

Examining the Effectiveness of Legal Reforms in the Bangladesh Criminal Justice System: A Comprehensive Analysis

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Abstract:

The study “*Examining the Effectiveness of Legal Reforms in the Bangladesh Criminal Justice System: A Comprehensive Analysis*” investigates the depth, scope, and impact of recent legal reforms aimed at modernizing Bangladesh’s justice sector. Despite some positive legislative initiatives, the system struggles with ongoing problems such as delays, corruption and inadequate access to justice, enforcement is limited and there is a lack of confidence by the general public in the rule of law. This research uses a mixed-methods approach of systematic literature review, qualitative interviews with key stakeholders, and quantitative analysis to examine in depth the impacts of the three reforms on judicial delay, access to legal aid and protection of victims’ rights. The results suggest that such reforms have, however, remained largely peripheral and structurally prescribed by colonial inheritances, institutional fragilities and human rights threats. The report highlights the necessity for comprehensive legal, institutional and social reforms in order to achieve material change. It finds that sustainable justice in Bangladesh also relies on making early access to legal aid possible, supporting victim participation, or reforming policing behavior as well as increasing integrity of the institutional sector.

Keywords: Criminal Justice Reform, Legal Aid, Access to Justice, Human Rights, Bangladesh Judiciary

Introduction:

The criminal justice system in Bangladesh forms the bedrock of the rule of law by which social control, equality and protection appear to be realized. However, despite its constitutional pre-eminence, the system is fraught with significant challenges such as inordinate delays in dispensation of cases, procedural impediments, graft and discrimination in access to justice. Such enduring barriers not only undermine public confidence, but also limit the justice system’s

capacity to provide fair and efficient results.¹ Growing awareness of these problems has led to demands for substantial legal reform of the tools in institutional framework. “in order to ensure that the administration of justice is improved, modernized and aligned with constitutional norms as well as with international human rights standards.”²

¹ Kesuma, D. A. (2024). Criminal Law Reform to Increase the Effectiveness of the Justice System in Overcoming Crime. *International Journal of Science and Society*, 6(1), 760–769. <https://doi.org/10.54783/ijssoc.v6i1.1061>.

² Bari, H. M. F. (2019). Evolution of the criminal justice system in Bangladesh: colonial legacies, trends and issues. *Commonwealth Law Bulletin*, 45(1), 25–46.

The Nation State Bangladesh inherited a colonial legal system from British rule, which replaced the indigenous Mughal era system that was rooted in Islamic law.³ Despite several legislative amendments since independence, these have largely been ad hoc rather than systemic, with the upshot that the national statistical system has inherited a rigid structure, limited flexibility and procedural bottlenecks from the colonial legacy. This continuity from the past has impeded it to respond flexibly, that is according to changing nature of crime vis a vis urbanization, technological changes and economic disparities.

In the modern world, criminal Law and the administration of justice are therefore contextually becoming more complex: The phenomena of Globalization, Digital Criminality and Crimes Against Women and related offences requires progressive yet inclusivist legal regime. Thus, legal reforms must expand beyond mere evolution of statutes to encompass a well-articulated institutional policy framework that revolves around judicial accountability, procedural openness and accessibility to justice for every citizen.⁴ At issue is the continuing lack of equality in terms of justice for the poor in Bangladesh—a reality that exists despite LASA and Bangladesh’s ratification of international human rights instruments like the ICCPR.⁵ Efforts to address violence against women present similar

disconnects between legislative aspirations and implementation propelled by cultural paradigms, resource constraints, and institutional inertia.⁶

This research – “Assessment on Legal Reforms of Bangladesh Criminal Justice System with Special Reference to Ensuring Rule of Law, Equality and Human Rights: An In Depth Analysis” – aims to analyze the effectiveness of the legal reforms in Bangladesh with reference to rule of law, equality and human rights. In examining both why and the degree to which these reforms are likely to address procedural bottlenecks, POI-based barriers to access and systemic injustices, based on a systematic exploration of legislative developments, institutional practices and their societal consequences. Rooted in history and empirical data, it endeavors to map the gains so far made as well as persistent structural gaps that inhibit justice delivery.

