

Comparative Analysis of Various Judicial Systems across the World and Their Effectiveness

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Abstract:

This paper explores the comparative efficacy of global judicial systems through an analysis of major legal traditions, focusing on China, Pakistan, the USA, and France. It examines how these systems, influenced by Romano-Germanic, Common Law, and Socialist legal families, adhere to historical norms and impact the rule of law. The study highlights that while the US and Pakistan are influenced by the British Common Law system, Russia and China align more closely with the Romano-Germanic tradition. Key findings include the impact of adherence to particular legal families on judicial effectiveness and efficiency, supported by the World Justice Project (WJP) Rule of Law Index and corruption perceptions. Recommendations emphasize the need for Pakistan to enhance justice delivery, combat corruption, protect fundamental rights, establish robust witness protection, and involve public stakeholders in policy-making to improve its Rule of Law standing.

Key words:

Legal Traditions, Judicial Systems, Rule of Law, Comparative Analysis, Corruption

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Introduction

An effective justice system is essential for safeguarding citizens' fundamental rights and upholding the rule of law. Central to the rule of law is the principle that laws must be known and accessible to everyone, ensuring equality before the law. This principle underpins the system of checks and balances among the three main branches of government: the legislature, the executive, and the judiciary. This paper explores and evaluates the efficacy of legal and judicial systems across different jurisdictions. A state's legal and judicial framework includes the rules, procedures, and institutions that facilitate public initiatives and private actions through lawful means (Alvencia, Kelly & Demarest Law Firm, 2018). Although judicial systems worldwide have evolved uniquely, they often align with certain well-established norms of justice. Most contemporary legal systems are influenced by one of three primary legal families: the Romano-Germanic family, the Common Law family, or the Socialist Law family (Brierley, 1985). Additionally, some less prominent systems are inspired by religious laws, customary laws, or hybrid models.

Section 1 of this paper introduces and provides a comparative analysis of major precursor groups influencing current judicial systems globally. The second section examines specific judicial systems to offer a comparative paradigm. Section 3 presents epistemological arguments in comparative law with a focus on China, Pakistan, the USA, and France. The paper also addresses the concept of **famille juridique** (Legal Family), demonstrating how states adhere to particular legal and judicial models despite global legal diversification. Finally, the paper investigates whether adherence to a specific judicial system impacts the effectiveness and efficiency of the rule of law in various jurisdictions.

Problem Statement

The judicial system is fundamental to a state's legitimacy, embodying citizens' trust and safeguarding their basic human rights. However, it is an unfortunate reality that litigants often face numerous obstacles and challenges when seeking justice. This research aims to examine various legal systems across different jurisdictions and their impact on the rule of law. Specifically, the study will explore whether adherence to a particular predecessor judicial system affects the effectiveness and efficiency of the rule of law in a given jurisdiction and, if so, how this influence manifests.

Scope of the Study

The primary objective of this research is to enhance the judicial system in Pakistan. The findings will be compiled into a report for relevant authorities, recommending best practices observed in major jurisdictions worldwide. This report will be instrumental in shaping policies, establishing rules, and

implementing new laws within Pakistan. Additionally, it will provide insights into potential amendments to budgetary trends to address public grievances effectively. The research aims to open new avenues for training and future studies, ultimately contributing to judicial and legal reforms. By highlighting existing problems, the report aspires to improve the delivery of justice services.

Review of Literature

The literature on global justice systems is extensive. Key sources consulted for this study include:

