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Abstract

The present study had two objectives; to analyze the challenges in introducing Alternative Dispute Resolution (hereinafter ADR) in criminal matters and to explore the possibilities of disposing of the criminal cases through ADR. After deploying doctrinal research methodology, the present study found that the poor quality of decision-making, non-protection of the public rights, hinderance in development of law, disregarding the victim, advantageous position of the prosecution, compromising the constitutional rights of accused, lack of well defied rule for ADR and the difference in procedure are the major challenges for alternative dispute resolution in criminal matters. The study also found that criminal cases may be disposed of through ADR in case of private complaint, first-time offender, simple imprisonment, petty offences, or by introducing special law and courts, or where compounding or compromising of offences is legally allowed. The study further found that the ADR in criminal cases has been and is practiced by way of mediation and plea bargaining. The study recommends that the legislature should introduce appropriate and apposite amendments to accommodate the ADR in criminal justice system of Pakistan.

Keywords: Alternative Dispute Resolution, Adjudication in Criminal Cases, Medication, Speedy Justice

1. Introduction

The state has a crucial function in the Criminal Justice System by upholding order and peace in society and safeguarding its citizens and their properties. The state fulfils its duty by establishing a criminal justice system to manage criminal behavior and to punish offenders through the court system. Nevertheless, the criminal court process for penalizing offenders is often drawn-out and time-consuming, failing to effectively uphold criminal law. As a result, alternative dispute resolution methods are gaining popularity as a means to address criminal cases. It is incorrect to assume that the implementation of ADR as a means of dispute resolution is an alternative system that will replace the criminal courts, as ADR is intended to enhance the criminal justice system (Gulfam, 2014). It is important to understand the meaning and forms of ADR. ADR is a process used to resolve conflicts through methods other than going to court, like arbitration or mediation (Black's Law Dictionary). To Ewulum (2017), ADR involves a series of practices and techniques designed to facilitate the conclusion of legal disputes outside the courts. According to Akinbuwa (2010), ADR is described as a method created to help parties to resolve their issues without going through official court processes. The mechanisms provided by ADR are utilized to settle disputes more quickly, impartially, and without damaging existing relationships. Kumara & Batra discuss how ADR processes in the criminal justice system are connected to the restorative justice movement. To them, this movement aims to move away from focusing on state violation and punishment, and instead focuses on reparation and encouraging offenders to take responsibility for their actions towards the victim and the community. They emphasized that restorative justice aims to change the perception of punishment for wrongful acts. In a study by Menkel-Meadow (2007), it is highlighted that restorative justice involves various components such as apologies, restitution, acknowledgments of harm and injury, and other initiatives aimed at promoting healing and reintegrating offenders into their communities, with or without further punishment. Restorative justice typically includes direct communication, often facilitated, between victims and offenders, sometimes with partial or full involvement of the affected community. Utilizing ADR practices in the criminal justice system can help cut costs, save time, create customized solutions, and provide better access to justice for the less fortunate (Macfarlane, 1997). ADR processes for resolving disputes may be various types but generally these include arbitration, conciliation, mediation, and negotiation. By laying it all on the table and attempting to reach a resolution, both parties can settle disputes through negotiation. The parties must negotiate jointly in order to reach an agreement because there isn't a neutral third party to assist them in their discussions (Murray, 2022). In