At the end of the day, this study indicates that legal reform to have any semblance of success must be treated as part and parcel of a comprehensive transformation agenda which includes legal modernization and social, institutional and cultural change. The research aims, through this investigation, to contribute academic evidence and policy-relevant analysis towards a fair responsive and effective criminal justice system that truly reflects the principles of democracy, equality and justice in present-day Bangladesh.

Objectives of the Study:

Another reason to examine the efficacy of legal reforms in all aspects of Bangladeshi criminal justice system lies to explore where from we are and what challenges exist against the department of Criminal Justice System’s offices in Bangladesh.⁷ Such knowledge further entails

<https://doi.org/10.1080/03050718.2019.1681285>, Uddin, Md. K. (2022). Human rights abuses and criminal justice in policing practices in Bangladesh. *Criminology & Criminal Justice*, 24(4), 733–756. <https://doi.org/10.1177/17488958221120915>.

³ *Id.*

⁴ Islam, R. (2017). Access to Justice through Legal Aid: A Study in Bangladesh. *American International Journal of Social Science Research*, 1(1), 22–32. <https://doi.org/10.46281/aijssr.v1i1.159>, Akter, F. (2015). Towards a Comprehensive Legal Aid System in Bangladesh: The Need for Early Access to Legal Aid in Criminal Proceedings. *Asian Journal of Criminology*, 11(2), 65–82. <https://doi.org/10.1007/s11417-015-9217-y>.

Rahman, K. F. (2022). Ensuring Victims’ Participation in the Criminal Justice of Bangladesh. *International Journal of Criminology and Sociology*, 11, 82–90. <https://doi.org/10.6000/1929-4409.2022.11.10>.

⁵ *Id.*, Islam, R. (2017), Khan, A. R. (2019). Legal Aid to Ensure Access to Justice in Bangladesh. *SSRN Electronic Journal*. <https://doi.org/10.2139/ssrn.3945515>.

⁶ Banarjee, S. (2020). Identifying factors of sexual violence against women and protection of their rights in Bangladesh. *Aggression and Violent Behavior*, 52, 101384. <https://doi.org/10.1016/j.avb.2020.101384>.

⁷ -, S. A. K., -, Dr. Md. O. F., -, R. S., & -, A. A. (2024). The Practice of Rule of Law in Criminal Justice System: A Criminological Study of Bangladesh. *International Journal of Innovative Research in Engineering &*

recognizing the evolving nature of crime and challenges which they present to current institutions.⁸ A central research concern is to investigate how legal and institutional configurations have evolved and changed to address particular problems, like violence against women (VAW), as well as how these structures can make access to justice more effective for victims.⁹ The study also seeks to address the role of legal aid in providing equal access to justice, particularly for the poor and vulnerable groups, as judicial administration is relatively expensive in Bangladesh. Apprizing the victim of his participation in the criminal justice system, which is neglected, also forms part and parcel of doing justice.

Methodology:

Mixed-methods Designed to provide a comprehensive analysis of legal reforms in the criminal justice system (CJS) in Bangladesh, this research used a mixed-methods approach that utilized both qualitative and quantitative methods for data collection and analysis. This method is necessary to achieve an in-depth understanding of the complexities of judicial reforms and what their consequences are for legal traditions.

A study for the methodology itself would typically comprise of several stages, such as in systematic literature reviews and those belonging to empirical work. This phase encompasses the justification for a systematic literature review. It might be to address a knowledge - gap in the research, to offer up an overview of existing research for a new project or, to critically assess the state - of - the - art field. For instance, if there are contradicting findings in prior studies about the efficacy of a new pedagogical approach, an SLR might be able to provide an answer.

Multidisciplinary Physical Sciences, 12(4).
<https://doi.org/10.37082/ijrjms.v12.i4.230737>.

⁸ *Supra* note 1.

⁹ Islam, Z. (2024). The Effectiveness of Bangladesh's Current Legal and Institutional Arrangements for Combating Violence Against Women: A Qualitative Study. *International Journal of Social Science, Technology and Economics Management*, 2(1).
<https://doi.org/10.59781/5051budn>.