1. **Osama Siddique:** *Pakistan's Experience with Formal Law* – Discusses legal practices in District Lahore and Punjab. **Fida Mohammad:** *The Hegemonic Role of the Criminal Justice System in Pakistan* – Explores the criminal justice system in detail. **Vajahat Masud:** *A Journey through the Criminal Justice System in Pakistan: Right to Fair Trial* – Focuses on fair trial issues in Pakistan.
2. **Hamid Khan:** *A History of the Judiciary in Pakistan* – Provides an overview of the judiciary's formation and growth. **Zeeshan Mansoor:** *Practical Approach Towards Criminal Justice System in Pakistan* – Examines various aspects of the criminal justice system. **Syed Junaid Arshad:** *Criminal Justice System in Pakistan: A Critical Analysis* – Highlights significant flaws in the criminal justice system.
3. **M.H. Rehman:** *The Woes of the Criminal Justice System in Pakistan* – Sheds light on issues within Pakistan's criminal justice system. **Fasihuddin:** *Criminology and Criminal Justice System in Pakistan* – Traces the trajectory of judicial reforms.
4. **NACTA:** *Criminal Justice System Reforms* (October 2017) – Proposes reforms including law, administrative, organizational, and budgetary improvements.
5. **Rene David & John E.C. Brierley:** *Major Legal Systems in the World Today* – Analyzes the development of principal global legal systems, including their historical foundations and structures.
6. **Richard J. Terrill:** *World Criminal Justice Systems: A Survey* (7th edition) – Provides an overview of different global criminal justice systems.
7. **Jon Gauslaa:** *Supreme Court 2000: The Reputation of the Presidium* – Examines the Russian judicial and institutional structure, focusing on the superior judiciary.
8. **Alexander Severance:** *Old Habits Die Hard: Aleksandr Nikitin, the European Court of Human Rights, and Criminal Procedure in the Russian Federation* – Explains challenges and flaws in the Russian judicial system.

9. **World Justice Project (WJP): Rule of Law Index** – Offers insights into global legal systems and rule of law practices.

Methodology

To uncover original facts and data, this research will employ a range of methodologies. Data will be collected from various legal systems in Pakistan, China, Russia, France, and the USA, utilizing both online and published materials. The research will primarily be desk-based, relying on secondary sources such as newspapers, reports, surveys, and articles. Additionally, international rankings and reports will be incorporated into the study to provide a comprehensive analysis.

Precursor Families of the Judicial System

Countries around the world have adopted diverse legal and judicial systems, but most systems are rooted in one of three major legal families: the Romano-Germanic family, the Common Law family, and the Socialist Law family. Despite the predominance of these families, some jurisdictions also draw from religious laws, customary laws, and hybrid systems. The following paragraphs provide an overview of these major legal families.

Romano-Germanic Family (Jus Civile)

The Romano-Germanic legal tradition, also known as Civil Law, originated in Europe and is rooted in Roman law. This system has been shaped by various influences, including Napoleonic, Germanic, canonical, feudal, and local practices, as well as doctrinal strains such as natural law, codification, and legal positivism (Arnold-Baker, 2001). Stare decisis plays a secondary role compared to parliamentary legislations. This tradition began with the intellectual efforts of Emperor Justinian (A.D. 483-565) and evolved into a juridical science adapted to contemporary needs (Brierley, 1985). The term Romano-Germanic reflects the combined efforts of Latin and Germanic academic institutions and spread globally through European colonization. In non-colonized countries, adopting this tradition was seen as essential for modernization and Westernization.

Judicial systems within this family are inquisitorial, meaning that trial judges act as inquisitors who play an active role in fact-finding by questioning defense counsels, prosecutors, and witnesses. Judges can demand evidence if they find the presented arguments unsatisfactory. Before initiating a trial, magistrate judges (or judges d'instruction in France) participate in preliminary inquiries by reviewing police materials and consulting with prosecutors. The roles of prosecution and defense counsels are relatively limited in litigation.

Common Law Family

The Common Law family, predominant in England and jurisdictions influenced by English law, prioritizes the principle of stare decisis, where precedents and case law take precedence over statutory laws. Common Law is defined as “the body of those principles and rules of action, relating to the government and security of persons and property, which derive their authority solely from usages and customs of immemorial antiquity, or from the judgments and decrees of the courts recognizing, affirming, and enforcing such usages and customs” (Garner, 2010). Approximately one-third of the world’s judicial systems are influenced by Common Law or a blend of Common and Civil laws.

The Common Law system is adversarial, meaning that two attorneys present their clients' positions before an impartial judge or jury, whose role is to determine the truth and deliver a verdict. This contrasts with the inquisitorial system used in some civil law jurisdictions, where the court plays an active role in investigating facts and circumstances.

In adversarial proceedings, the defendant is not obligated to provide evidence and may choose to remain silent. However, if the defendant testifies, they are subject to cross-examination. The adversarial system emphasizes the skill of lawyers in presenting their cases, as the outcome depends on their ability to argue effectively before an impartial judge or jury.

