



"Contemporary Challenges and Emerging Trends in Criminal Law and Criminal Justice"

Dr. T.V. Rajput
Independent Research,
Gujarat, India.

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Abstract:

Criminal law and the criminal justice system are undergoing significant transformation due to rapid technological, social, economic and institutional changes. The traditional nature of crime has expanded with the emergence of cybercrime, digital fraud, artificial intelligence-related offences, organized crime and other technology-driven criminal activities. At the same time, criminal justice institutions continue to face serious challenges, including delays in investigation and trial, case pendency, prison overcrowding, inadequate forensic facilities, witness protection concerns and difficulties in ensuring effective access to justice. These challenges require a criminal justice system that is capable of responding to new forms of criminal behaviour while maintaining fairness, accountability and respect for individual rights. This paper examines the major contemporary challenges and emerging trends influencing criminal law and criminal justice, with particular reference to the growing use of technology, digital evidence, scientific investigation and victim-oriented approaches. It also considers recent developments in the administration of criminal justice and the increasing importance of efficient investigation, speedy trials and institutional reforms. The study highlights the need to strengthen legal mechanisms, improve technological and forensic capacity, enhance professional training and develop more effective methods of crime prevention and justice delivery. It concludes that the future of criminal justice depends on balancing innovation with legal safeguards and ensuring that reforms remain responsive to changing social realities.

Keywords: Criminal Law, Criminal Justice, Cybercrime, Artificial Intelligence, Digital Evidence, Forensic Science, Victim Rights, Criminal Justice Reforms, Technology, Emerging Crimes.

1. Introduction

Criminal law and criminal justice have developed continuously in response to changes in society, technology, and patterns of human behaviour. Criminal law generally refers to the body of legal rules that identifies prohibited conduct and provides punishment for persons who commit offences. Criminal justice is a broader system involving the police, investigation agencies, courts, prosecutors, prisons, and correctional institutions working together to maintain public order and deliver justice. Its scope today extends beyond traditional crimes such as theft, assault, and homicide to include cybercrime, economic offences, organized crime, gender-based violence, and technology-related offences. Historically, criminal justice evolved from informal community-based punishment to organized legal institutions based on investigation, trial, evidence, and rehabilitation. Modern criminal justice increasingly focuses on protecting victims, safeguarding accused persons, ensuring fair procedures, and promoting rehabilitation. Contemporary developments therefore require criminal law to respond effectively to new forms of crime while maintaining fairness, accountability, and public confidence in the justice system.



Table: 1 Historical Development of Criminal Law and Criminal Justice

Period	Historical Development	Major Feature
Ancient Period	Community-based justice	Customs and punishments
Medieval Period	Development of formal authority	Kings and courts
Modern Period	Organized criminal justice system	Police, courts and prisons
Contemporary Period	Technology-based legal developments	Cybercrime and digital justice

1.1 Research Objectives

- To examine the major contemporary challenges faced by criminal law and the criminal justice system.
- To study emerging trends and recent developments influencing criminal justice administration.
- To analyze the impact of technology, cybercrime, and digital evidence on criminal law.
- To suggest suitable measures for improving the effectiveness, fairness, and efficiency of the criminal justice system.

1.2 Research Methodology

The study adopts a doctrinal and analytical research methodology based on statutes, judicial decisions, books, research articles, and reliable secondary sources. It examines contemporary challenges and emerging trends in criminal law and criminal justice through systematic legal analysis and critical evaluation.

1.3 Literature Review

Recent literature demonstrates that criminal law and criminal justice are undergoing significant transformation because of technological development, changing patterns of crime, and institutional reforms. **Dhiman and Singh (2023)** examined cybercrime and computer forensics in the age of artificial intelligence and emphasized the need for transparency, accountability, privacy protection, and ethical standards. **Sayed (2024)** analysed the problem of criminal liability arising from artificial intelligence and highlighted difficulties relating to autonomous systems, deepfakes, data misuse, and attribution of responsibility. **Jaiswal and Singh (2025)** discussed the changing framework of criminal law in contemporary India and identified digital evidence, cyber offences, victim-oriented justice, and forensic capacity as important areas of reform. **Bimal and Meena (2026)** focused on cybercrime governance and stressed that AI-enabled fraud, ransomware, identity theft, and cross-border crimes require stronger institutional coordination. **Tanisha (2026)** examined emerging trends in cybercrime and criminal justice, emphasizing digital evidence, jurisdictional problems, forensic limitations, and technology-driven offences. **Kansal (2026)** further explored the role of artificial intelligence in policing, investigation, and judicial decision-making, while raising concerns regarding privacy, bias, and accountability. Collectively, these studies show the increasing need for a modern, technology-responsive, fair, and efficient criminal justice system.