Specify research question: The first step in conducting a literature review is to define your research question. A clear research question drives the entire review. They need to be succinct, clear and focused. For example, in a systematic review on the effect of social media use on adolescents' mental health, you might ask "What is the short - term and long -term impact of excessive use of social media on the self-esteem of adolescents?"

Choose literature sources: This refers to where you are going to find the relevant literature. It may consist of academic data bases (such as Google Scholar, Web of Science and PubMed), academic journals, books, conference papers, sometimes even grey literature (e.g. reports from non - academic organizations). Particular disciplines may favor specific sources and forms of evidence -- medical research is one case in point, where peer - reviewed medical journals are primary texts.

Specify inclusion/exclusion criteria: This is the set of rules governing what studies to include or exclude in the review. Examples of inclusion criteria are publication in a peer-reviewed journal, having been performed in a given period, or employing a specific research method. Exclusion criteria may include studies not in an appropriate language (e.g, language elderly participants do not speak), that are not original research (eg, editorials) or do not answer the research question(s). For instance, an article could potentially include only research studies that are conducted with humans and measure the impact of exercise on heart functioning (e.g., Brush et al., 2006), omitting those examining animal testing or the effects on muscle construction.

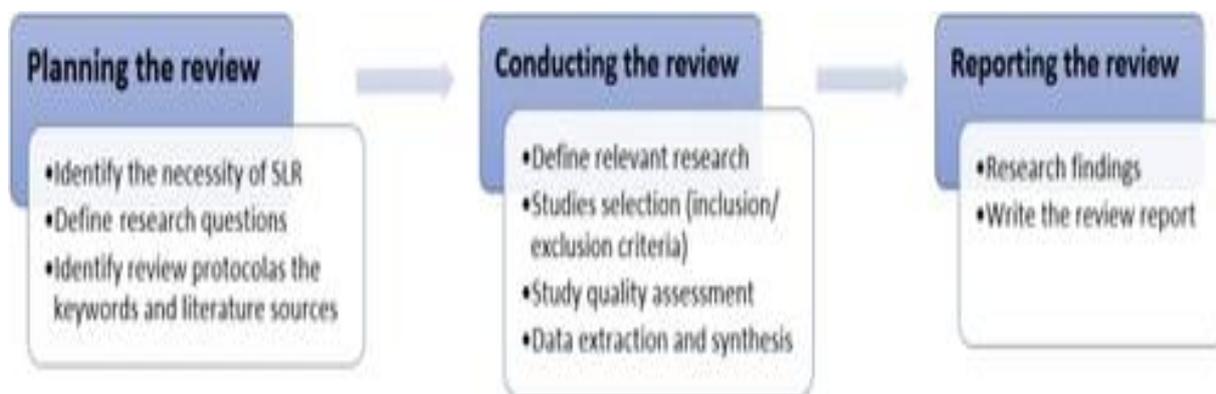
Search: This refers to the act of searching for studies that satisfy predefined criteria in the selected literature sources. Typically, the strategy of a search includes keywords applied together with Boolean operators (particularly AND, OR and NOT), as well and/or truncation. For instance, typing "artificial intelligence AND education"

will result to studies mentioning both artificial intelligence and education.

Assessment of the quality of studies: After obtaining studies. This might entail looking at indicators such as the study design (i.e., in medical research, randomized controlled trials are generally seen as high - quality), sample size, measures validity and reliability and an appropriate statistical analysis. Less well - designed studies may be granted less weight in the review or excluded if they are considered to fall below a certain quality threshold. Results of the review Research results: This is a summary of the main outcomes detected in the studies included in this review. That may include summarizing key findings from the individual studies, themes or trends identified across several of them and broad similarities or differences between studies. For instance, in a review of climate change and agricultural productivity, the evidence could find

that most studies identify a negative effect of higher temperatures on crop yields in some locations.