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mediation, the parties to a disagreement designate an unbiased third party to help with communication and bargaining (Miranda, 2014). Similar to this, in conciliation, an unbiased third party looks into all aspects of the disagreement, including the relevant legal framework and the facts, and then presents the parties to the dispute with official recommendations for how to resolve it (Merrills, 2017). Conversely, arbitration is a procedure of resolving disputes wherein the involved parties choose an impartial third party to settle their differences. In order to avoid the time, cost, and complexity of litigation, parties usually agree to arbitrate (arbitration_research_guide_posted.pdf (duke.edu)). In spite of the fact that different forms of ADR may differ from one another, all of them involve a third-party providing information or an opinion to the parties involved about the dispute (though negotiation is an exception in this regard) as was stated by Shavell (1995). There is enormous literature on the application of ADR in criminal cases but there is dearth on research on what are the practices of ADR in criminal cases, what are the challenges and what is the possibility of introducing and improving ADR in criminal justice system of Pakistan. The present study intends to fill this gap by addressing the following research questions; what are the applied and suggested practices of ADR in Criminal justice system? What are the challenges to ADR? What are the possibilities of ADR in Pakistan? The present study, other than introductory section, has four sections; the second section analyze the various practices of ADR in criminal cases, and the third section discusses the challenges to ADR in criminal cases. Likewise, the fourth section explores the possibilities of successful introduction of ADR in criminal justice system and the last section concludes the study.

2. Proposed and Actual Practices of ADR in Criminal Cases

This section intends to address the first research question of the present study and it discusses and analyzes the various models of ADR in criminal cases. It is important to highlight that the discussion in this section is based on the suggestions of numerous researchers and the actual practices of ADR in criminal cases in various countries of the world. This discussion is structured in two sub-sections; the first sub-section discusses the proposals of numerous researchers arguing the means to incorporate ADR in criminal cases and the second sub-section discusses the model which are actually being practiced in various countries.

According to Anggraeni (2020), the resolution of criminal cases in Indonesia through ADR are resolved via mediation panels which is not a novel concept, as it has been utilized in different civil law domains. He added that the current method of resolving criminal cases in Indonesia through ADR (penal mediation) has been in place since the government's directive to handle cases through ADR, even without the parties' consent. He recommends that resolving criminal cases through ADR should only occur with the parties' consent. If the parties do not agree to settle the cases through agreement and in accordance with the prescribed legal procedure. Mediation as a means of resolving criminal cases has garnered approval and backing from other experts. As an example, Edossa (2012) examined the interconnected issues of incorporating mediation process as a criminal dispute resolution programme into the formal criminal justice system, and its significance in solidifying the concepts of restorative justice in the administration of Ethiopian criminal justice system. He urged lawmakers, policymakers, and social workers to collaborate on integrating traditional criminal dispute resolution processes into the Ethiopian Criminal Justice Reform. Various researchers' writings and actual ADR models in criminal cases imply that plea bargaining is a key strategy for implementing ADR in the criminal justice system. Ibidapo-Obe (2010) highlighted that Plea Bargain involves negotiations between an accused individual and the prosecutor to reach an agreement. This agreement typically entails the accused pleading guilty in return for a lesser charge or a more favorable sentence proposed to the judge by the prosecutor. Pereira & Kapoor (2023) highlight that the Plea-bargaining process is a voluntary procedure aimed at alleviating the workload of the judiciary and ensuring prompt and efficient dispensation of justice. Nevertheless, it is emphasized that the purpose of plea bargaining may be undermined if not executed in accordance with its true intent and meaning. The bar and the judiciary must play a significant role in implementing the plea-bargaining concept as a means of alternative dispute resolution in the criminal justice system. In a study by O'Hear and Schneider (2007), it is argued that plea bargaining represents a distinct method of resolving disputes in criminal proceedings. It was stated that plea bargaining involves a negotiation between distinct entities (the state and the citizen), with the underlying objective being the moral censure of one party by the other. They perceive a significant imbalance in the status, power, and goals of the two parties that sets plea bargaining apart from other types of negotiation

typically examined by dispute resolution experts. Mustapha (2018) emphasized the legal acknowledgment of plea bargaining as a method to settle criminal cases through alternative dispute resolution in Nigeria. He noted that the utilization of ADR had been acknowledged in plea bargaining as stipulated in section 14 of the Economic and Financial Crimes Commission Act. The aforementioned section authorizes the commission to "compound offences to achieve practical restitution." He further noted that the concept of plea bargaining now has broad application following statutory amendment and is now utilized in all Federal Courts of Nigeria. Mustapha (2018) highlighted that, in addition to plea bargaining, the Nigerian criminal justice system has implemented various other forms of ADR to address criminal issues outside of formal judicial processes under the Administration of Criminal Justice Act, 2015. He also delabored on the process of "compounding" as a form of alternative dispute resolution and emphasized sections 127–130 of the Criminal Code. These sections pertain to the compounding and concealing of offences, which do not require victims to typically drop criminal charges against the perpetrators, as the responsibility for criminal proceedings rests with the state rather than the victims. He also raised concerns about these sections, noting that they do not facilitate alternative dispute resolution as they do not permit compromise in felony cases.