Socialist Law Family

John Quigley defines socialist law as “the law of countries whose governments officially view the country as being either socialist or moving from capitalism to socialism, and which hold a communistic society as an ultimate goal” (Quigley, 1989). There is debate over whether socialist legal systems should be considered a distinct family or a variation of civil law. Socialist legal systems in the Soviet Union and Eastern European states have roots in civil law but incorporate principles of socialist ideology (Chen, 2000; Partlett, 2018). John Merryman suggests that socialist reforms imposed “certain principles of socialist ideology on existing civil law systems,” leading to a “young, vigorous legal tradition” with a hybrid nature (Merryman, 1985; Hazard, 1969).

Examples of socialist legal systems include the creation of "People's Courts" in various Eastern European countries, which operated with lay judges and lacked formal procedures. These courts were used to try political and criminal cases during the early socialist period (Slapnicka, 1963).

Comparative Analysis of Precursor Families

The distinction between common law and civil/socialist law systems can be understood through their respective approaches to legal principles. In

common law, court decisions hold the same authority as enacted laws, and courts can create law where none exists. By contrast, civil law systems adhere strictly to enacted laws, with courts limited to interpreting existing statutes. For example, the Napoleonic Code explicitly forbade French judges from establishing general principles of law (Crabites, 1927).

A key difference between civil and common law systems is the active participation of judges in evidence collection and evaluation. The civil law system is inquisitorial, with courts actively investigating cases, while the common law system is adversarial, requiring opposing parties to present evidence and witnesses before an impartial adjudicator. In the adversarial system, the defense is not required to provide evidence and may choose to remain silent, with the effectiveness of the legal representation being crucial to the case's outcome.

Comparative Analysis of Major Judicial Systems: Pakistan, Russia, USA, and China

Institutional Structure of Pakistan and Its Effectiveness

Pakistan's judicial system is heavily influenced by the English common law system. As a federal state with a parliamentary democracy, the judicial system has evolved through several periods: the Hindu period, the Muslim era (including the Mughal kingdom), the British Imperial era, and the post-independence era. Despite continuous changes and adaptations, which have transformed Indian society socially, economically, and politically, the judicial system has progressively advanced towards amalgamation and sophistication without major disturbances or breakdowns.

Superior Judiciary

The Constitution of Pakistan, 1973, outlines the supreme judiciary in a comprehensive manner, detailing the composition, powers, functions, and appointment procedures for judges. The Constitution mandates the "separation of the judiciary from the executive" and the "independence of the judiciary" (Constitution of the Islamic Republic of Pakistan, 1973, Article). It requires superior courts to "preserve, protect, and defend" the Constitution. The Constitution provides detailed provisions on the qualifications, appointment, perks, and privileges of judges. Judges' salaries and other administrative expenses of the superior courts are paid from the Federal/Provincial Consolidated Fund, which may be debated but cannot be voted upon in Parliament. This ensures the freedom, independence, and fairness of the superior courts.

Supreme Court of Pakistan

The Supreme Court is the highest court in Pakistan, invested with original, appellate, and advisory jurisdictions. It is the final authority on matters of law and the Constitution, and its judgments are binding on all other courts. The

Supreme Court comprises a Chief Justice and other judges appointed by the President in accordance with the Constitution of Pakistan. The Supreme Court Number of Judges Act (Act No. XXXIII) of 1997 stipulates that the Court consists of 17 judges, including the Chief Justice and 16 other judges. The Constitution also allows for the appointment of acting and ad hoc judges. To qualify as a judge of the Supreme Court, one must have either five years of experience as a Judge of a High Court or fifteen years of experience as an advocate of a High Court.

The Supreme Court exercises original jurisdiction in resolving inter-governmental matters, including disputes between the Federal Government and provincial governments or between provincial governments. It also shares original jurisdiction with High Courts to protect Fundamental Constitutional Rights in matters of 'public importance'. Additionally, the Court has appellate jurisdiction in civil and criminal matters and advisory jurisdiction to provide opinions to the Government on legal questions.