Write review report: The review report is a summary document, which contains total outcome of a critical appraisal along with complete process of the review. Such a report usually has an introduction, which describes the background and rationale for undertaking the review; methods section in which the conduct of the review is described (including a description of search strategy, criteria for selecting studies, and assessment of their quality); results section in which included study findings are summarized; discussion section where these findings are interpreted, presented within appropriate context, and implications considered; concluding section that provides both a summary and recommendations.



Planning the review Identify the need for SLR: "SLR" means Systematic Literature Review¹⁰

Key steps include:

Search strategy: A sensitive search of the literature meeting predefined criteria and appraised using high quality papers. This includes determining keywords, databases (e.g. academic and journal search), and the definition of inclusion/exclusion criteria.

Data: For qualitative information, in-depth interviews with stakeholders, focus group discussion among different district people can be carried out along with content analysis of primary and secondary data (Islam, 2024). Quantitative data: It is possible to deliver user or participants surveys in the justice system.

Data Analysis:

Thematic Analysis: Thematic analysis can be used to recognize and analyze patterns from interview and focus group data (Islam, 2024). This includes the structuring of text, determining meaning units, condensing and coding them, and generating

¹⁰ Ameer, A., Hamdi, S., & Ben Yahia, S. (2023). Sentiment Analysis for Hotel Reviews: A Systematic Literature Review. *ACM Computing Surveys*, 56(2), 1–38. <https://doi.org/10.1145/3605152>

findings in an effort to reduce influencing factors to dimensions.

Quantitative analysis: Hypotheses are tested and association between variables is established by using statistical techniques like descriptive statistics, correlation analysis and regression (linear regression, factor etc). Reliability and validity tests of the gathered data are also essential.

Comparative Methods - Comparing results from various papers is useful for identifying commonalities, differences and trends within the literature shaft.

Reporting: The results of the research, its limitations and avenues for future work are reported, consolidating observations and noting discrepancies.

Limitations of the Study:

There are several constraints confronting the thorough study of legal reforms in Bangladesh. Firstly, the method of collecting data may be limited by access to applicable parties and geographical scope; therefore, the findings cannot easily be generalized. Because some of the topics, including use of force human rights violations in policing is sensitive and controversial, there may have been under-reporting and reluctance by participants to report information openly.

Secondly, the criminal justice system of Bangladesh is characterized by colonial legacy and dynamic changes in legislative provisions, thus it makes it difficult to tease out the specific influences of recent reforms. The problem as it presents is multidisciplinary and includes legal, social, economic and political componentry making it more complex to address requiring a wide-ranging expertise unlikely to be contained in any single piece of research.

Third, there might be resource restrictions—time and funds for in-depth research but also extended qualitative and quantitative data collection among different populations. In addition, a lack of available, detailed data about the impact of

individual legal reforms may limit rigorous quantitative analysis.

Lastly, the notion of “effectiveness” may be to some extent in the eye of the beholder and can vary from one angle (e.g., that a crime victims’ perspective on effectiveness is different from legal professionals’, law enforcement’s etc.), requiring caution not to introduce bias.

Literature Review:

The available literature on the criminal justice system in Bangladesh indicates that there is a great need for reform in this sector; and also, it identifies few problematic issues. Reports continually highlight overburdening of the system, causing delays and inequalities in justice delivery that weaken the rule of law.¹¹ That has created a climate of impunity, which undermines the justice system.¹²

Bangladesh's criminal justice system has its origins in colonial inheritance, and the English system was imposed on the Mughal one over time.¹³ Although the criminal laws have been subject to many reforms, most of them are referred to as "peripheral," with other studies confirming that the criminal laws remain "fundamentally untouched" in order to accommodate contemporary acts which constitute crimes.¹⁴

An area demanding more attention is justice for the poor and the marginalized. Legal aid is generally considered an effective way of ensuring that rich and poor are equally able to access justice, they will not need to spend a lot, especially in view of the high cost of judicial administration in Bangladesh.¹⁵ Legal aid is not charity, it's a fundamental right for citizen, especially the poor and illiterate who cannot afford to engage lawyers and they don't know their rights.¹⁶ It is clear that it will be an injustice

¹¹ *Supra* note 7

¹² *Id*

¹³ *Supra* note 2.