In the same vein, he emphasised different regulations related to court procedures that promote alternative dispute resolution in criminal cases. As an example, he examined section 26 of the District Courts Law of Katsina State. This section mandates that a District Court must foster reconciliation among individuals under its jurisdiction and support and enable the amicable resolution of disputes between them without resorting to litigation. He also referenced section 17 of the Federal High Court Act, stating that during court proceedings, the court has the authority to promote reconciliation among the parties and support the amicable resolution of disputes. He also highlighted specific sections of the Child Rights Act that support and advocate for alternative dispute resolution in criminal cases. According to him, the legislation grants authority to the Family Court to handle criminal cases involving children in Nigeria. Children in this category are not to be tried under adult criminal procedures but are to be dealt with through the child justice administration process, which focuses on the welfare of the child. The aforementioned legislation grants authority to law enforcement, prosecutors, or individuals handling cases with juvenile offenders to resolve cases through alternative methods such as supervision, guidance, restitution, and victim compensation, particularly in minor offences, without the need for a formal trial. In a study conducted by Chowdhury & Fahim (2018), the potential use of alternative dispute resolution in criminal cases in Bangladesh was discussed. The practices of alternative dispute resolution in criminal cases, particularly through the process of compounding offences, have been supported by the highest courts in Bangladesh. It has been noted that the concept of ADR in criminal cases draws inspiration from legal cases such as *Md. Joynal and others vs. Rustam Ali Miah and others* (1984) and *Abdussatter and others vs. The State and other* (1986). In the latter case, the Appellate Division emphasized the promotion of compromise in criminal justice administration, allowing for certain disputes to be settled as per section 345 of the Code of Criminal Procedure. It is important to note that parties involved in criminal cases may reach a settlement before the final verdict of the trial court (Karim, 2015). Likewise, Bajpai (2018) analyzed the different methods of alternative dispute resolution in India and Germany for the resolution of criminal cases. He considered the establishment of a women's court in India, emphasizing its role as an alternative dispute resolution platform designed to tackle marital and family issues faced by women. The court seeks to offer a secure and non-intimidating space for women to express their concerns, negotiate fair resolutions with their spouses and relatives, or explore avenues to exit challenging circumstances. He argued that both India and Germany have shifted towards alternative dispute resolution in criminal cases, emphasizing victim-offender mediation programmes and plea bargaining.

In a related investigation, Shankar & Mishra (2008) highlighted that ADR has historically been limited to civil cases, excluding criminal cases from its purview. He recommended that policymakers consider implementing ADR in the criminal justice system for minor offences. He expanded on the idea that the state should refrain from involving in offences that only impact individuals, as this could allow for the resolution of criminal issues through alternative dispute resolution. Stipanowich (2004) has shown through empirical evidence that ADR programmes that include courts in decision-making or implementation are more effective than those that do not involve the judiciary in resolving disputes through ADR. He also noted that in certain states of the USA, ADR programmes utilize advocates on a pro bono basis to fulfil the role of traditional judges in resolving disputes between parties.

