

**International Criminal Justice System and its Implementation in Pakistan**

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**ABSTRACT**

*Although criminal justice was always viewed as a state-level issue, it was always viewed as justifiable under the sovereignty principle, which prevented states from adopting international standards. Sovereignty barriers began to fall as a result of an increase in the importance of sharing experiences, growing admiration for human rights, and the necessity to bring international crimes to an end. International legal principles were able to more fully infiltrate the domestic legal system. International criminal law is a subset of international law that focuses on holding individuals accountable for grave violations of international humanitarian law (ICL). As a result of World War II, the idea of blaming people rather than governments for human rights abuses became more popular. This field of international law deals with transnational crimes such as war crimes, crimes against humanity, aggression, and genocide. According to a number of international treaties, such as the Geneva Convention, infringements against international humanitarian law must be prosecuted by High Contracting Parties under the Universal Jurisdiction principle. International criminal treaties and customary international law recognize the rest of the egregious violations of International Humanitarian Law (IHL) as war crimes. Numerous IHL difficulties can be illuminated by international criminal tribunals. Military tribunals and conventional courts, as well as internationalized or mixed tribunals, as well as international ad hoc tribunals and the International Criminal Court now implement the existing system of international criminal law (ICC). In this work, the researcher hopes to identify a few of these quirks. It is the objective of this article to highlight the present examples of the application and recognition of international criminal law in Pakistan, and to assess how the ICL has become significant at the domestic level in Pakistan for the purposes of bringing international crimes to a close.*

**Keywords:** International criminal justice system, international crimes, Genocide, Convention, IHL.

**INTRODUCTION**

Possibly the most significant achievement in public international law since the Cold War ended in 1990 is that of the creation of International Criminal Law (Khan, Raza, & Naseer, 2021; Mégret, 2016). There has been a tremendous development and rise in international law and organizations over the past two decades in both a substantive

criminal law and the tribunals, starting with the Yugoslavia tribunal and culminated in the International Criminal Court (ICC) (K. J. E. J. o. I. L. Anderson, 2009). The basic premise for defining an act as an international crime is that the perpetrators of any atrocity committed while acting within the scope of the act's universal jurisdiction must be held accountable and punished. The upshot of this would be that any state would be able to or even obliged to bring those alleged offenders to trial, even if there is no relationship between the alleged and the State with jurisdiction.

Despite the many implications for other areas of global regulation, the rise of global criminal regulation has been nothing short of spectacular. In some cases, some of these effects were foreseeable, while in others, they were completely unexpected. Laws of armed conflict in general, as well as views on the United Nations (UN) as an institutional and hierarchical framework, are among the areas of international regulation affected (Cronin, 2002). Separating them is a means of cutting across a diverse group of people in a short period of time. Accordingly, it's important to note that this type of law-and-regulation mix has significant implications, both within its own circle of movement and across the world's legal and political landscape. The narrative bounces fast from one oddity to the next, rarely devoting much time to any one idea. It makes no attempt to bring them together other than through their connection to international criminal law. For what it's worth, the movement, international criminal law as friendly practice, and the real law all have a lot in common. It's a bold evaluation in a short amount of time. Observing how this burgeoning field of global criminal regulation affects various scenarios is helpful in this regard.

Following the end of the Cold War, International Criminal Law has experienced a dramatic increase. A new era of accountability has been declared by the United Nations. ICL's justice features remain unexplored because of historical reasons like selectivity or victor's justice, which have never been totally eradicated. In socio-legal studies or globalization discourse, various criticisms have emerged, demonstrating that reality and anticipation are significantly different. These objections are examined in *A Critical Introduction to ICL*, which links legal theories, case law, and practice to academic scholarship and public opinion. International criminal law is applied to criminals and wrongdoers who conduct such acts, and they are held accountable for their actions individually.

