

Investigating the Effects of the Delayed Judicial System on the Resolution of Criminal and Civil Cases

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Abstract: The current study investigated the potential effects of a delayed system of justice on the way criminal and civil cases are resolved. Due to several problems with the procedure of justice, one of the most pressing problems in Pakistan is how civil matters are handled. Land disputes between landlords and peasants were the exclusive focus of the current investigation. For this reason, 31 respondents, including respondents and petitioners who participated in the drawn-out process were interviewed in order to gather data using the purposive sample technique. The investigation concluded that the procedure of judiciary is ineffective, expensive, and uninteresting to the general public. To address these issues, this inspection suggested significant institutional changes to the current legal system.

Key Words: Judiciary; Human rights; Delayed justice; Disputes; Legislation,

1. INTRODUCTION

Delayed justice promotes nepotism and corruption by forcing people to pursue informal conflict resolution methods outside of the legal system, which has numerous disadvantages (Ayuba, 2019). The practice of delayed justice in civil case litigation is a global phenomenon. The number of civil court cases is growing daily. In the United States, the number of civil cases climbed from two million in 2000 to twenty million in 2009, according to a report released recently (Bilal & Khokhar, 2021). This clearly shows that cases are being delayed in their resolution (Bhuta, 2003).

When it comes to the resolution of civil issues, no country is immune from impeded justice. People become weary of it and denounce it worldwide. Unnecessary delays cause discontent. Victims become disappointed when there are frequent adjournments (Bóka, 2013). Similarly, cases that go unresolved are the result of a rise in trial sessions. In order to uphold the principle of law, each court must render a decision in a fair amount of time. Development depends on the prompt delivery of justice, which is also a court's legal duty (Church, Carlson, Lee & Tan, 1978).

The Los Angeles Superior Court is one of the biggest court systems in the country. When it comes to providing the opportunity for justice, this court is thought to be frequently delayed. The resolution of all civil proceedings in 1989 took over five years overall. Interruptions in justice in the Los Angeles court system can be attributed to a number of factors, but the primary one is the disparity between the supply and demand of justice. The filing of another lawsuit leads to in additional workload, which will eventually result in an extension, to put it simply (Cowen, 2008).

One of the most pressing concerns regarding the composition of juridical tribunals is the problem of suspended justice. Typically, courts make decisions in

complex matters, which takes more time. Although the judges are obviously highly qualified for their positions, they also engage in suspended justice in one way or another. In every legal system, the issue of delays is more prevalent and poses a challenge to institutions (Dyson, 2015; and Ellenbogen, 1952). High legal fees are one of the main causes of belated justice. High legal fees, hourly rates, and other costs are characteristics of suspended justice. Clients must also pay other fees, such as reader costs and judicial submission fees (Gould, 2008).

The well-known attorneys also prolong a lawsuit by asking the courts to set a new hearing date. One problem with higher courts is that they take too long on matters that have previously been determined. On various pretexts, lawyers alter dates, sometimes claiming that they have not reviewed the lawsuit yet. According to Ghani, Ayub & Rus (2023), they also occasionally request that a case be postponed by stating that they are occupied in another court, which causes traffic jams and an excessive workload for the courts.

The public loses faith in the faulty courts. The World Bank research claims that corruption and the unfavorable role of the police prevent many court rulings from being carried out. Due to the courts' subpar performance, parties consciously make every effort to resolve their conflicts outside of the official legal system (Hazard Jr, 1960; Han, 2007).

The incapacity of staff members and their desire for illicit funds are the root causes of the impeded justice issue, which slows down the process of delivering fair and prompt justice. In order to delay or contest an appeal in a higher tribunal, barristers occasionally demand payment from the attorneys, which is unfair in and of itself (Jørgensen, 2024).

People disregard regulations because they believe that the judiciary serves no purpose. Individuals do not engage in the vicious cycle of animosity and suffer for such drawn-out procedures and postponed conclusions. People execute murder as a result of prolonged and pointless justice, which

turns straightforward situations into complicated ones (Kaleem, Ali & Salim, 2020). Anarchy is encouraged and societal cohesion is disrupted by postponed justice. The criminal justice system in Pakistan is described by international organizations as weak, unreliable, underfunded, and unsatisfactory. To put it simply, the Pakistani judiciary is exhausting, expensive, and closed to everyone (Krishnan & Raj Kumar, 2011).

