



A Critical Appraisal of Pakistan Electronic Crime Act

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Abstract

This research study aimed to critically appraise Pakistan Electronic Crime Act. The findings suggest that although PECA provide a formal legal structure to combat cybercrime and digital abuse, significant challenges remain, including institutional limitations, procedural opacity, uneven enforcement, and concerns about restrictions on freedom of expression. The thesis concludes that while the regulatory framework has protective potential, but functions not only as a tool for protecting citizens from online harms but also as a mechanism influenced by political or institutional priorities. Political influence has always been on the surge in such regulations in which loopholes are usually created by party interest and objectives. Moreover, partial enforcement and implementation of the Act has already created many problems for the state and the institutions because the ruling party always protects itself and needs media support for which this regulation remained weakly implemented and its implications do not equally affect every individual and group.

Keywords: Pakistan Electronic Crime Act, Partial Enforcement, Limitations and Weaknesses

Introduction

The legal perspective of the social media site classification has been disputed since time immemorial. Although platforms traditionally presented themselves as neutral intermediaries or technology providers, courts and regulators start to acknowledge editorial and curatorial roles of platforms (Pasquale, 2015). This uncertainty has serious consequences on the intermediary liability, competition law and constitutional protection. Regulatory uncertainty in certain jurisdictions has actually enabled the platforms to choose which side to bring up either neutrality or control depending on what will serve their interests at a particular time. Inequality in the world also determines the effects and how social media should be governed. The regulatory debate is made by much of the concerns in the Global North, but platforms also have massive presence in areas with weaker legal institutions, less regulatory capacity, and different cultural norms (Arora, 2019). Under such circumstances, the policies of the platform can act as de facto law, which dictate speech and behaviour without being subject to any democratic procedure or local decision. This disproportion begs the question of an issue of digital colonialism and the unequal regulation protection spread across the globe. The recent research has thus focused on

the necessity of revising the concept of how to regulate social media as a larger endeavor of democratic governance. These solutions do not only propose broadening the domain of harmful content but instead propose changes in frameworks like the dominance of the market, data possession, algorithmic decision-making, and participatory supervision (Rahman, 2018). These views place regulation not only as a measure of correction, but as a methodology of re-establishing a sense of social values and democracy over digital infrastructures. In addition to questions of content and platform power, social media has radically changed the nature of the public visibility and social legitimacy. The visibility in platforms is not just the by-product of the public interest anymore, but is actively cultivated through likes, shares, views and the numbers of followers. This set of measured measures of popularity creates social statuses on the internet, and it determines whose voices should be given priority and whose should be relegated (Beer, 2017). Consequently, more and more of the power and popularity of the state becomes algorithmically mediated attention as opposed to authority or knowledge in institutions. This revolution presents some consequences of democratic theory. Classical theories of the public sphere put forward the idea of rational deliberation, equality of participation, as well as creation of the sense of public opinion by means of reasonable debate. According to scholars, platform-mediated communication is frequently not adhering to those ideals and instead, prioritizes speed, emotiveness, and performativity over deliberation (Papacharissi, 2015). Though this kind of dynamics does not always destroy democracy as such, it questions normative assumptions that many regulation frameworks are based on, as they still make use of liberal conceptions of speech and participation that was developed in pre-digital systems of the media. Change in the perception of risk and responsibility also influences social media regulation. Instead of focusing on individual harms, regulators have begun to consider platforms as contributors of systemic risks to society, such as risks to electoral integrity, public health and social cohesion (Baldwin and Lodge, 2012). Such a risk-based reasoning can be observed in the modern regulatory tools that force platforms to take into consideration and proactively remove foreseeable harms. Nevertheless, a significant problem with translating abstract risk assessment into actual governance practice is that, in the instances of risks being probabilistic, emergent, and contingent to the context, this becomes a significant problem. The other area of interest is the psychological and emotional impact of using social media. Research has associated the characteristics of platform design infinite scroll and notification systems, as well as reward feedback loops, with the tendencies of compulsive use and increased affective responsiveness (Montat et al., 2019). These design options are not neutral but are tightly connected with business models which offer a way of monetizing user engagement. Speech harms have thus been broadened to additional regulatory issues like user well-being, digital addiction, and persuasive technology ethics. The characteristics of expertise and knowledge production as part of the regulatory mechanisms also make social media regulation more complicated. Information asymmetry in policymaking is usually based on data and transparency reports generated by the platforms themselves, restricting their ability to be overseen independently (Ananny and Crawford, 2018). The reliance is a cause of alarm regarding regulatory capture and how the platforms can effectively influence the very metrics that they are being judged through. Without the platform data, external researchers and civil society organizations will have a great difficulty in doing meaningful audits or impact assessment. It is also informative on historical views of media regulation. The regulatory regimes that had been practiced previously in the broadcast media, telecommunications, and the print journalism were the results of the issue of ownership concentration, obligation to the public interest and the cultural impact (Freedman, 2008). Although social media is different in terms of technology, scholars state that there are still comparable normative inquiries on pluralism, accountability and democratic control. The unwillingness to enforce similar principles of control