- International crimes and criminality's ever-changing contours
- Obstacles exist in both domestic and international legal systems.
- The fundamentals of the law.
- Restitution and punishment strategies

## **International Public Law**

In general, international public law oversees the actions of governments and their interactions with one another and with other citizens. International law refers to the corpus of law that results from the interactions between countries. State and international organization actions, rights, and obligations, as well as state-to-state relations are governed by PIL's core ideals and rubrics. All of PIL's rules and regulations are focused on the rights and obligations of sovereign states. The United Nations Charter, for example, serves as a primary PIL tool (Crawford & Brownlie, 2019). It examines how nations engage with one another and, to a lesser extent, how nations interact with persons, businesses, and other kinds of legal entities (Sajid Ali, Daud, & Ibrar, 2021; Shujahat Ali, Khan, & Aftab, 2021; Ibrar, Kakepoto, Manzoor, & Khan, 2022; Ibrar, Mi, Karim, et al., 2018; Ibrar, Mi, Mumtaz, Rafiq, & Buriro, 2018; Ibrar, Mi, Rafiq, & Ali, 2019; Khan, 2020; Khan, Hamza, & Ali, 2021; Khan, Khan, & Bhutto, 2022). A primary goal of IL on crimes was to criminalize specific types of activity and to hold the perpetrators accountable for their actions.

## **International Criminal Law in Other Countries (ICL)**

PIL's subset of international criminal law is the most important component of these materials. International law usually focuses on the relationships between states, whereas international criminal law concentrates on the crimes committed by specific individuals. Instead of governments or organizations, individuals are held accountable to ICL, which prohibits and punishes actions defined as crimes by international law. There are some traits that are neither typical nor universal in this early body of law although the ICTY's legislation includes several aspects that are unique to its jurisdiction and do not represent International Customary Law, the ICC's law is also distinct from the ICTY's legislation. Hybrid and global courts like ICTR, ECCC, SCSL, ICT/ICC and SCSL have jurisdiction over these offences: international crimes. In this category include crimes against humanity, including genocide and war crimes, as well as aggression. Any international crime that does not include genocide, crimes against humanity or war crimes is not included in this definition (whether or not they are also criminalized in the national laws of BiH, Croatia, or Serbia). Laws and methods related to ICL are also discussed.

It's worth noting, however, that the focus on individual criminal liability by international criminal law may have the unintended consequence of reducing consideration for other laws of war, as well as criminal danger for individuals (Bergsmo & Yan, 2012). The Geneva Conventions' key breaking arrangements, which are tiny in comparison to the total regulatory collection, pay little attention to individual unlawful or criminal liability. Despite the fact that Protocol-I expands the major disruptive arrangements, they are not enormous. In fact, even the ICC's Statute law of Rome's important crook provisions are an unusually particular expurgation of war-related difficulties. On the surface, many situations that appear to be outside the scope of individual criminal culpability are covered by the full set of legislation (Cross, 2010).

Nonetheless, one can argue that, all things considered, we should acknowledge that the law of war isn't primarily concerned with the possibility of death or destruction. In general, this has to do with the social grouping of conflict, whether or not culpability is involved. The conflict between groups was facilitated by the structure of the laws of war. Regulating conflict by resolving it among groups has been overlooked in our current emphasis on obligation and individual criminal culpability, in particular. This

gets the message across quickly and succinctly. Due to Eric Posner's emphasis on duty, it has been stated that correspondence as the theoretical basis for war's contract serves as responsibility triggers for those who violate the rules of war (Simons & Peterson, 2000).

The concept of risk can be approached in a different and, in my opinion more enticing manner. Classified standards convey an authenticity to correspondence that elevates the mere threat of counter into a self-restricting response. This authenticity should be perceived as ashore rather than in immediate danger of discipline (Bhatnagar, Misra, & Rao, 2000).