¹⁴ *Supra* note 1, *Id*.

¹⁵ *Supra* note 4 & 5, Islam, R. (2017), Khan, A. R. (2019).

¹⁶ *Id*, Khan, A. R. (2019).

if one's right are violated. Customary legal services or pro-poor legal services could be considered as Legal Aid but here Legal Aid does not mean some offerings in charity. Although country-wide systems of government-sponsored legal aid and signatory to international covenants such as the ICCPR, early access to effective legal aid at first instance in criminal cases remains a significant hurdle.¹⁷

Domestic violence (or VAW, including spousal or DV) is also a common topic of study and evaluations investigate the utility of legal and planned systems to prohibit it.¹⁸ Research indicates that sexual violence against women is a gender-specific crime and that such violence also reflects the inequality of human rights between sexes as well as discrimination and patriarchic structure.¹⁹ This article relies on qualitative data provided by stakeholders, finding that there continue to be challenges even under reformation.²⁰

It should also be noted that violations of human rights in policing methods are a serious concern which adds to the difficulties being faced by the criminal justice mechanism.²¹ The adversarial system in Bangladesh is heavily weighted on the prosecution's requirement to prove its case and frequently ignores the victim's integral position and contribution for achieving justice.²² The lack of consideration for the involvement of victims in these processes constitutes one of the most serious gaps in existing legislation.²³ The civil courts similarly face challenges such as case backlog and limited access to justice.²⁴

This position is reiterated in the literature underscoring that no matter the level of attempts, serious and far-reaching reforms are urgently

needed to make Bangladesh criminal administration efficient, accessible to all irrespective of their status in society and consistent with Rule of Law.

Legal Regime:

The legal regime applicable to the criminal justice system of Bangladesh is intricate and comprises a blend of historical antecedents, statutory laws and constitutional provisions. It is mostly a residual of the British colonial rulers, who gradually discarded the Mughal system, based mainly on Islamic laws.²⁵ There have been numerous "peripheral amendments" to these criminal laws over the years, yet structural changes have been rarer and so there is a criminal system that at times is not fit to manage increasing complexities of crime.²⁶

The principal features of the legal system are:

Constitutional Provisions: Bangladesh's Constitution provides for a number of rights, including to the equal protection of the law and to access to justice. But the day-to-day exercise of these rights is frustrated, especially for the poor and those who can't defend their own rights.²⁷

Legal System According to Statutes: The law is statute-based and consists of the Penal Code, the Code of Criminal Procedure and many special laws concerning individual crimes. These consist the offenses, penalties, and modes of investigation, trial and appeal.²⁸

International Obligations: Bangladesh's acceptance of international treaties including the International Covenant on Civil and Political Rights (ICCPR) at 2000 reflects its adherence to international human rights principles, including the right to legal defense.²⁹ This has prompted some reforms, particularly in legal aid.

Legal Aid Services Act: The Legal Aid Services Act sets out the entitlement to legal services

¹⁷ *Supra* note 4, Akter, F. (2015)

¹⁸ *Supra* note 9 & 6, Islam, Z. (2024), Banarjee, S. (2020).

¹⁹ *Supra* note 6.

²⁰ *Supra* note 9.

²¹ *Supra* note 2 (Uddin 2022).

²² ²² *Supra* note 4, Rahman, K. F. (2022).

²³ *Id*

²⁴ Md Rezaull Karim. (2023). Civil Judicial System of Bangladesh: Trial Level and Jurisdiction. Al-Qamar, 147–164. <https://doi.org/10.53762/alqamar.06.03.e09>.

²⁵ *Supra* note 2.

²⁶ *Supra* note 1 & 2.

²⁷ *Supra* note 4, Islam, R. (2017).

²⁸ *Supra* note 1.

²⁹ *Supra* note 4, Akter, F. (2015).

explicitly with a focus on access to justice for all members of society including those who are unable to afford counsel.³⁰ This model is designed to reconcile the dichotomy between legal rights and their actual enforceability.