2. Contemporary Challenges in Criminal Law

Contemporary criminal law faces several complex challenges due to rapid social, economic and technological changes. The growth of cybercrime, online fraud, identity theft and technology-based offences has created new difficulties for investigation and prosecution. Criminal justice institutions must also deal with organized crime, financial offences, gender-based violence and crimes affecting children and other vulnerable groups. Another major concern is the increasing delay in investigation and criminal trials, which often affects both victims and accused persons. Overcrowded prisons, shortage of trained investigators, limited forensic facilities and inadequate witness protection further weaken the effective administration of justice. The growing use of digital devices has also raised important questions regarding electronic evidence, privacy and surveillance. Criminal law must therefore continuously adapt to new forms of criminal behaviour while ensuring fairness and protection of individual rights. In the present era, the main challenge is to create a criminal justice system that is efficient, accessible, technologically capable and responsive to the changing nature of crime and society.



3. Challenges in the Criminal Justice System

- ❖ Delay in Investigation and Trial: Criminal cases often take a long time to move from investigation to final judgment, which can delay justice for victims and accused persons alike.
- ❖ Overburdened Courts and Case Pendency: A large number of pending cases places significant pressure on courts, making it difficult to ensure speedy and effective disposal of criminal matters.
- ❖ Challenges in Police Investigation: Lack of adequate training, modern technology, forensic facilities, and resources can affect the quality and efficiency of criminal investigations.
- ❖ Witness Protection and Cooperation: Witnesses may face threats, pressure, or fear of retaliation, which can discourage them from cooperating fully with the criminal justice process.
- ❖ Prison Overcrowding and Rehabilitation: Overcrowded prisons and limited rehabilitation opportunities create challenges in reforming offenders and supporting their successful reintegration into society.

4. Emerging Trends in Criminal Law

Emerging trends in criminal law reflect the changing nature of society, technology, and criminal behaviour. With the rapid growth of the digital world, criminal law is increasingly addressing cybercrime, online fraud, identity theft, and offences involving digital data. Modern investigations also rely more on electronic records, forensic science, CCTV footage, and other forms of digital evidence. Another important trend is the use of technology to improve policing, investigation, and court procedures. Criminal justice is also becoming more victim-oriented by giving greater attention to victim protection, compensation, and rehabilitation. Restorative justice and alternatives to imprisonment are receiving increased importance, particularly in suitable cases. At the same time, new legal challenges are emerging from artificial intelligence, social media, cross-border crime, and misuse of personal information. These developments show that criminal law must continuously evolve to respond effectively to new forms of crime while maintaining fairness, accountability, and justice.

5. Recent Developments in Indian Criminal Laws

Recent developments in Indian criminal law represent a major transformation of the criminal justice system through the Bharatiya Nyaya Sanhita, 2023 (BNS), Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS), and Bharatiya Sakshya Adhiniyam, 2023 (BSA), which replaced the earlier IPC, CrPC and Indian Evidence Act framework. The BNS introduced important changes, including community service as a punishment under Section 4 and specific provisions dealing with organised crime under Section 111 and petty organised crime under Section 112. The BNS also recognises terrorist acts under Section 113, reflecting the changing nature of modern criminal activity. The BNSS promotes greater use of technology in criminal procedure and strengthens victim-oriented and time-bound processes. A significant recent judicial development is the Uttarakhand High Court decision concerning proceedings initiated after 1 July 2024, where the Court emphasized that the provisions of the BNSS must be followed instead of the repealed CrPC. The case highlighted the importance of Section 223(1) of the BNSS, which requires an opportunity of hearing before cognisance in specified complaint cases. Similarly, the BSA modernises the law of evidence by recognising the growing importance of electronic and digital records. These reforms show a clear movement towards technology-based investigation, faster procedures, scientific evidence and improved protection of victims. Overall, recent legislation and judicial interpretation demonstrate India's effort to create a criminal justice system that responds more effectively to contemporary crimes and changing social conditions. In *Satender Kumar Antil v. Central Bureau of Investigation* (2026), the Supreme Court clarified the scope of Section 35 of the Bharatiya Nagarik Suraksha Sanhita, 2023. The Court held that, in offences punishable with imprisonment up to seven years, issuance of notice is the general rule and arrest should not be treated as an automatic or routine step. Where a person complies with the notice, arrest requires proper justification and recorded reasons. This decision strengthens the principle that police powers must be exercised carefully and that personal liberty should receive due protection during investigation.