However, it was noted that the success rate in private ADR programmes is unsatisfactory due to inadequate training of the participating decision-makers. Dana (2016) highlighted that the Criminal Justice Policy in Ethiopia offers the opportunity to address certain criminal cases through ADR and plea bargaining. According to him, the policy in question expanded the range of offences in which parties could resolve their disputes through alternative dispute resolution (ADR). He emphasized that criminal cases initiated on private complaint, cases involving juveniles and simple imprisonment, and cases where the accused is a first-time offender could be resolved through ADR in Ethiopia based on the policy. Kumara & Batra provide an overview of significant ADR programs operating worldwide. These programs encompass a range of interventions, such as Victim-Offender Mediation programs facilitating face-to-face meetings between victims and offenders, Community Dispute Resolution programs addressing minor conflicts, Victim-offender Panels focusing on cases involving drunk drivers, Victim Assistance programs, Community Crime Prevention Programs engaging private citizens in crime prevention efforts, Private Complaint Mediation Service offering mediation as an alternative for handling criminal misdemeanor disputes, community service initiatives, school programs, and specialist courts. There are several legislative acts in Pakistan that promote and require the resolution of criminal cases through Alternative Dispute Resolution (ADR). As an illustration, section 2 of the Alternative Dispute Resolution Act, 2017 provides a definition of ADR as a method through which disputing parties seek to settle a disagreement outside of court proceedings. This encompasses various approaches such as arbitration, mediation, conciliation, and neutral evaluation. The specified method of alternative dispute resolution in criminal cases in the aforementioned legislation is mediation. According to Section 2 (i) of the act, "mediation" is defined as a procedure where a mediator assists in resolving disputes by promoting communication and negotiation between the involved parties to reach a mutually acceptable agreement. Similarly, subsection "j" delineates neutral as an arbitrator, conciliator, evaluator, mediator, or any other impartial individual included in the panel. Section 14 of the act addresses ADR in criminal cases which provides that the compoundable criminal cases can be directed towards ADR either by the trial court or with the agreement of the parties concerned. The court will appoint a neutral party or a person nominated by the involved parties to assist in resolving the offence through a settlement. According to sub-section (3), in the event of compounding the offence, the neutral party must present a report in the Court that is properly witnessed and signed by both parties. Subsequently, the Court will issue an order, leading to the discharge of the accused.

In the Punjab Alternate Dispute Resolution Act 2019, ADR is described as a method where parties seek to settle a dispute without involving the courts, encompassing mediation, conciliation, and evaluation. Section 4 of the act addresses the potential for alternative dispute resolution in criminal cases. According to the section, the court has the authority to refer compoundable criminal cases to ADR with the agreement of the public prosecutor and complainant prior to framing of the charge where the case has been initiated by the police. Furthermore, the court may opt to refer the case for alternative dispute resolution if it involves a police-filed case. Likewise, if there is a complaint case, the court might opt to refer the case to ADR with the complainant's consent. Section 7 of the act addresses the selection of an arbitrator, allowing the parties or court to nominate when they do not reach an agreement. Section 8 mandates that a case referred to alternative dispute resolution must be brought back to the court once the ADR proceedings are concluded. According to Section 14, if the ADR outcome is presented to the court and it is determined that the issue has been resolved in compliance with the law, the court will issue a judgement and, in civil cases, a decree based on the settlement. Revision or appeal from the decree or order of the court is precluded by Section 15. Section 22 addresses fees and costs, stipulating that the expenses of the ADR process will be divided among the parties based on their mutual agreement. Similarly, the Khyber Pakhtunkhwa Alternate Dispute Resolution Act of 2020 acknowledges ADR as an informal process involving negotiations, mediation, conciliation, and evaluation, among other methods (section 2). Section 4 of the act addresses Alternative Dispute Resolution (ADR) in criminal cases. According to this section, the court, the parties, and the Deputy Commissioner or the Dispute Resolution Council have the option to refer compoundable criminal cases for alternative dispute resolution with the parties' consent. Nevertheless, the section specifies that the state will continue to be the party in the cases referred for ADR. Section 8 of the act stipulates that the referring authority has the option to select, upon agreement from the parties involved, either the entire panel of adjudicators or individual adjudicators. Section 15 of the act mandates that adjudicators must submit the report to the court that

referred the dispute to them. Section 17 stipulates that there shall be no opportunity for revision or appeal from the decree or order issued by the court. Shahzad & Ali (2023) argue that despite efforts to implement it, societal resistance may prevent its practical application, relegating it to theoretical discussions or official documentation.