Adversarial legal system: Bangladesh follows an adversarial approach to law; the onus of proof is placed on the prosecution.³¹ This process, present in many jurisdictions, occasionally inadvertently marginalizes the victims who play a crucial role for justice to be meted out.

Special Law: In view of certain specific social needs Bangladesh has incorporated special laws to meet particular challenges, for example VAW. These legal instruments and mechanisms are meant to improve victims' protection and their access to justice.³²

Judiciary: The civil judiciary, as part of the overall legal framework, is hierarchical with specialization.³³ However, it encounters problems such as case backlog and restricted access to justice which in turn reduce the overall efficiency of the legal system.

Among these deficiencies for the purpose of this submission are the legal system's failure to be responsive enough, to human rights abuses in policing practices³⁴ and the built-in wastage in terms of delay and inequality of access to adjudication that inevitably ensues.³⁵

Analysis:

The study of reform in the Bangladesh criminal justice system illustrates a complex interrelationship between historical leftovers, legislative innovations and ingrained systemic challenges. Acknowledging the necessity of reform, and articulating a vision that ends in compliance with international norms too often results in anemic proposals and reductions.³⁶

³⁰ *Id*

³¹ *Supra* note 4, Rahman, K. F. (2022).

³² *Supra* note 9 & 6.

³³ *Supra* note 24.

³⁴ *Supra* note 2 (Uddin 2022).

³⁵ *Supra* note 7.

³⁶ *Supra* note 12, 7 & 4 Akter, F. (2015).

One of the most significant elements in the analysis focuses on the Rule of Law. Efforts to enhance the rule of law through reform measures are in risk as wide delays in procedures and unequal opportunities for access to justice largely compromise its credibility.³⁷ This indicates that legal reform by itself is not enough, unless it is accompanied by simultaneous enhancement of institutional capacity as well as transparency and accountability throughout the criminal justice system.³⁸

Access to Justice is an ongoing obstacle. Legal aid has been accepted as an important tool, not on humanitarian considerations or charity, but on a fundamental right to ensure that all citizens are able to secure justice.³⁹ Nevertheless, the scope of government-funded legal aid is severely restricted by the absence of early-stage representation in criminal cases vital to ensure protection of defendants' rights from the start.⁴⁰ The price of legal service is so high that poor persons cannot afford to appoint attorney, who charges between Rs. 5000-20000 for a day's proceedings in Indian courts.⁴¹

The problem of VAW reveals the campaigns against certain crimes through law and institution.⁴² Although new laws and policies are implemented, the extent to which they are enforced in practice is crucially related to cultural awareness and victim support systems.⁴³ The extensive sexual violence, deriving from

³⁷ *Supra* note 7.

³⁸ Chidiogo Uzoamaka Akpuokwe, Adekunle Oyeyemi Adeniyi, Seun Solomon Bakare, & Nkechi Emmanuella Eneh. (2024). THE IMPACT OF JUDICIAL REFORMS ON LEGAL SYSTEMS: A REVIEW IN AFRICAN COUNTRIES. *International Journal of Applied Research in Social Sciences*, 6(3), 198–211. <https://doi.org/10.51594/ijarss.v6i3.850>

³⁹ *Supra* note 4, Islam, R. (2017), 5 Mian, Md. N., & Rashid, Md. M. (2014). A Critical Analysis of Legal Aid in Bangladesh. *International Journal of Social Science Research*, 2(1), 139. <https://doi.org/10.5296/ijssr.v2i1.5268>

⁴⁰ *Supra* note 4, Akter, F. (2015).

⁴¹ *Supra* note 4, Islam, R. (2017) & 39 Mian, Md. N., & Rashid, Md. M. (2014).