on platforms speaks not only to the novelty of technologies but also to the ideological beliefs in the regulation by market. Lastly, there are emerging debates which focus on the significance of participatory and co-regulatory forms of governance. Such strategies aim to engage users, civil society organizations, journalists, and marginalized communities in creating rules and mechanisms of managing the platform (Belli & Venturini, 2021). Co-regulatory models seeking to increase participation beyond only the states and corporations will increase the legitimacy and responsiveness, and reduce the risks of centralized control. But meaningful participation and not symbolic consultation is another challenge that is still to be addressed.

Research Methodology

This paper has adopted the interpretivism approach to explore the way the social media regulations are formulated, read, and talked about in legal documents, literature, and policy reports. To examine the power, ideology, and regulatory intent in the social media governance, the interpretation approach is appropriate to explore the issue. The principle of interpretivism is that the reality is created socially and the knowledge is produced under the impact of the human experiences and context. This research is also not aimed at measuring the effectiveness of social media regulation in terms of statistics and numbers, but the subjective experiences and meanings that it brings to the stakeholders who are users, legal experts, digital rights activists and content creators. Only, by means of interpretivism, the researcher can place themselves in context-based interpretations and in an area like social media, where the cultural, political and legal context are having a colossal effect on perceptions and response. Interpretivism is of the opinion that social reality is socially constructed and is knowable in terms of the human experiences, interpretations and meanings. The scholars who adhere to this line of thought are interested to be informed about what is going on in the minds of the interested parties. The origin of interpretivism has been an opposition to positivism particularly in the social sciences where the researchers have realized that human behavior is deeply contextualized, cultural and subjectively defined. The premise of the interpretivism is founded on the fact that the reality is a construction of the social world, and individuals perceive the world in different ways depending on their experiences and interactions (Schutz, 1967).

Data Analysis and Interpretation

There are factors in abundance responsible for the weak implementation of electronic media regulation act by the authorities in which the construction and reconstruction of state power, selective enforcement and weak institutional setup are quite prominent. Some of these factors are discussed in the following passage.

Party Interests and Reconstruction of State Power

The interest of the state and that of the party is highly confused in the Pakistani political system particularly where the ruling party feels that their political existence is the national stability. It is typically argued that government performance critiques, especially those by media are made on the background of the threat to national security or state of affairs and regulatory intervention may be made in the name of safeguarding national interest. The comparison of the regulatory statements and regulatory actions indicates that the official language usually includes the description of the ruling party members more frequently in case the political situation is unsafe. According to comparative political studies, this conflation has allowed the interests of parties to have the power of states in the weaker institutionalized democracies at the cost of bureaucratic neutrality and citizens trust (Kitschelt, 2020; Slater, 2022). Ideally, the state institutes are expected to operate according to their own interests without being affected by partisanship that

would assist in protecting the national interests over the long term as opposed to politics. In practice, such a division is frequently dissolved by the conditions in Pakistan. The decision making of the activities of the regulators particularly in the media industry will tend to favor the ruling party priorities particularly during elections or during political crisis. According to the content analysis, the regulatory justifications shift more frequently to the partisan frames, and governments can explain the activities driven by politics as the national concerns (Waseem, 2023). The result of this discursive combination of the party and state de-motivates the legitimacy of the institution and water downs democratic ideals. Another aspect in the politics of Pakistan is also personalized leadership and absence of institutionalization of ideology which increases the process of taking the power of the state into hands of the elites in the parties. Media criticism is generally viewed by the ruling parties to be perceived as a challenge to political leadership rather than a democratic need. Such power personalization advances a regulatory intrusion which will advance the domination of narratives rather than institutional reform. Political sociologists indicate that such a personalization dilution of the boundaries of the institutions yields to authoritarian orientation in the officially democratic government (Migdal, 2001; Svobik, 2019). It makes the regulatory behavior politically insecure in the Pakistan whereas it can be constitutional or answerable to the people. The state power in Pakistan is frequently re-structured through the spectacles of the party interest particularly by the ruling elites who perceive any form of political dissent as an obstacle to the state stability. The media critique, the mobilization of the opposition and investigative reporting are often seen as disruptive factors and such a consideration warrants the regulation action on the ground of the rhetoric of social order and national interest arguments. The official regulatory language through content analysis is found to be reflecting partisan accounts to the degree to which it is even more blurred between governance and political rivalry. The political theorists claim that this type of conflation tends to be common in the systems where the institutions are not separated by the political power (Mair, 2013). The political figures have filed section 20 complaints against journalists who have been critical of the ruling administrations. Cybercrime investigation has been witnessed during election times among social media activists affiliated to the opposition parties.