3. Challenges to ADR

This section addresses the second research question of the present study and it discusses the various challenges to ADR in criminal cases.

The inherent constraints that are connected with the various ways of alternative dispute resolution (ADR) present a significant obstacle for the use of ADR in criminal cases. These limits make it difficult to dispose of cases in a timely manner using these means. Arbitration, for example, shares a great deal of parallels with litigation. As a result of these similarities, some academics and jurists have argued that arbitration is not an alternative to litigation. In addition, the process of arbitration is getting increasingly formal, and it is now following the same procedures as litigation. Similarly, the mediator does not have the authority to make decisions and cannot coerce the parties into agreeing to a solution. The only responsibility of the mediator is not to settle the issues or to establish what is right or wrong; rather, the mediator's job is to assist the disputants in cooperatively resolving their problem. The three pieces of legislation that were described in the previous section show that alternative dispute resolution (ADR) may be used in criminal proceedings if the parties involved in the cases give their approval. It demonstrates that alternative dispute resolution (ADR) in criminal cases is not feasible if the parties involved do not reach a consensus. The court does not have the authority to refer the case to ADR, which is a barrier to the successful implementation of ADR in the criminal justice system. Another obstacle that stands in the way of implementing alternative dispute resolution in criminal cases is the statutory definition of ADR, which does not include the courts in this procedure. The Punjab Alternative Dispute Resolution Act, 2019, for example, defines alternative dispute resolution (ADR) as a process in which parties resort to resolving a disagreement rather than through adjudication by courts. ADR comprises mediation, conciliation, and assessment, but it is not restricted to these three methods. Taking into account the definition, it is possible that the issue can be settled outside of the courtroom, and the judicial system is removed from the process. The concept also demonstrates that alternative dispute resolution (ADR) can be utilized in the context of criminal cases through the utilization of mediation, conciliation, and evaluation. However, the term does not exclude the other forms of alternative dispute resolution. When it comes to the implementation of alternative dispute resolution in criminal cases, one of the challenges that arises is the fact that the implementation will not guarantee the protection of individual rights and public interest, as well as protection from discrimination (Fisf, 1983). In the context of criminal cases, alternative dispute resolution (ADR) is subject to an additional charge, which pertains to the quality of the decisions that are made following the ADR procedure. According to Thornton, alternative dispute resolution (ADR) in criminal cases will have a negative impact on the quality of decision-making. This is due to the fact that the goal of the disposal of cases is to reduce the number of cases that are brought before the justice, which will result in the cases being resolved more quickly without taking into consideration the merits of the outcomes. According to Blackham and Allen (2019), a number of researchers have pointed out that alternative dispute resolution (ADR) will impede the development of substantive law, which will ultimately result in the obstruction of larger societal transformation.

The projected lack of cooperation from the many institutions that make up the criminal justice system is another area of difficulty that arises when attempting to implement alternative dispute resolution in criminal cases. As an illustration, McAdoo and Hinshaw (2002) pointed out that lawyers will reject the resolution of conflicts through alternative dispute resolution (ADR) due to the fear of their clients and the fear of not being paid. In a similar vein, Skove (1998) is of the opinion that even the courts can be resistant to the implementation of alternative dispute resolution (ADR) due to the fact that such other ways of conflict settlement will have a detrimental impact on their earnings. In a similar vein, Wissler (2004) identified two significant problems with the use of alternative dispute resolution in civil disputes. He is of the opinion that the quality control program will be impacted by the resolution of cases through alternative dispute resolution. In addition, he mentioned that the courts typically undertake quality assessment programs in order to evaluate whether or not the purpose was accomplished and to keep track of the quality of the programme. The