⁴² *Supra* note 9

⁴³ *Supra* note 4, Islam, R. (2017) & 6.

patriarchal systems requires multifaceted response beyond the legal measures.⁴⁴

Furthermore, the abuse of Human Rights in police methods remains a major problem which affects both the justice and legitimacy of the state's role. This indicates a demand not simply for legal changes, but fundamental journalist culture institutional shifts in culture, training and oversight at police departments.⁴⁵ The "adversarial legal system" may also serve to marginalize victims, subjugate them into the role of mere witness and hence alleviate prosecutors of an onerous burden of proving that a victim in fact played no part, by action or incitement or invitation, for the crime.⁴⁶

When it comes to backlogs of cases, the Civilians Judicial System leads the fray pointing even more at systemic inefficiency in the wider justice sector.⁴⁷ This suggests that reforms cannot be confined and there is a need to overhaul inter-related parts of the judicial system to bring about systemic development.

In general, it appears that, despite Bangladesh's efforts to pursue legal reforms and introduce some changes into its body of law, much of the impact has been mitigated by structural challenges, resource limitations and implementation failures. The colonial skeletons still dance ganchun turned for imminent death among them, and the survival demands not rules etc. on paper but a more radical reconstitution.⁴⁸

Findings:

The detailed analysis of changes in laws in the Bangladesh criminal justice system provides a number of significant insights:

Systemic inefficiencies endure: In spite of a series of legislative revisions and an acknowledged need for system reform, the criminal justice system in Bangladesh still remains under severe stress

resulting in delayed trials and non-egalitarian access to justice. These are fundamental threats to a rule of law system.⁴⁹ The fluid nature of criminal offending can sometimes exceed the legal doctrines, which tend to be relatively grounded in colonial vestiges.⁵⁰

Limited Effectiveness of Legal Aid: The right to legal aid entitlement in accordance with the principles of the Constitution and as a necessary mechanism for ensuring everyone, especially the poor and vulnerable, have access to justice but however remains limited by reality. The fact is the cost of judicial administration is high such that justice is beyond the reach of many people whilst despite general laws like the Legal Aid Services Act (LASA) and international obligations, for example ICCPR, early access to legal aid regarding criminal proceedings takes place rather lately.⁵¹

Challenges in addressing Violence Against Women VAW: Bangladesh, thus, has established legislative and institutional mechanisms to address this phenomenon as a social issue and recognize it as an important human rights problem generated by patriarchal norms.⁵² But qualitative research indicates continued issues of the efficacy of these efforts indicating gaps between their respective policy intent and on-the-ground security implementation and enforcement.

Human Rights Violations and Marginalization of Victims: More often than not, policing in Bangladesh is deeply connected with human rights violations that the people rarely trust the police or find fairness in the criminal justice process.⁵³ Moreover, adversarial marginalizes the victim in the legal process treating them as forgotten actors though they occupy an important place in seeking justice since onus of proof predominantly falls on the prosecution.

⁴⁴ *Supra* note 6.

⁴⁵ *Supra* note 2 (Uddin 2022).

⁴⁶ *Supra* note 4, Rahman, K. F. (2022).

⁴⁷ *Supra* note 24

⁴⁸ *Supra* note 2.

⁴⁹ *Supra* note 7.

⁵⁰ *Supra* note 1 & 2.

⁵¹ *Supra* note 4, Islam, R. (2017), Akter, F. (2015) & 39.

⁵² *Supra* note 9 & 6

⁵³ *Supra* note 2 (Uddin 2022).

Overburdened Judiciary and Access Impediments in General: It would seem that this problem of backlog and delay is not limited to the criminal justice sector, but extends even across the civil judicial channel, suggesting a systemic crisis in Bangladeshi legal infrastructure.⁵⁴ Such dysfunctions of justice, in turn, compound the overall atmosphere of imp unit and erosion to the rule of law.

The researches, as a whole highlight that cosmetic or marginal changes in criminal laws are not enough.⁵⁵ A comprehensive reform agenda is necessary, that goes beyond the laws on paper to include institutional capabilities and coordination, procedural expediency and human rights compliance as well as cultural impediments toward justice.