High Courts

The High Court is the second highest court after the Supreme Court in Pakistan. Each province and the Islamabad Capital Territory have one High Court. Each High Court consists of a Chief Justice and other judges. The Lahore High Court, Sindh High Court, Peshawar High Court, Balochistan High Court, and Islamabad High Court have 60, 40, 20, 11, and 7 judges, respectively. To qualify as a judge of a High Court, one must have ten years of experience as an advocate or ten years of service as a civil servant, including three years as a District Judge or ten years in a judicial office.

Each High Court has original jurisdiction to protect Fundamental Rights and appellate jurisdiction over decisions of subordinate courts in civil, criminal, family, corporate, and constitutional matters. Appeals can also be made against decisions of Special Courts.

Federal Shariat Court (FSC)

The FSC consists of eight Muslim judges and is headed by a Chief Justice. The procedure for appointing judges to the FSC was modified by the 18th and 19th constitutional amendments. Previously, judges were appointed by the President from serving or retired judges of the Supreme Court or High Courts, or from individuals with qualifications equivalent to a High Court judge. The primary role of the FSC is to determine whether laws passed by Parliament are consistent with Islam.

Subordinate Judiciary of Pakistan

The Subordinate Judiciary is divided into civil courts, established under the Civil Courts Ordinance 1962, and criminal courts, established under the Code of Criminal Procedure 1898. Special laws have also established various specialized courts, such as Anti-Terrorism Courts and Service Tribunals. The jurisdiction, powers, and roles of these courts are defined in the statutes

creating them. Decisions from subordinate courts can be appealed to the superior judiciary through revision or appeal. The provincial governments fund the justice sector, and administrative proceedings are regulated under provincial rules and respective High Courts.

Special Courts

The Constitution of Pakistan empowers the central Legislature to create special courts and tribunals for federal subjects. At the federal level, special courts include the Special Courts (Control of Narcotics Substances), Banking Courts (Recovery of Loans), and Special Courts (Offences in Banks). At the provincial level, special courts include Labour Courts, Consumer Protection Courts, Anti-Terrorism Courts, and Anti-Corruption Courts. Judicial officers in these courts are often appointed on deputation from the provincial judicial cadre.

Institutional Structure of the Judiciary in Russia and Its Efficacy

Russia has a civil law system with codified laws (civil and criminal) and other laws that must align with prevailing codes. The legislature can create or repeal laws.

The Russian judicial system includes civil, criminal, administrative, and commercial procedural codes and features of the adversarial system, including oral proceedings, public and direct representation. Judges actively participate in the investigative process, and it is the parties' responsibility to collect and present evidence. The court decides on the admissibility, relevance, and reliability of evidence but is not required to collect evidence itself. However, the court can assist parties in gathering evidence that cannot be obtained independently to ensure impartial judgments.

Constitutional Court

The Constitutional Court of Russia handles matters related to constitutional compliance, judicial disputes between federal bodies, and between federal and regional authorities. It performs "constitutional review" and assesses whether federal laws, presidential decrees, and local laws comply with the federal constitution and agreements between national and regional governments.

Supreme Court

The Supreme Court of Russia is the highest court and oversees subordinate courts of general jurisdiction. It also acts as a court of first instance in matters concerning state interests.

Ordinary Courts

Ordinary courts handle criminal cases, administrative cases, civil disputes, and organizational offenses, excluding cases under the authority of arbitration courts. They are categorized into military and non-military courts.

Cassation Courts

Cassation courts review cases previously heard by district or garrison military courts as first instance courts.

Regional Courts and Military Courts

Regional courts (kray courts and city courts) operate at the regional level and include the supreme courts of Russia's republics, kraia, oblasts, city courts of federal cities (Moscow and Saint Petersburg), autonomous oblasts, and autonomous okrugs. These courts serve as both first instance and appellate courts. Military courts handle cases involving military personnel only.

District Courts and Garrison Military Courts

District courts are primarily first instance courts but may also handle appeals from magistrates. They hear criminal cases involving offenses punishable by imprisonment of more than three years. Garrison Military Courts deal exclusively with military-related cases.

Magistrate Courts

Magistrate courts handle criminal cases involving petty offenses punishable by imprisonment of less than three years.