Selective Enforcement and Political Prejudice

The nature of media control in Pakistan has been marked by consistent developments of selective application on the same that are consistent with the interests of the ruling parties. The opposition media, independent media, and voices are placed under an even greater level of scrutiny, pressure of lawsuits, and punishments and pro-government narratives are generally unquestioned. Such asymmetry is a failure of the rule of law and it helps to reinforce the views that regulatory bodies are partisan instruments other than a neutral arbiter. Relative research on the concept of democratic backsliding has revealed that the selective enforcement is one of the significant processes through which authoritarianism is institutionalized in formal democratic frameworks (Luhmann and Lindberg, 2019; Bermeo, 2016). The content analysis of regulatory actions also evidences that the degree of enforcement patterns gains in the period of political contestation i.e. elections, protests or leadership crisis. Unequal use of regulatory discretion exists as well wherein the application of the law is done selectively and used to curb those who were outspoken. Such politicized use of law undermines institutional credibility because it is this undue disregard to the rule of equality before the law that is done. These practices erode the democratic institutions of a country, according to Levitsky and Ziblatt (2018), who believe that citizens ought to think that the legal systems are exploitations of politics, rather than a system of justice. The selective enforcement that is being normalized is even more widespread in the areas

of political polarization and democratic legitimacy. When the regulatory institutions are considered as political bias, the individuals begin to disobey and also disorganize politically. The dependence on other platforms and extra-institutional channels by the citizens and media actors is constantly compromising regulations authority. It is one of the cycles in which the institutional weakness is a contributor to the continuation of the political conflict, and the opposite is true as well in Pakistan (Shah, 2022; UNDP, 2023). Differentiated responsiveness to complaints is manifested in selective enforcement. Institutional follow-up has been slow compared to political defamation cases when it is women journalists like Asma Shirazi who report on organized online harassment campaigns, although routine cyberstalking cases are dealt with under Section 24.

Weaknesses of the Institutions and Executive Influences.

In Pakistan, it is institutional fragility that is at the center of the stage since it permits politicized regulation. The regulatory bodies are likely to succumb to executive pressures as they are likely to be financially independent, lease tenure to head of organization and their leasing bodies are clear and it is difficult to resist executive pressure. Based on a content analysis, it has emerged that political affiliation in many cases dictates the survival of the institution rather than professionalism and necessity of the law. These types of dependencies, according to the governance thinkers, dismantle the power of institutions, and promote following partisan directives (Grindle, 2017; Fukuyama, 2014). The executive influence is also enhanced with the discretionary authority of appointment, funding and the priorities of enforcement. Regulatory officials operating within the environment of the weak institutional context will be less susceptible to political pressure, particularly, the effects of professional punishment to political loyalty. The argument made in literature regarding the development of an institution is that under these conditions, organizations remain in subordinate state and thus, they cannot develop an autonomous and rule-based governing system (North, Wallis, and Weingast, 2009). As a result, the regulations become unpredictable, responsive and political. Rather than addressing systemic problems, such as misinformation, media ethics, or digital governance, institutions target such activities that would be of the interests of the ruling party. The diminishing institutional freedom in this way undermines the accountability institutions and reduces the capacity of the state to achieve the long-term goals on behalf of the population, which justifies a rule of governance that is driven by expediency politics rather than being driven by democratic principles (ADB, 2024). The executive rule and partisanism has a good breeding ground because institutions in Pakistan are weak. Regulatory agencies lack financial autonomy, open systems of their officials, and irreversibility of the leadership, hence extremely susceptible to politics. The content analysis suggests the argument that the regulatory compliance as and with the executive preference is often informed by the institutional survival rather than the legal obligation. The existence of these structural vulnerabilities, according to the governance scholars, makes the institutions incapable of building professional independence and accountability (Andrews, 2013).