As a result, the law of war as a form of social relationship should be readily apparent as being based on authenticity and hence characterized by means of instructions. An obligation is a demand on the verge of necessity, and implementation, however disguised, is not as important, from the perspective of Weberian authenticity, as in marking an agreement. While an acknowledged collective set of authoritative standards is important (from a distance, in a sense), it is a common routine of rules (disguised in Weber's social sense) that is vital to ensuring that the laws of battle are genuine systems rather than simply a collection of behaviors. Putting too much emphasis on the requirement component of authorization risks losing the association with authenticity on which the law of equipped conflict and adherence to it may lie for the most part. Regardless of the circumstances, courts are all about accountability (Roberts & Palmer, 2005)

As a result, the focus on individual accountability diverts attention away from where it should be when it comes to understanding the nature of social action on groups. Realistically, it's an idea founded on what we know about rights, but it can lead to a misunderstanding of war and the action that goes along with it. A law based on individual rights ignores the issue of groups and parties to a conflict in favour of distinct rights and individual accountability, however, because war is a group activity rather than an individual activity.

### **ICL's Sources**

For the most part, international law (IL) is referred to as the Law of Nations and Public International Law, respectively. It is the set of rules that govern the conduct of autonomous nations in their dealings with one another that is called international law. Unlike PIL, ICL is a subset of international law, and its sources are mostly identical. International law refers to the set of principles that govern the conduct of sovereign states in their relations with each other. There are numerous treaties, international customs, and widely established legal theories that form the basis of it. The International Criminal Law (ICL) controls the investigation, prosecution, and punishment of crimes that are considered important. They are the methods and technologies that are utilised to establish the worldwide standards and models (Ní Aoláin, 2014). There are five additional places where ICL can get information about international and criminal courts:

- The Conventions of International Law
  
- The Typical ICL.
  
- Principles of law as they generally exist (international criminal laws)

- International Courts' judicial rulings
- Expert jurists' works on the subject of law

The sources of law may occasionally come together and interact dynamically. One way or another, international customary law may be reflected, transformed, or influenced by a treaty. International and hybrid tribunals, which may incorporate treaties as well as its own foundational documents, rely on agreements and treaties as the foundation of ICL (Bassiouni, 2008). It should be noted that ICL's five primary sources all agree with the following conventional expression of international law sources found in Article 38(1)(a) of the Statute of the (ICJ):

Both broad and specialized agreements that establish rules that the competing countries agree to abide by second-tier sources for establishing legal norms, such as the advice and opinions of the world's best publicists and jurists.

As a signal of a worldwide practice that is supposed to be an act of international custom national criminal jurisdictions place different weight on these evidence sources, hence their significance varies from country to country.

International criminal law is based on national legislation in many countries. Even if foreign crimes are handled by specialized courts or conventional courts, the national legal system can still provide a problem. Typically, international offences are crimes *mala in se*, which means that they can be tried as separate offences under a broader, all-encompassing indictment (Philippe, 2006). Treaties and customary international law aren't an option here because they rely on indirect sources. However, some courts only have the ability to apply treaty law and not customary international law, while others have both. These sources can be used in various ways by different courts. Take a look at this scenario: International law sources may not be essential when the content of the appropriate state regulations and legislation, as well as incorporated or otherwise legitimate IL, are well understood by the national courts.

IHL can be proven by interstate legislation and judgements, but international tribunals do not automatically apply them.

The Rome Statute, Elements of Crimes, and Rules of Procedure and Evidence serve as the cornerstones of international criminal law.

### **Humanitarian, Criminal, and Human Rights are Connected by International Humanitarian Law.**

Humanitarian laws and basic human rights are intertwined with global criminal control. The strengthening of fundamental freedom guidelines around the world has a significant impact on the protection of human dignity by altering the relationship between government-run administrations and the general public and making experts more accountable for their actions. In the creation of International Criminal Law (ICL), humanitarian law and human rights legislation were both involved (Grewal, 2010; Khan, Hamza, et al., 2021). Both of their actions continue to have an impact on how it is interpreted and used. Furthermore, the major difference between ICL and other legal systems is that ICL focuses on individual criminal culpability for

international law violations. It is in the area of human rights law that conflict parties, nations or governments are held to account.