A flawed summons system and incompetent attorneys only serve to fuel the flames. In the interest of justice, attorneys prolonged cases for their own benefit and the appropriate courts postponed them for a maximum of ninety days (Jillani, 2006; and (Mashdurohatun, Jayantara, Iskandar & Rabie, 2025). It is estimated that there are still over 22 million cases outstanding in the nation's lowest courts. In a similar vein, over five million petitions are still awaiting resolution in superior courts. Since there is no requirement that a matter be standing in the judiciary for between 6 and 7 years, frequent extensions are granted (Khan, 2015). The majority of matters are considered by the entire bench after being postponed in the office of the registrar for between three and four years.

The panel determines if a case is real or fraudulent when it is submitted to it. It is unfair to spend excessive amounts of period in the office of the registrar (Khan & Mumtaz, 2020).

Based on the discussion above, it is determined that the deferred judicial system is prevalent worldwide in the resolution of civil matters (Landoni, 2007). Nonetheless, research indicates that there are very serious societal repercussions when civil proceedings are postponed. The basic topic of what potential effects a delayed judicial system may have on the handling of civil disputes has been attempted to be addressed by the current study project. Therefore, this study aims to draw attention to the primary problems with the chosen area's legal system; to determine the primary societal repercussions of the deferred judiciary; and to provide policymakers with documentation of an empirical study. Furthermore, Section 2, the literature review, Section 3, the methodology, Section 4, the results and discussion, and the conclusion comprise the remainder of the study.

2. Literature Review:

Mashdurohatun, Jayantara, Iskandar & Rabie (2025) used structured interviews with legal professionals and media representatives to examine the causes of pendency in various court proceedings in Pakistan. Accordingly, there are eight causes why cases are delayed: lawyer incompetence, labor disputes, unprofessional conduct, problems with the log processes of the inquiry, insufficient availability of respondents and petitioners, negligence on the part of court employees, a lack of judges, frequent judge transfers, and a court shortage. In order to address the current state of affairs, the report also recommends that legislation be changed. Conversely, the media ought to take a more active interest in educating the public about the judicial trial process (Melcarne & Ramello, 2021).

Furthermore, using information gathered from the "Law and Justice Commission of Pakistan" during 2014 through 2020, Krishnan & Raj Kumar (2011) also investigated the reasons for the pending criminal cases in Pakistan's various courts. According to the study's findings, the pendency ratio rises every day. There were reportedly close to two million lawsuits outstanding in Pakistani courts at the time. According to the study, the media and judiciary professionals should do their part to reduce the grave problem of cases that are still pending in Pakistani courts (Khan & Mumtaz, 2020; Sourdin & Burstyn, 2014; and Saeed, 2019).

In many Pakistani courts, an accumulation of criminal proceedings is a significant problem (Kaleem, Ali & Salim, 2020). It makes people frustrated. Furthermore, it highlights concerns about injustices, notably those concerning the death sentence and lengthy jail sentences in Pakistan, particularly in the Sindh province. Numerous studies in this area have reported an extensive amount of cases (Jørgensen, 2024). The Karachi High Court's Annual Reports (2021-2022) include the following information regarding the cases that are still outstanding in Sindh's district courts. It shows that the waiting list of cases (in the "Pending" column) is increasing (Ghani et al., 2023; Shafiq, Sarwar & Shafiq, 2022; and Ngoepe & Makhubela, 2015).

The Constitution is the primary law that oversees Pakistan's law enforcement system. The Constitution's Article 10-A states that "...for the determination of his civil rights and obligations of in any criminal charge against him, a person shall be entitled to a fair trial and due process" The right to "...inexpensive and expeditious justice" is then guaranteed to the populace under Article 37-d of the Federal Constitution (Ch et al., 2024). Article 25-A of the Federal Constitution further states that "all citizens are equal before the law and are entitled to equal protection of the law; that there shall be no discrimination based on sex; and nothing in the Article shall prevent the State from making any special provision for the protection of women and children" (Cowen, 2008; Melcarne & Ramello, 2021). Nonetheless, there are frequently concerns raised about Punjab's application of the fair trial and criminal justice systems, as well as this idea (as guaranteed by the Constitution).

The State is required by Article 37 of the Federal Constitution to provide "inexpensive and expeditious justice." This clause highlights the importance of a prompt legal system for all Pakistani citizens, regardless of their caste, creed, or religion. "The criminal justice system of the country did not provide inexpensive and expeditious justice to the citizens guaranteed by the Constitution" (Ayuba, 2019; and Bilal & Khokhar, 2021).