6. Role of Technology in Criminal Justice

Technology plays a vital role in modern criminal justice by improving investigation, evidence collection and court procedures. Digital evidence, forensic tools, video conferencing and e-courts make the system faster and more accessible. Technology also improves coordination among police, courts and other institutions, supporting greater efficiency and transparency

Table:2 Role of Technology in the Criminal Justice System

Technology	Role in Criminal Justice
Digital Evidence	Helps collect, preserve and present electronic records before courts.
CCTV and Surveillance	Assists investigation and identification of suspects.
Video Conferencing	Enables remote hearings and production of accused persons.
E-Courts and E-Filing	Makes case management, filing and access to judicial information easier.
Forensic Technology	Improves scientific investigation and accuracy in criminal cases.
AI and Data Analytics	Supports analysis of large amounts of information and case management.

7. Victim-Centric Approach in Criminal Justice

A victim-centric approach in criminal justice places the needs, rights, and well-being of victims at the centre of the justice process. It recognizes that victims often suffer not only physical or financial harm but also emotional and social consequences. Therefore, the criminal justice system should provide them with protection, support, information, compensation, and opportunities to participate in legal proceedings. Special attention is necessary for vulnerable victims, including women, children, and elderly persons. A victim-friendly system can improve confidence in justice institutions and reduce further trauma. Ultimately, justice becomes more meaningful when the dignity, safety, and recovery of victims are properly protected.

8. Major Issues and Future Challenges

The criminal justice system faces several major issues and future challenges as society, technology, and patterns of crime continue to change. Cybercrime, artificial intelligence, online fraud, and cross-border offences require laws and investigation methods that can respond quickly and effectively. Delays in investigation and trial, overcrowded prisons, inadequate forensic facilities, and shortage of trained personnel continue to affect the delivery of justice. Another important challenge is maintaining a proper balance between public safety and the protection of individual rights. The increasing use of surveillance and digital evidence also raises concerns regarding privacy and misuse of technology. In the future, criminal justice institutions must become more transparent, technologically capable, victim-sensitive, and accessible. Continuous legal reforms and professional training will therefore remain essential for ensuring fair and effective justice.

9. Suggestions and Recommendations

The criminal justice system should be strengthened through timely investigation, speedy trials, and effective use of modern technology. Police officers, prosecutors, judges, and other criminal justice professionals should receive regular training to deal with cybercrime, digital evidence, and emerging forms of criminal activity. Forensic facilities should be improved to ensure accurate and reliable investigation. Greater attention should also be given to the protection and rehabilitation of victims and witnesses, particularly women, children, and vulnerable groups. The use of technology must be balanced with safeguards against misuse and violations of individual rights. Alternative methods, such as restorative justice and community-based correction, may also reduce unnecessary dependence on imprisonment. Overall,



continuous legal reform and institutional cooperation are essential for developing a fair, efficient, and responsive criminal justice system.

- Strengthen technology and investigation systems: Police and investigating agencies should be provided with modern technology, improved digital tools, and proper training to deal effectively with cybercrime and other emerging offences.
- Ensure speedy and fair justice: Steps should be taken to reduce delays in investigation and criminal trials by improving court infrastructure, increasing trained personnel, and using digital systems efficiently.
- Improve victim and witness protection: Stronger support, protection, compensation, and rehabilitation mechanisms should be developed to ensure that victims and witnesses can participate in the criminal justice process without fear or unnecessary hardship.
- Promote continuous legal and institutional reform: Criminal laws and justice institutions should be regularly reviewed and updated to address changing forms of crime while maintaining fairness, accountability, and the protection of individual rights.

10. Conclusion

In Contemporary criminal law and the criminal justice system are facing rapid changes due to technological development, new forms of crime, and increasing public expectations for effective justice. Cybercrime, digital fraud, artificial intelligence, organized crime, delays in trials, and weaknesses in investigation have created serious challenges for the existing legal framework. At the same time, emerging trends such as digital policing, electronic evidence, forensic science, victim-oriented justice, and restorative approaches are creating new opportunities for improvement. The recent reforms in Indian criminal laws also reflect the need to modernize the justice system according to present social realities. However, legal reforms can achieve their purpose only when they are supported by proper implementation, trained professionals, adequate infrastructure, and public awareness. Therefore, the future of criminal justice depends on maintaining a fair balance between effective crime control, individual rights, technological progress, and access to justice.

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