Humanitarian law and the International Humanitarian Law (IHL) are interwoven. For example, the International Court of Justice has ruled:

- There are exceptions, such as those found in Article (4) of the International Covenant on Civil and Political Rights, where the protection provided by fundamental freedoms appears to end (Kehris et al., 2017). Wartime regulations and practices, known as "compassionate regulation," were designed to protect civilians in the event of armed conflict.
- The International Crimes List (ICL) currently lists numerous violations of globally beneficial law as atrocities. International humanitarian law can aid in the interpretation of ICL, but the two types of legislation should not be confused because of the differences in how they are understood and applied. Humanitarian law is more comprehensive than ICL, and not all violations of international humanitarian law are considered atrocities.
- Furthermore, even if they are considered war crimes under customary law, not all violations of international humanitarian law contracts are illegal. Because international humanitarian law is focused on nations and warring parties, it's not as applicable to civilians as it is to soldiers. IHL law is based on treaty law and is meant to protect the fundamental rights and liberties of all persons. Human rights violations against individuals and groups living on nations' territory prompted the creation of ICL in part.

It is common to use the term "international human principles" to refer to studies on basic liberties that either restrict or do not restrict. The prosecution of genocide and crimes against humanity was impacted by human rights norms. Classifying or making valid promises is done by restricting reports, while non-restricting archives known as sensitive regulation provide norms of direct (International Human Rights Standards: a tool for Pakistan's criminal justice system, 2021) (International criminal court of law statutes have undoubtedly been influenced by human rights laws and standards, and judges have interpreted ICL substantive law and processes in light of human rights law. Human rights obligations at the international level, on the other hand, are usually imposed on states rather than an individual. It is up to the states to decide how to carry out their common rights obligations and deal with violations of human rights committed by the states themselves. In addition, ICL does not protect all of your rights. Human rights commitments may be utilized as a substitute when states are unable to meet their responsibilities (Rana, Imran, & Murtaza, 2022). Despite the fact that criminal prosecutions may be traced back to the 17th and 18th centuries, International Criminal Law (ICL) is a relatively new branch of international law that gained traction with the approval of the Rome Statute.

The bill has not yet been enacted, and numerous states have raised concerns about the ICC's procedure.. After World War II, a number of international tribunals were established to prosecute war criminals, including the Nuremberg trials and the International Criminal Court (ICC). Aside from that, prosecutions were roundly criticized by both the accuser's and prosecutor's states. In reality, all of the cases were brought on a partial basis. As a result, only a few high-profile indictments, including those against former heads of state, were made public until the end of the twentieth century for alleged atrocities such as massacres, war crimes, and crimes against

mortality. While many countries have refused to ratify the International Criminal Court due to a variety of reasons, the court's authority is among the most essential.

The ICC's universal jurisdiction and other related notions that allow a state to operate outside of its jurisdiction have caused the most concerns, even though they are not controversial in and of themselves.

### **ALTRUISTIC AND MUTUAL BENEFIT REGIMES**

After World War II, international criminal law was established in a unique way. Only international trading systems and the World Trade Organization (WTO) can be claimed to compete or overshadow it. International Trade Organization (WTO) has been successful in setting global trade rules and gaining significant authority to enforce its adjudicatory mechanisms in order to defend the common good against desertion and free-riding (VanGrasstek, 2013). At the time of this writing, the globe is on the verge of a major worldwide economic downturn. Even as nations resist the costs, global free trade remains an activity with shared objectives.... The methods for building up impartial adjudicatory power and substantial exchange regulation are among the most important aspects of striking international trade associations. A round of common advantages, with various rounds of play, in which the coordinators regard themselves as individuals benefiting from collective effort is how they see it (K. J. E. J. o. I. L. Anderson, 2009). It is clear that even people who are imperfect or seek to supplement their lift understand the most important reason for the arrangement of earnings from trading and the idea of obtaining those additions through aggregate action. Without these benefits, ICL has typically developed. The concept is developed as a result of the global trade.