Recommendation:

Based on the analyses and findings of effectiveness in legal reform; the following recommendations are made that may be useful for improving effects of legal reforms in highway police system to provide equitable access to justice and rule of law as follows:

Deepen Systemic Reform beyond Peripheral Amendments: A piecemeal reform approach is out of date and inadequate; there is an urgent need for a systemic readjustment in laws to suit present-day challenges and demands.⁵⁶ This would entail a comparison with contemporary legal systems in other world regions to find successful patterns of sentencing, re-socialization and justice proceedings.⁵⁷

Reinforce Legal Aid and Ensure Early Access: The state-funded legal aid system should be greatly strengthened, with emphasis placed on early availability of representation in criminal

cases rather than as an after-thought.⁵⁸ This includes the need for more funding, for legal aid services to be extended and for the public spotlight to be shone on illiterate and poor people particularly in order that legal aid is seen and used as a basic right not benevolence.

Improve the Role and Protection of the Victim: The reforms should aim at placing victims in the position of key players in criminal justice.⁵⁹ This includes the introduction of measures that guarantee effective victims' participation, critically needed support structures and safe guarding against secondary victimization or re-victimization. For certain issues, such as VAW, there should be more than just a law but also its effective implementation, education of public and addressing the patriarchal framework it stems from.⁶⁰

Reform policing and protect human rights: Immediate reforms are required in the realm of policing to reduce human rights violations and cultivate a culture of professionalism and accountability.⁶¹ This requires enhanced training on human rights, independent oversight mechanisms, and strong sanctions for abuses in order to restore confidence in the rule of law.⁶²

Deal with Judicial Overload and Improve Processing Efficiency: Measures to address court congestion, case backlogging, as well as enhancements to the efficiency of criminal and civil judicial operations are vital.⁶³ This could lead to efficient use of technology, court management and the mechanisms for alternative dispute resolution available² suggested above for quick dispensation of justice.⁶⁴

Ensure Accountability and Transparency: Increased transparency throughout the entire criminal justice process from investigation through adjudication is necessary to challenge

⁵⁴ *Supra* note 24.

⁵⁵ *Supra* note 1&2.

⁵⁶ *Supra* note 1 & 2.

⁵⁷ Aini, M. N., Julianto, A., Rasnoto, R., Abdurohim, A., & Ndun, I. (2024). Reforming Criminal Justice: A Comparative Analysis of Modern Legal Frameworks. *The Journal of Academic Science*, 1(8). <https://doi.org/10.59613/1qggt510>

⁵⁸ *Supra* note 4, Akter, F. (2015).

⁵⁹ *Supra* note 4, Rahman, K. F. (2022).

⁶⁰ *Supra* note 9 & 6.

⁶¹ *Supra* note 2 (Uddin 2022).

⁶² *Id*

⁶³ *Supra* note 7 & 24.

⁶⁴ *Supra* note 1 & 24.

impunity and generate public trust.⁶⁵ This has to be complemented with strong accountability mechanisms for all those within the system, judges, prosecutors and law enforcement officials."

Ongoing Monitoring and Evaluation: Establish a systematic approach to monitoring and evaluation in order to track the impact of any legal reform, using both qualitative and quantitative measures. It will permit intelligent policy-making and make sure that reforms work on the ground.⁶⁶

Conclusion:

The Bangladeshi criminal justice system, weighed down with colonial baggage and ongoing systemic challenges related to delay in procedures, lack of access to equal justice, and human rights violations also demands extensive legal reconstruction. Legal aid and targeted areas such as violence against women is found in some places, but it is limited by weak implementation and institutions, as well as deeply rooted norms. The study shows that though numerous patch-up measures have been made to the existing legal system, it is unable to cope with the fast change in criminal conduct at present and fails also to face maintenance of rule of law for all.

To really make the justice system work better, suggestions recommend an integrated approach that goes beyond margins. This involves reinforcing access to justice through early provision of legal aid; ensuring the effective participation of victims; improving policing practice, consistent with human rights and addressing judicial overload with efficiency reforms. At the end of the day, promotion of transparency, accountability and an on-going process of monitoring and evaluation becomes all important if we were to transform the Bangladesh criminal justice system into a truly fair, just and effective one.

⁶⁵ *Supra* note 7.

⁶⁶ *Supra* note 9.

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