An independent judiciary is a key constitutional principle in Russia. Judges are bound only by the Constitution and federal laws. Judicial independence is ensured by the irrevocability of appointments, immunity from legal process (with special procedures for prosecution requiring the consent of the judicial qualification committee), and social guarantees, including lifetime maintenance, compulsory insurance for judges and their families, medical services, and compensation for travel expenses.

Institutional Structure of the Judiciary in the USA

The United States is a federal system with a central federal government and individual governments for each of the fifty states. Both the federal government and each state have their own judicial systems. Despite differences between federal and state courts, they share some common characteristics.

United States Supreme Court

Article III of the US Constitution established the Supreme Court and gave Congress the power to create lower courts. The federal courts handle disputes between states and cases arising under the Constitution and federal laws. The Supreme Court is the highest court and has the authority to hear appeals from federal and state courts involving federal law.

District Courts

District courts are the general trial courts of the federal system. Each district court has at least one judge appointed by the President and confirmed by the

Senate for life. District courts handle both civil and criminal trials. Judges manage the court and its employees and can be impeached by Congress. There are over 670 district court judges nationwide. Federal magistrate judges, appointed by district court judges, handle certain cases, issue search and arrest warrants, conduct initial hearings, set bail, and decide various motions. Magistrates serve for terms of eight years if full-time and four years if part-time but can be reappointed.

Circuit Courts

Federal district court decisions can be appealed to the United States Court of Appeals, which is divided into twelve circuits. The Federal Circuit Court of Appeals has nationwide jurisdiction over specific issues like patents. Circuit court judges are appointed for life by the president and confirmed by the Senate. Cases are first heard by a panel of three judges, who review briefs and conduct oral arguments.

Institutional Structure of the Justice System in China

Technically, the judicial system of the People's Republic of China (PRC) is comprised of the people's court system. According to the Criminal Procedure Law of the PRC, the people's court, the people's procuratorate, and the public security organs are each expected to perform their respective tasks during criminal proceedings and work collaboratively with each other. Judicial powers in China are vested in both the people's procuratorate and the public security organs; however, their judicial roles are quite limited. Overall, China's judicial system can be seen as comprising three tiers: the people's court system, the people's procuratorate system, and the public security system.

The People's Courts of China

The People's Courts of China are the judicial organs responsible for adjudicating disputes on behalf of the state. According to the Constitution and the Organic Law of the People's Courts of 1979 (amended in 1983), China's judicial system is organized into a network of courts described by "four levels and two instances of trials." The local people's courts, which perform judicial functions, are divided into three levels: basic people's courts, intermediate people's courts, and higher people's courts. Additionally, there are military courts, special people's courts, and the Supreme People's Court.

The Supreme People's Court

The Supreme People's Court is the highest judicial body in the Chinese judicial structure. The National People's Congress (NPC) and its Standing Committee elect the Chief Justice, known as the President of the Supreme People's Court. The Supreme People's Court is divided into three divisions: criminal, civil, and economic. There is no limit on the establishment of new divisions. The jurisdiction of the Supreme People's Court includes appellate cases, protests, and cases brought forward by the Supreme People's

Procuratorate. Furthermore, the Supreme People's Court oversees the work of local people's courts and special courts. It interprets laws and decrees. The legislature may intervene to resolve legal ambiguities, ensuring that the judiciary interprets and enforces the law effectively and impartially.

The Higher People's Courts

The Higher People's Courts operate in provinces, autonomous regions, and municipalities directly under the central government. Their jurisdiction includes original cases (first instance), appeals and protests against judgments of lower courts, cases transferred from lower-level people's courts, and protests lodged by the people's procuratorates. The Higher People's Courts are under the control of the central government.

The Intermediate People's Courts

Intermediate People's Courts are established in provincial capitals and prefectures. These courts handle first-instance cases assigned by laws and decrees, cases transferred from basic people's courts, and appeals and protests from lower courts.

The Basic People's Courts

The Basic People's Courts are the lowest level in the judicial hierarchy of China. They are located in municipal districts and counties of autonomous regions. They have the authority to establish tribunals if necessary. Such tribunals are legal bodies with the same powers as Basic People's Courts and are typically formed in densely populated towns. According to the Organic Law, Basic People's Courts have original jurisdiction and adjudicate all criminal and civil cases unless otherwise specified by law. They also handle minor offenses that do not require formal adjudication and oversee people's mediation committees.