Only those countries that are wealthy, industrialized, stable, and elected are targeted by the International Covenant on Civil and Political Rights (ICCPR). The International Criminal Court (ICC), international tribunals, and the International Criminal Tribunal for the former Yugoslavia (ICTY) all have a significant impact on international law and community sanctuary circumstances. Whatever their intellectual merits, these approaches must be viewed as a stretch, at least in light of how the real world evaluates reimbursements for commercial transactions. As long as there is political stability and economic prosperity, the issue before the ICJ can be universally defined (Hampson, 2008). There is a growing acceptance of the international rule of law and the role of international courts in deciding specific situations, which are becoming more and more commonplace. When it comes to dealing with the unstable global globe, the ICC and global criminal regulation are almost always seen as attempts to help the unsteady, regardless of whether they are marked all inclusive warmly or strategically. Since the founding of the United Nations in 1945, the Security Council and UN collective security were established. In the United Nations, like in the original 1945 idea of collective security, there are both providers and consumers of security, as Paul Kennedy has noted (Peace and Security) (K. J. C. J. I. L. Anderson, 2009). In practice, hybrid tribunals of local and international justice aren't as clearly divided as in the early stages of their development; yet, their duties remain distinct.

ICL's development as a component of international governance was not particularly fertile or productive in terms of International Relations theory's incentives and disincentives. Altruism-based regimes of order are seldom very promising, at least if they require a lot of money to implement.

## **ICL as Substitute to Intrusion**

However, stating that something has arisen does not answer a crucial question. As a result of this investigation, we hope to learn more about the connections and outcomes between global felonious regulation and global governmental issues and particularly the legislative issues related to the use of power. Since extraordinary powers regarded it an alternative to more aggressive action in cases of massive rights violations - but were unable to perceive their unique advantages in mediating directly - global criminal regulation evolved as part of the process. Global criminal regulation can be viewed as a political or un-opinionated endeavor to ensure equal treatment for all (Rana et al., 2022).

Supporter governments and celebrities who sought to avoid mediation in the conflicts in Yugoslavia contributed in some way to the ICTY's formation. There was little doubt that the presence of the court made the Yugoslav butcher both clearer and harder to ignore as a spectator at that point. In any case, one of the main goals of some people at the beginning of this new era of international regulation was to include the guarantee of criminal arraignment as a strategy choice to coordinate mediation, with the goal that a planned ramification (as far as some might be concerned, at least) of this new action was to reduce the strain to intervene. Those entertainers today risk delivering an atmosphere that is actually more OK due to the possibility of intervening, as it is supported by organizations of equity that appear to be moderately unbiased (Haney, 1996).

What this means is that global criminal councils must be able to operate independently from the rest of the United Nations, which was never clear to begin with, but is now becoming more and more apparent as a result of this demand. Regardless of the outcome, a sizable number of states in the UN General Assembly would vote to protect Sudan. Obviously, this is something that everyone has been aware of, and it is taken into account by both the investigator and the court at the ICC. It's an open question whether the world's criminal legal advisors consider this freedom and juridical space sacred.

## **Pakistan's domestic and international legal systems**

### **The Law as a Rule of Conduct**

Pakistan's courts are constrained by two factors in their adoption of international regulations. Dispute over a law or rule passed by Parliament is the first example. Thereafter, there is a restriction imposed by Islamic Law (Shariat) and required by Pakistan's Constitution. The idea of the Rule of Law has deep roots in the sociopolitical, popularity-based practice of law. Rule of Law, however, does not have a definite definition and is made up of different obligations made by the public power and its citizens. Most of the time, the Rule of Law upholds the following: Key, prominent people should not operate in an arbitrary, haphazard, or tyrannical manner based on their personal preferences or philosophical leanings, but rather within the strict framework of public regulations. In general, government should follow a defined system in all of its actions, remaining accountable through regulation when activities demonstrate and surpass force.. Regardless of whether or not they agree with the norms, residents should uphold and adhere to the law. Resident's liberties and responsibilities should be respected, even in the face of adversity. To help residents better understand their rights and responsibilities, regulations should be standardising



and open to the public. To keep up with awards, address questions, and protect them from misusing confidential or public power, legalised establishments should be accessible to the general public. Since the legitimate leader's impartiality and independence are essential, so too is ensuring that government officials are committed to doing their jobs honestly and fairly. Although Albert Venn Dicey created the phrase "law and order," it is largely accepted as a dominant articulation of its boundaries, which have been duplicated in large part above (Waldron, 2016).