implementation of these programmes leads to improvements in the programme as well as reductions in costs, time, and other factors that would otherwise be absent in the event that cases were resolved outside of the court. In addition to this, he mentioned that the alternative dispute resolution (ADR) in civil cases has had difficulties in terms of money (particularly in terms of paying the administrators), establishing moral norms, and organizing mediators who are impartial and honest. If alternative dispute resolution is implemented in criminal cases, Chowdhury and Fahim (2018) address a number of concerns. They are of the opinion that alternative dispute resolution in criminal cases will disregard the victims and the accused, and it will limit the ability of the courts to determine whether a person is innocent or guilty. They went on to say that the use of plea bargaining in criminal cases will strengthen the role of the prosecution, which will mean that the rights of the accused will be violated, and he will be coerced or enticed into confessing. In a similar vein, a number of academics have acknowledged that the constitutional and statutory rights of the accused may be jeopardized in the event that the criminal proceedings are resolved through alternative dispute resolution. For example, Maynard and Maynard (1984) point out that when a defendant accepts to a plea bargain, he also simultaneously waives part of his constitutional rights. This is seen to be a significant concession. Individuals have the right to confront their accuser, the right to a jury trial, and the right to not incriminate themselves. These rights are included in the list of rights. Once an accused makes the decision to go to trial, they are able to maintain these rights. With plea bargaining, the prosecution has the ability to exert unconscionable pressure on the accused to confess guilt, which ultimately increases the likelihood that the accused will be forced to plead guilty. This is the most significant downside of plea bargaining.

The laws, rules, and regulations dealing with ADR in criminal cases are not always precisely defined, which results in them being unclear and overlapping in many instances. It is common practice for highly educated and qualified professionals to participate in the process of conflict resolution at the business or judicial level. But at rural level dispute resolution, the community leaders are frequently not that much educated or taught; therefore, they require rules that are more straightforward and explicit in order to improve the performance of the rural alternative dispute settlement process. Promulgating a legislation that is not only straightforward but also specific and defines unambiguous authority is a very difficult task. It is possible that a complete picture can be obtained in this regard via the utilization of content analysis of laws concerning various institutions and the perspectives of key informants (Islam, 2012). Another issue that may be connected to the implementation of alternative dispute resolution (ADR) in Pakistan's criminal justice system is the absence of a disposition on the part of the state to implement ADR in cases involving criminal offences. For example, Bhatti and Rizwan (2023) noted that Pakistan has implemented alternative dispute resolution (ADR) in criminal cases; but, in practice, ADR services are not available in Pakistan due to a variety of factors. Moreover, the use of alternative dispute resolution (ADR) systems has led to the codification of special laws in Pakistan. The Alternative Dispute Resolution Act of 2017, the Punjab Alternative Dispute Resolution Act of 2019 and the Khyber Pakhtunkhwa Alternative Dispute Resolution Act of 2020 are the laws that fall under this category. In accordance with these Acts, a particular procedure has been established, which allows both parties to settle a dispute through the alternative dispute resolution (ADR) system, without resorting to formal court actions against each other. This is accomplished through the process of negotiation, mediation, and conciliation through the medium of ADR. In spite of the fact that the procedures of each Act are distinct from one another, the overarching goal of each Act is the same: to make justice accessible to the people in a manner that is both affordable and expedient through the use of an alternative dispute resolution system.

4. Possibilities

This section addresses the third research question of the study and it explores the opportunities that have the potential to make ADR a success in criminal justice system of Pakistan.

The involvement of the criminal courts in the alternative dispute resolution process has been brought to light by the discussion that took place in the third section. Despite this, their position is quite limited, and it is recommended that the entire process of alternative dispute resolution should be under the supervision of the courts, without the courts being required to closely adhere to the principles of evidential and procedural law. As a result of the judges' possession of sufficient legal knowledge and experience, alternative