The Special Courts

Special Courts include military, railway, and maritime courts. Due to the specialized nature of the cases, these courts have specific jurisdictions. For example, military courts adjudicate cases involving military personnel, railway courts handle transport-related and economic disputes, and maritime courts resolve disputes involving maritime law, including those involving foreign entities.

The People's Procuratorates

According to Article 134 of the Constitution of the People's Republic of China, the people's procuratorates are the legal oversight organs of the state. They handle cases related to anti-state activities, including obstructions to the implementation of state laws and policies. They also review cases related to security investigated by public security organs.

Efficacy of China's Judicial System

Article 131 of the Constitution ensures the independence and fairness of the judiciary in China. The judicial system combines elements of both adversarial and inquisitorial systems. In civil law, litigants are responsible for providing evidence for their claims. If litigants or their representatives cannot gather evidence due to objective reasons or if the evidence is deemed necessary by the court, the court may investigate and gather it. In criminal law, the people's procuratorate bears the burden of proof for public prosecution cases, while the burden of proof in private prosecution cases rests with the private prosecutor, not the suspect.

The Constitution and the Organic Law of Courts ensure that the judiciary operates freely, independently, and judiciously. The term "court" is crucial as it signifies that judicial power rests with the court, not the individual judges. Judges are appointed and serve within the framework of the courts, and collegial panels are established. This system aims to ensure fair and impartial adjudication. However, heads of judicial branches have the authority to revise draft judgments from collegial panels, a practice that could be seen as "internal interference." In serious and complex cases, a judicial committee makes the final decision, rather than the collegial panel. While this system is designed to ensure fairness, it could potentially be exploited by committee members to encroach on judicial powers for personal motives.

Comparative Analysis of Efficacy and Effectiveness of Rule of Law Standards

Having provided a detailed overview of the institutional structures of the judicial systems in Pakistan, the USA, Russia, France, and China, this section will assess how effectively these systems adhere to the Rule of Law and administer justice. While this analysis highlights significant shortcomings within some judicial systems, it also underscores key areas of recent improvement, including the positive responses of courts to reforms and recent efforts within these systems. International standards and indexes/reports have been used to provide a clear view of each country's institutional structure and judicial system in relation to the Rule of Law.

An Overview of the Corruption Perception Index on Judicial Systems

The Corruption Perception Index (CPI) measures the perceived levels of public sector corruption as assessed by experts and businesspeople, using a scale from zero (highly corrupt) to 100 (very clean). The 2021 CPI ranked 180 countries and territories based on their perceived public sector corruption, drawing from 13 expert assessments and surveys of business executives. In 2020, Pakistan had a CPI score of 31 and was ranked 124 out of 180 countries. According to Transparency International, Pakistan's score has since deteriorated to 28, with a ranking of 140 out of 180 countries (Ahmed, 2022).

In contrast, China was ranked 66th with a score of 45, reflecting a more positive view of its institutional structure and operations. Russia, however, paints a more troubling picture, ranked 136th with a score of 29, indicating significant corruption within its state departments, including the bureaucracy and judiciary. The USA and France are noted for their transparency, with rankings of 27th and 22nd, and scores of 67 and 71, respectively (International, 2021).

An Overview of the World Justice Project Rule of Law Index

The Rule of Law Index from the World Justice Project is a leading source of data on the Rule of Law, covering 139 countries. The Index relies on national surveys of over 130,000 households and 4,000 legal practitioners and experts to measure the experience and perception of the Rule of Law worldwide (Project, 2021). The index ranks countries based on eight interrelated factors:

Factor 1: Constraints on Government Powers - Measures the extent to which government officials are bound by law, including constitutional and institutional means of limiting and holding accountable those in power, as well as non-governmental checks like free and independent media.

Factor 2: Absence of Corruption - Evaluates corruption in three areas: bribery, improper influence by public or private interests, and misappropriation of public funds. This factor assesses corruption among public office holders across various branches of government.