Dicey's advice implies that the rule of law is derived from the people's use of privileges rather than a written report, and hence the role of the courts is essential in enforcing the law (Waldron, 2016). If there is a willingness to protect individual freedom legally in the general public, courts may be a superior source of such assurances. All of these principles are in complete agreement with the idea of a rule of law. There are exceptions to this rule, but they don't limit the precise rights granted to those under the umbrella. Because of this, they aren't constrained by degree or start point (Walters, 2020). People's privileges and the Rule of Law can be found in a home-grown legal structure if global regulation is not banished as a source of privilege. Internal Rule of Law expresses that the sources of regulation are usually changed to focal and common constitutions and resolutions, as well as the statute of the courts (Waldron, 2016). This list isn't exhaustive, and in reality, local or foreign rules, social norms or strict standards, and global instruments and standard regulations all contribute significantly to domestic regulation and people's perceptions of their own freedoms and liberties as well. From 1648 until the present, around 180,000 transactions have been governed by global regulation. Nine international treaties, notwithstanding the fact that several of these settlements provide specific freedoms either directly or by implication, focus on the central system of common liberties inherent in worldwide regulation:

- No Tolerance for Discrimination on the Basis of Race
  
- Civil and Political Liberties and Freedoms
  
- Consensus on economic, social, and cultural freedoms.
  
- Discrimination against Women must be eliminated.
  
- Convention on the Prevention of Cruelty to Animals and People
  
- Migrant workers and their families' rights must be protected at all times.
  
- The protection of children's rights
  
- Protection of Individuals Against Forcible Disappearances

Disabled people's rights must be protected There are hundreds of multilateral treaties and thousands of bilateral treaties, MoUs, and other agreements that Pakistan is a signatory to.

Pakistan is a signatory to seven fundamental freedoms treaties, including the International Covenant on Civil and Political Rights (ICCPR) in the Fundamental Rights part of Pakistan's Constitution. As seen by the sheer number of international instruments in which Pakistan is a participant, the overall guideline should not be minimized. A genuine wellspring of guidelines to be seen as in implementing the Rule of Law is absent from general guidelines. Among other things, Pakistan's Constitution defines existing regulations as all regulations in force in Pakistan or any part thereof or with extraterritorial legitimacy (such as orders-in-council, orders, standing rules, guidelines, and Letters Patent containing a High Court, and warnings and other legitimate instruments with the power of regulation) (Sheikh, Khan, & Khan, 2017).

However, even if global regulation isn't explicitly included in this definition, the idea should nonetheless be kept in mind throughout the article. For the unequalled legal executive, there is also no serious hindrance during their promises of office, where they are devoted to fulfilling their responsibilities in accordance with Pakistan's Law and Constitution. A regulation's use only conveys the implication that it may be assigned to in various sections of the Constitution or in a regulated arrangement. What this means may be demonstrated by the meaning of current regulations, which are already in place. However, it is not exclusive, and as a result, existing adjudicators can freely consider global regulation through a wellspring of regulation when releasing their obligations. Individuals have absolute faith in Allah Almighty that this country's wealth has a divine origin. It entails the full implementation of the Constitution's great standards, as well as the preconditions for regular equity. It is clear that a judge's pledge implies complete compliance with the Constitution and the law. To a lesser extent, this selection demonstrates that Pakistani domestic regulation is determined by divine standards and general notions of regular equity. This understanding is not hindered by adherence to the Constitution and its implementing regulations. It appears that any regulations implemented into a homemade system should function in accordance with the current constructions.

### **The Domestic Rule of Law will be continued by International Law**

Pakistani law is not unfamiliar with IL. Many sections of domestic law text are nearly identical to IL. A number of clauses found in international law are repeated in the Constitution's chapter on fundamental rights.