dispute resolution techniques in criminal cases will be strengthened. This is because the general public will have faith in the possibility of receiving fair justice. Similarly, the discussion that took place in the third section brought to light the fact that the traditional courts can submit the cases to alternative dispute resolution. The researchers of the present study suggest the establishment of specialized courts solely for the purpose of resolving criminal matters at the local level. It is the responsibility of these courts to handle matters before, during, or after the trial of such cases, and they should also facilitate, mediate, or conciliate in instances of this nature. According to the several statutory laws that are applicable in Pakistan and deal with alternative dispute resolution in criminal cases, members of the bureaucracy, ulema, and retired judicial professionals have been involved in the ADR process. In alternative dispute resolution, it is advised that the decision makers should be picked through an appropriate procedure. Additionally, it is suggested that the state should construct a framework for the appointment of mediators, facilitators, negotiators, or conciliators, as well as a procedure for selecting these individuals. Within alternative dispute resolution programmes, the adjudicator ought to be trained with the appropriate legal experience as well as other abilities that are necessary to resolve conflicts. It has also been established through the debate in the third section that the police officers are not authorized to recommend the cases for alternative dispute resolution. Because the duty of the police is restricted to the investigation of cases alone, this practice is laudable. Additionally, it will protect the fundamental rights of both victims and criminals, as guaranteed by the constitution, until the beginning of a trial, if that is necessary. For the purpose of enhancing and bolstering the alternative dispute resolution (ADR) procedures within the Pakistani criminal justice system, the state should also develop programmes to collect empirical data about the ADR programmes that are used in criminal cases. For the purpose of monitoring the actions of alternative dispute resolution courts, facilitators, negotiators, and arbitrators, the state ought to devise and bring into existence a mechanism. Furthermore, the transparent nature of the procedures should not be jeopardized by the demonstration of indemnity to the processes in alternative dispute resolution.

In criminal cases, the different statutory statutes and procedures that deal with alternative dispute resolution (ADR) require the parties to be responsible for bearing the costs of the ADR. It is recommended by Shahzad and Ali (2023) that the state should be responsible for the costs associated with alternative dispute resolution (ADR) procedures. This is due to the fact that litigation costs are seen to be compensation for attorneys, arbitrators, and facilitators, which will ultimately have an impact on the acceptability of ADR in criminal cases. Similarly, in Pakistan, the notion of plea bargaining is acknowledged by the country's criminal court system. Plea bargaining has been introduced into the National Accountability Ordinance, which provides that a person will not be fined or imprisoned if he willingly pleads his guilt and returns the looted money. In addition, the discussion that took place in the third section brought to light the fact that the statutory provisions in Pakistan that deal with alternative dispute resolution in criminal cases do not allow for the possibility of plea bargaining in Pakistan. As an alternative dispute resolution method for the resolution of criminal cases, it has been proposed that plea bargaining should also be implemented. A reduction in the number of instances, the avoidance of delays in decision-making, and the provision of less confrontational forms of conflict resolution are all benefits that will result from this. It is also essential to keep in mind that the alternative dispute resolution and the present legal framework of Pakistan are compatible, as this fact has been brought to the attention of a number of analysts. According to Khan, Afzal, and Iqbal (2022), for example, the techniques of alternative dispute resolution (ADR) are consistent with the criminal justice system in Pakistan, which indicates that the future of ADR in criminal cases in Pakistan is bright.

5. Conclusions

One way to resolve disputes, especially those related to criminal issues, is through the use of different ADR methods. Therefore, alternative dispute resolution is a legal mechanism that arose as a fundamental requirement for society to carry out the functions of the Judicial System effectively. It is commonly utilized to minimize the expenses and time delays linked with conventional court processes. This system has been implemented in several countries worldwide and is being utilized in various ways. It is crucial to introduce and enhance this in the criminal justice system to decrease case backlog. Furthermore, implementing ADR in the criminal justice system necessitates meeting several prerequisites to ensure optimal outcomes. It is anticipated that ADR will enhance the

current criminal justice system in Pakistan. Similarly, it is important to ensure that the statutory laws regarding ADR in criminal cases are fully enforced to avoid harming the current system. The increasing popularity of ADR in criminal cases worldwide suggests that it will continue to be a part of the criminal justice system, but efforts are needed to improve its acceptance and expansion.

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