Factor 3: Openness of Government - Assesses how well the government shares information, empowers citizens to hold it accountable, and promotes public involvement in policymaking.

Factor 4: Fundamental Rights - Focuses on adherence to core human rights as established under international law, including those outlined in the United Nations Universal Declaration of Human Rights.

Factor 5: Order and Security - Measures the effectiveness of a state in ensuring the security of persons and property, which is crucial for realizing rights and freedoms.

Factor 6: Regulatory Enforcement and Trials - Evaluates how fairly and efficiently rules and regulations are implemented and enforced, without assessing the appropriateness of the regulations themselves.

Factor 7: Civil Justice - Reflects the accessibility, affordability, and effectiveness of the civil justice system, including considerations of delay, discrimination, and alternative dispute resolution mechanisms.

Factor 8: Criminal Justice - Assesses the effectiveness of the criminal justice system, including the roles of police, lawyers, prosecutors, judges, and prison officers.

According to the WJP Rule of Law Index, Pakistan was ranked 130th out of 139 countries, indicating a poor state of its judicial system. Key issues include corruption and order and security. Corruption is notably high among police, military, and legislative branches compared to the judiciary and executive branches. However, there has been an improvement in freedom of expression and assembly, with Pakistan ranking 81st out of 139 and showing progress since 2017-2018.

China ranks 98th, reflecting challenges related to restrictions on fundamental rights and the functioning of state and non-governmental institutions. Russia is ranked 101st, highlighting significant issues with corruption. The United States, with its inquisitorial judicial system and transparency, ranks 27th out of 139 on the WJP Rule of Law Index, indicating a high level of judicial system performance and efficiency.

Globally, there have been notable declines in the areas of Fundamental Rights (54 countries declined, 29 improved), Constraints on Government Powers (52 declined, 28 improved), and Absence of Corruption (51 declined, 26 improved). This pattern is consistent over a five-year period, with Fundamental Rights experiencing the most significant backsliding, as 67 countries have dropped in score since 2015 (Project, 2021).

Conclusion

Judicial systems around the globe have formed a "famille juridique" (Legal Family) by adhering to specific judicial and legal traditions. For instance, as discussed, the judicial systems of the United States and Pakistan are influenced by the British common law system, while Russia and China are more influenced by the Romano-Germanic family. This paper aimed to provide a comparative analysis of major legal and judicial systems worldwide, offering a framework for comparative analysis based on epistemological arguments within the field of comparative law, with a particular focus on China, Pakistan, the USA, and Russia.

The final section of the paper summarizes the impact of adhering to a particular predecessor judicial system on the effectiveness and efficiency of the Rule of Law in various jurisdictions. This summary is informed by the World Justice Project (WJP) Rule of Law reports and is complemented by a comparative study with the Corruption Perception Index (CPI).

Recommendations

1. Countries with higher scores on the WJP Rule of Law Index typically have faster justice delivery systems. Pakistan needs to shift its focus from short-term solutions, such as establishing model courts, to long-term strategies aimed at improving the speed of justice. This involves

addressing threats to internal stability, ensuring the security of judicial staff, and enhancing public confidence in judicial institutions.

2. Another critical factor in the WJP Rule of Law Index is the absence of corruption in government. Countries like the US and France, which score high on the index, have minimal or no corruption. This factor evaluates corruption through three areas: bribery, improper influence by public or private interests, and misappropriation of public funds or resources. Pakistan must take significant steps to combat corruption within the judicial process.
3. The protection of fundamental rights is a key element of the Rule of Law Index. A justice system that fails to respect core human rights can only be considered "rule by law" rather than a true rule of law system. Therefore, implementing policies that protect and promote human rights is essential for improving Pakistan's ranking on the Rule of Law Index.
4. According to the WJP Rule of Law Index, a country's criminal justice system is central to the rule of law. Pakistan should establish a robust witness protection system that prioritizes the safety of witnesses, investigators, prosecutors, and judges.
5. The WJP Rule of Law Index highlights the importance of public involvement in policy-making as a contributing factor to the rule of law. It is crucial to involve all stakeholders, particularly the public, in policing efforts. This can be achieved by including them in various committees, such as Citizens Liaison Committees.

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