### **IL and Pakistan's Domestic Law in the Legal Framework**

With Pakistan's National Law incorporating International Law, Article-97 of the Pakistan Constitution defines the extent of the Federal Administration's power. Actually, this article states that the Federation's leader authority will extend to the issues addressed by the Majlis-e-Sheoora. As established in the Constitution's Fourth Schedule, Pakistan's parliament is capable of enacting legislation, including restrictions on privileges that extend beyond Pakistan's boundaries (Rana et al., 2022). According to the Fourth Schedule, some of the most relevant sections are as follows:

- Outer undertakings, such as the implementation of plans and plans,

- Including settlements and arrangements for educational and social purposes,
- It includes the acquiescence of lawbreakers and charged people, as well as the removal from Pakistan by other nations.
- Global mediation and international treaties, exhibitions, and agreements The Supreme Court ruled that the Federal Government can exercise chief authority to endorse a treaty under Article 97, but not the ability to administer, a responsibility that stays with Parliament. Additional regulations can be made on the Federal Legislative List under Article 142(a).

To the extent that courts continuously decipher the legitimate status of an arrangement, the privileges and commitments arising directly from global instruments may not shape a legal basis for activity in domestic courts except if administratively taken on. According to this theory, homegrown courts are inherently constrained in their ability to tolerate an activity that originates from local legislation. Article 175(2) appears to indicate that the courts will have no wards until they are provided by the Constitution, which may or may not be the case. As an example, Pakistan's constitutional need to protect fundamental liberties, as well as problems of public importance, stems from Pakistan's international obligations.

An important right may be more significant in a ruling if it considers the state's worldwide obligations and the bounds of such privilege in settlement agreements. Furthermore, the Supreme Court of Pakistan concluded in *Al-Jehad Trust v. Alliance of Pakistan* that the fundamental rights enshrined in the Constitution truly reflect those set forth in the U.N. (UDHR) (Rana et al., 2022).

It is possible for the High Court's interpretation of the preceding item to put liberal development as the last option if there is no irregularity between the two items, so long as the comity of countries is not violated in the process. This shows that the Supreme Court recognises the equivalent. When international regulation is seen as predictable by constitutional standards, it can serve as an additional source of translation or support for upholding fundamental privileges. According to Article 268(7) of the Pakistani Constitution, which was recently cited, all regulations now in force in Pakistan have extraterritorial legality. If further authorized acts with the ability to legislate are considered in the degradation of current rules, at the very least, such international instruments are implied. According to this definition, Pakistan's global legitimate apparatus, which is recognized as the standard worldwide regulation, may be considered lawful instruments with the power of regulation, as they are in monotheistic countries (Sheikh et al., 2017).

Counterarguments furthering the selective power of Parliament to administer may be mitigated by the knowledge that the chief has the opportunity to bring mandates and go into global instruments, which need not be made by any means, while Parliament has the restricted authority to impose legislation. In Pakistan, the leader who includes the Prime Minister, President, and Cabinet wields considerable authority in favour of adhering to international regulations.

## **CONCLUSION**

Various characteristics have been examined in this article in an attempt to find some connection between the rises of global criminal regulation in recent years. A high degree of deliberation was evident, and it hasn't paused to consider the impact of the global criminal law on a wide range of legal and governmental issues. It's not uncommon for these concerns to revolve around fundamental moral dilemmas, such as the distinction between intercession and indictment questions. Another issue is how global criminal law re-establishes major motivating forces and disincentives in the laws of war, beginning with the questions of deal and correspondence in that tremendous moral agreement that Walzer broadly referred to as the 'war show.' 'In response to the breakdown of communication and uneven fighting, mechanical technology developed as a response to the rudiments of global criminal regulation. It doesn't matter what happens to the UN, the UN's customary functions or how much consideration is given to global associations; the 1945 design of the Security Council's authority over aggregate security could still be rebuilt. Government's power comes largely from public faith in the police department and courts to protect citizens and uphold justice. The elected and common governments are able to accept comprehensive legislative changes in the face of extreme problems to domestic dependability and to the fairness of the movement. The eighteenth amendment has demonstrated the ability and willingness of parliament to adopt significant reforms to the majority rule. If judges, prosecutors, and police are aggressive in preserving the word and spirit of the law, the criminal justice system will be more compelling. In actuality, the credibility of the judiciary is also reliant on a well-functioning criminal justice system and measures to resist administrative overreach. It's time to rethink the National Judicial Policy-Making Committee and reprioritize reinforcing trial forms as much as clearing overabundances. Policymakers and judges ought not to offer anything that would only points constrain the judicial system's ability to implement the law. Pre-trial considerations must be given a lot more weight in order to ensure that strong cases are presented in court. People who are knowledgeable about criminal law and the standards of proof that drive investigations have led to successful convictions in the past.