The "Police, Prosecution, and Judiciary" form the core framework of the law enforcement system. Its sole goal is to give the victim justice in line with the law. Therefore, the police play a crucial part in catching the criminals and bringing them to justice. The judiciary's mission is to strictly regulate offenders in order to develop an orderly society on an equitable footing. As soon as the police receive a report of a crime that is punishable by law, the

legal system for crimes begins to operate. The entire police apparatus activates upon obtaining the report. In this manner, the police initiate the investigation process to find the true cause of a crime (Shah, Narejo & Ali, 2025).

Corruption is a global issue that causes various issues, including the downfall of a nation or even civilization. The breakdown of the Pakistani criminal justice system is a result of corruption. In Pakistan's Punjab province, the backlog of criminal cases is primarily caused by the corruption issue. The Pakistani legal system is plagued by widespread corruption, which has made it difficult for cases to be tried fairly and quickly (Bilal & Khokhar, 2021). "Transparency International Pakistan" claims that Pakistan's most corrupt institutions are the judiciary and police. The "National Corruption Perception Survey" for 2021 released this report (Hassan, Ahmed & Siddiqui, 2021).

The International Survey Report claims that Pakistan's judiciary is notorious for accepting bribes from the public during transactions. According to two-thirds of the population, Pakistan's judiciary is corrupt. Additionally, Punjab's legal system suffers from "nepotism, influence from wealthy persons (they can take the verdict as their own will) and influential religious and political figures, and corruption" (Ullah, 2022). In any judicial framework, the benches (courts) and Bar Councils have a close working connection that helps them administer justice to the harmed party at the right moment while preserving social harmony. Therefore, the judiciary is beneficial and profitable when they work well together, but when they clash, it causes issues and delays in the timely delivery of justice. The Punjabi legal system was troubled and disorganized due to the Bar Council's misbehavior with prominent judges and legislative officers (Imran, Idrees & Saeed, 2024).

Another significant factor contributing to the backlog of criminal cases in the system of justice is inefficient hearings and needless delays. While certain judges regularly engage in this technique, some private attorneys employ various strategies, such as feigning to be unable to attend before the district court on the designated date because they are preoccupied with matters before the Supreme Court or High Court. Adjournment is therefore necessary, and attorneys plead for it. This gives the defensive attorneys numerous excuses to drag out the matter in court. This can occasionally occur during the most important phase of a criminal case, such as while the case's evidence is being recorded, among other times (Mangi, Magsi & Ali, 2025).

The issue of witnesses not being available also adds to the backlog, pendency, and delay of criminal proceedings. The only factor that significantly influences whether a case is proven, refuted, or not is the proof presented. Based on their testimony, the witness or witnesses may support the case or undermine it. However, it is noted that the majority of witnesses in Punjab steer clear of testifying in court. There is no law protecting witnesses in Pakistan, and witnesses in Sindh are not safeguarded in any way. In

other instances, witnesses who are coming to testify in a particular murder case are killed while they are travelling to the nearest court or police station (Hassan, Ahmed & Siddiqui, 2021).

3. Methodology:

Since there are legal proceedings involving landowners and farmers in the region of Kashmore, the investigation was carried out there. The people in this region suffer because justice is not served promptly. Participants gave their full consent for data collection in this respect. To determine how society views deferred justice, information was gathered from attorneys, respondents, and petitioners.

To clarify and draw attention to the potential repercussions of delayed legal proceedings, extensive interviews were done with 31 respondents. The technique of purposive sampling was employed to get information from participants. In order to fully engage in the analysis, respondents were asked to wrap up an interview. The goal of the research was explained to the participants through an information sheet that they were given. Interviews were conducted with those who approved the invitation. A guide for interviews that addressed the challenges of awaiting justice in civil lawsuits was used. The audio recordings of the interviews lasted between ten and fifteen minutes. For the objective of evaluating the content, each of the discussions were written down and organized. All respondents were unable to speak English fluently; hence the interview was conducted in both Urdu and Sindhi. All of the representatives were older than seventeen and in good health.

