy agenda and not a figurative pledge.

Lastly, the idea of juvenile justice reform should be combined with the more general social welfare and child protection measures. There are structural factors that force many juveniles to join the criminal justice system through poverty, lack of education, family instability, and impact of violence. To resolve these underlying causes, it will take cooperation outside of the justice sector, and juvenile justice will connect to education, mental health services, community support, and social protection programs. Juvenile crime can also be reduced by preventive interventions of children at-risk and lead to better rehabilitative effect of the justice system. The Juvenile Justice System Act, 2018 has a good legal basis, but the success will eventually be based on the determination of Pakistan to make juvenile justice a child rights initiative that is based on dignity, rehabilitation, and social reintegration in the long term.

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Conclusion

The Juvenile Justice System Act, 2018 is one of the most prominent legislative attempts of the legal history of Pakistan to transform the way in which children in conflict with the law are treated as well as to harmonize the domestic criminal justice practices with the constitutional guarantees and the principles of the child rights. The Act signifies a sharp change in the previous punitive and adult-focused strategies by formally accepting juveniles as a different legal category that should be protected, rehabilitated, and accorded respect. Its focus on diversion, child-friendly practices, outlawing harsh punishments, legal help and detention as the final option is an indication of a shifting concept of juvenile justice as a rehabilitative and restorative process and not a punitive tool.

Nevertheless, this paper proves that the transformative power of the Juvenile Justice System Act, 2018 is limited by ongoing issues with implementation. Although the legal framework is progressive and rights-oriented, institutional loopholes, low awareness of the stakeholders, lack of proper infrastructure and unsteady enforcing still continues to thwart its goals. Delayed age establishment, poor use of diversion, ineffective juvenile courts, and use of detention among others subject juveniles to extended exposure to the criminal justice system and in some instances, to conditions that are neither compatible with the protection and growth. These loopholes indicate that a reform in the law is not enough on its own.

The judicial intervention has served as a significant corrective measure to support the protective purpose of the Act especially in insisting upon the rigorous observance of the juvenile protections and the fact that children are vulnerable in the criminal process. However, the judicial solutions are still mostly reactive and case-built and cannot replace the long-term executive dedication, administrative alignment and institutional establishment. Even the most liberal judicial interpretations can hardly have an effect in the context of poorly developed police, probation services, rehabilitation facilities and legal aid systems.

The discussion also reveals the fact that the juvenile justice can never be successfully reformed without the comprehension of the deeper socio-economic realities. Most of the juveniles who end up in conflict with the law are influenced by the poverty, lack of education, family instability, and social exclusion. A justice system that orients solely on procedural adherence and lacks social welfare and preventive measures is likely to recreate the same conditions that cause juvenile offending. The comprehensive approach that brings together legal protection and child protection, education, mental health care, and rehabilitation in the community is thus essential as far as meaningful juvenile justice reform is concerned.

To sum up, the Juvenile Justice System Act, 2018 offers a solid normative and legal basis of child-centered justice in Pakistan, and its potential will only be fulfilled with the help of long-lasting institution reform, effective implementation, and a serious approach to the rights-based commitment on every level of the justice system. The manner, in which the juveniles are treated as an object of protection rather than an object of punishment, is not only a legal requirement, but a respect to the society of dignity, regardless of equality as well as the future of their children. It is only through translation of the intent of legislation into practice that can Pakistan create a juvenile justice system that will really serve the best interest of the child as well as enhancing

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the rule of law.

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