### **Recommendations**

In order to strengthen Pakistan's international standing, the following upkeep and facilities in the criminal justice system must be formalized:

- a) In order to conduct a criminal investigation, the state's cooperation is essential. Without the cooperation of those who have witnessed an offence or a crime, it is impossible for the officials investigating a criminal case to reach the perpetrator as quickly and as early as possible.
- b) It is essential that officers and the police establishment of a modern and advanced institution train the newcomers in a variety of investigative sectors.
- c) In order for the police to be able to reach the scene of the crime quickly and without having to rely on any flimsy excuses or delays, it is essential that they be provided with the necessary transportation facilities and conveniences.
- d) The investigative tool kit must be made available to the police so that they can save and preserve any evidence they collect on the scene.

- e) The police must have access to modern technology, such as computers, audio and video recorders, in order to investigate quickly.
- f) The forensic science laboratory's accessibility.
- g) The information sharer and the investigative agencies must work together to ensure that information is shared in a consistent manner.

For crime scene detectives, the use of cameras and photos of the crime scene is also critical, and must be readily available. In order to fix these issues, the following options are available:

### **Reorganization of the Section of Investigations:**

Depending on his training, experience, and physical fitness, the investigating officer needs to be certified to conduct the investigation or inspection in question. In order to properly investigate killing, rape, counterfeiting/fraud/deception and electrical offences, an investigator must have the relevant expertise. Forgery/counterfeiting investigations should not be handled by an officer who has never investigated such a crime before, but rather by someone who has a high level of skill, prudence, and experience.

### **The development of investigative methods:**

In order to investigate a wide range of crimes, it is essential to establish a number of protocols/procedures in the form of strategies and directives or customary procedures. An assassination investigation, for example, must include more than just a grievance statement and inquiry report, as well as post-mortem direction. It is essential to have a clear strategy statement outlining the path and manner of research for each phase. It is important to conduct police drills with sincerity and care rather than merely for the sake of appearances.

### **Expansion**

The police's professional/competent approach/attitude needs to be improved. The role of Pakistan's government and media cannot be overstated. Both of them must dissuade mistreatment and must not in any way interfere in the method of investigation. When an investigation is complete, the media should only be briefed on the findings. The police should be allowed to conduct their investigation without interference from political parties, who should refrain from being biased and ordering them to do anything they desire. Moreover, every court has the duty to determine the guilt underlying the evidence obtained, and police have an obligation to gather evidence without acknowledging its accuracy or truthfulness. There should be no bias in the investigation of any criminal case by the officer in charge of the investigation. No changes can be made to the police force until the "sifarish and baradari system" is abolished and honest police officers are given the freedom to work without fear of being fired for petty reasons. Aside from encouraging the baradari system through inappropriate nepotism, we also put genuine employees in danger of being fired from their positions.

### **The right to privacy section:**

This section of law enforcement should be open-minded and free of political bias. At no point in the investigation should there be any intrusion. The media has a history of exploiting cases due to the resulting unwarranted angst and biased/unfair investigation. Correspondingly political compression assemblies should not be let to reach the police. Perky registration/filing of cases should be strongly condemned in this regard.

### **Penalties for Investigators Who Engage in Unethical Behavior:**

Disciplinary action should be taken against investigators who destroy or alter evidence in order to set a bad example for others, which could have a deterrent effect. In order to put pressure on police officers, there are individuals and groups of individuals that frequently make complaints against police. The penalty should be based on strong and logical criteria.

### **Accurate Training and Constant Professional Growth:**

Because of the rapid advancement of technology, investigators must be trained, skilled, and constantly updated. In order to preserve the current system, incentives must be given in accordance with their merits.

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