4. Results and Discussion:

All participants were male, and about ninety percent were between the ages of 25 and 45. Over 59% of responders or petitioners were personally involved in deferred justice, 19% were attorneys who disputed civil matters in several courts, and 9% were prisoners in civil lawsuits. Nearly half were cultivators, 18% practiced law, and 13% worked for the government/government agencies. The following concerns emerged from the interview transcript analysis:

4.1. The masses' last resort is to file a case in court:

According to the majority of participants, people are hesitant to file a complaint in the nation's official court. They believe it to be pointless and ineffective for them because of these realities. The slow and problematic procedures of the current judiciary have caused people to lose faith in it. It is generally regarded as an inefficient use of time and money, and the disagreement is ultimately settled through unofficial dispute resolution processes outside of the courtroom. Saba, one of the witnesses, stated that the dispute took over two decades to resolve, and that the use of local jarga to settle the disagreement was a setback for the judiciary. In a similar vein, cases that are settled in lower courts are frequently appealed, and there are no requirements to file a case.

4.2. Delays in justice encourage individuals to argue with one another:

The study finds that respondents believe that delayed justice encourages people to argue with one another. Four individuals were murdered and four residences in the area were destroyed as a result of the locals' disregard for a high court ruling, according to one of the participants from the village of Buxapur. The same was true of numerous other concerns, but people are not aware of them since the media does not cover them. Court rulings are not always carried out exactly as written. Similarly, the majority of those surveyed stated that individuals wish to use jarga to vent their resentment because the decisions in the cases have not been implemented. To put it simply, this is the formal structure that forces the general public to settle their disagreements through unofficial, merit-based mechanisms.

4.3. Domestic problems arise as a result of deferred justice:

The study's conclusions show that anarchy results from an ineffective judiciary. Justice has been delayed, which is the cause of the current domestic issues. According to one respondent, one of the outcomes of the legal system was the root cause of the disputes between landowners and farmers. The residents of the poor villages "Buxapur, Ghouspur, and Tangwani" at the time saw themselves as Pakistani colonies, and they were even denied the right to take their cases to higher courts. The nation experienced chaos and unrest as a result of this discrimination. All of Pakistan's inhabitants' fundamental rights were guaranteed by the country's constitution. However, a few hawks controlled the state apparatus and used it exclusively to further their own agendas. According to one respondent, Pakistan's judiciary dates back to the British colonial era, when the people were repressed, and since independence, there has been no progress in this area. Sue's slogan states that systemic flaws are man-made and purposefully enforced; acts alone will not solve the issue.

4.4. Formal judicial rulings are not carried out:

According to the report, if cases are determined, putting them into practice is not just a headache. Due to the existence of endless and continual appeals, people are forced to use informal conversations for the final resolution in the majority of resolved instances. People make every effort to circumvent the formal court system and create other forms of dispute resolution procedures, but frequently their choices are not well-founded. The jarga's members favor the strong and powerful and are largely illiterate. The result of our faulty legal system is territory within territory.

Outdated mechanisms for delivering justice may result in the repercussions of deferred justice. A hallmark of any enlightened society is the prompt administration of justice. A hallmark of any enlightened society is the prompt administration of justice. No country

can achieve greatness without an effective framework of justice. People may be reluctant to file a case in court, engage in arguments with one another, and create household problems as a result of delayed justice.

5. Conclusion:

According to the current study, there are a number of contributing elements that lead to delays in justice. In addition to unrestricted corruption, the overall number of lawyers is out of comparability to the citizenry, and judge transfers are heavily politicized. Delays also lead to domestic problems and anarchy, which are disastrous for societal harmony and public order. The hydra-headed issue of delays in international cooperation affects every state. Furthermore, impeded justice affects every country. Likewise, people view this intentional retard as a waste of money and time that fuels animosity and conflict between parties. To address these issues, the report suggests significant institutional changes to the current legal system.

Moreover, policy recommendations suggests both structural improvement and institutional strengthening must be the main goals of reforms aimed at avoiding future systemic delays in the administration of justice. Along with ongoing professional development and a transparent hiring process, the percentage of judges and attorneys should grow in accordance with the demographics. Establish independent judiciary commissions to oversee transfers and nominations to the greatest extent feasible. To improve efficiency and remove regulatory bottlenecks, e-courts, digital case management, and online dispute resolution tools should all be further digitalized. To assist prevent bribery in the judiciary and other legal institutions and to ensure that action is taken promptly, strengthen the system of balance and accountability. Promote the use of conciliation, arbitration, and mediation techniques to resolve civil disputes without resorting to drawn-out legal proceedings. Create bilateral and multilateral deals to facilitate harmonized cross-border court processes and speedier legal assistance. Start awareness-raising campaigns to educate the public about their legal rights, alternative dispute resolution procedures, and channels for reporting wrongdoing or corruption. Furthermore, future research is needed to understand how various other jurisdictions have reduced justice backloads and the ways artificial intelligence, massive data, and electronic platforms might help.

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