Decline of the Common Good

The party politics spreads to the regulatory practice to the detriment of the common good. The media control becomes a tool of controlling the political narratives and silencing the opposition instead of being a tool of safeguarding the interest of the people. The disinformation structures, ethical journalism and the threats of the digital have been underferently addressed and the regulatory energy is biased to politics. Such a distortion is also a symptom of an even greater governance failure that is capable of appreciating the overall good only by sacrificing the party (Rosanvallon, 2015; UNESCO, 2023). The politicization of regulation makes the citizens more cynical and lowers social cohesion. The perceived partisan institutions cause the citizens to cease

engaging in both formal and lose faith in the democratic processes. Religion is undermined and the scepticism and opposition put in its place. Democratic theorists indicate that such a loss of confidence kills the social contract thereby making the process of government a forceful, rather than a consensual, process (Mounk, 2018). The decline of the common good is particularly expressed in the media sector in Pakistan, where polarization is even more high, and the pluralistic discussion is restricted by the inability of this sector to be regulated. Rather than building on an educated popular space, control assists to establish fragmentation and suspicion. This not only weakens democracy but also makes the legitimacy of the state itself weak because institutions are no longer able to fulfill the functions of credible representatives of the common good (UNDP, 2023). This is a distortion of the common good whereby party politics dominates more in controlling behavior. The media control turns into a narrative control system and it is no longer a tool of safeguarding the general interest. Structural issues that involve the decline of journalistic standards, digital disinformation, and economic vulnerability have not been well saturated in the media ecosystem. Political philosophers state that institutions, where partisan survival is more important than societal welfare, have lost the normative foundation of government (Runciman, 2018). In spite of the fact that PECA has Section 21 (Offences Against Modesty), 22 (Child Pornography) and 24 (Cyberstalking), the pattern of enforcing it is not always based on gender-related claims of cyber violence, but rather specific cases concerning anti-state content. Digital rights organizations have reported that the complaint of online abuse against women is often seen as delayed in the process of registering FIR.

Conclusion

In this research study it was founded that the media regulation in Pakistan is very state centric with the institutional power in the center of control over societal interest, cultural diversity, and involvement in the society. The state restricts the articulation of democracy and undercuts the public sphere by securitizing, morally policing and controlling the story. This chapter has indicated that the media regulation in Pakistan is very much state centric as it favors institutional power at the expense of ignoring the society, culture and common good in a systematic way. The state undermines the democratic processes and cultural diversity through a shift in placing the communication to the risk control position. The outcome of these dynamics is regulatory environment that is ineffective and illegitimate. It was identified that the concept of state interest in Pakistan is emptied by the party politics and institutional weakness. The functions of regulatory institutions are turning into serving the interest of the parties and not the interests of the entire society which contradicts the principle of democracy and the trust in the government. Combined with the state-centric policy orientation of these dynamics form an image of a media regulatory regime which does not serve systematically to protect society, culture and the common good. Party politics and institutional weaknesses have gutted down the state interest in Pakistan. The regulatory bodies are no longer a means of balancing the services to the people, quite on the contrary, they have become a means of serving the agenda of the ruling parties at a disadvantage of democratic governance and the people. The re-organization of the state power utilizing selective enforcement, executive influence and institutional vulnerability is aimed not at the common good but instead at partisan survival. As it is shown in this chapter, the concept of state interest in Pakistan has essentially been distorted by party politics and institutional weaknesses. Regulatory bodies are more of a partisan tool to rule instead of serving the community interests. The state power is transformed to be supportive of political survival and not democratic accountability in a selective application, executive dominance, and structural vulnerability. The results of the current research show that despite the articulated purposes of introducing social media regulation in Pakistan as ensuring digital safety, national security, and

protection against online harassment, this conceptualization does not manifest itself in the actual conduct of this policy. The regulatory framework is predominantly reactive as opposed to being preventive. The application of enforcement is more pronounced in times of political instability, protests, or security risks to the nation, indicating that the regulation is often securitized and no longer rights based. Among the major findings of the present work is that PECA and other forms of regulations have been more efficient in suppressing the dissenting speech of politics than safeguarding the victims of cyberbullying and Internet-based harassment. As indicated by the numerous studies mentioned in the literature, the cases that concern political criticism or accusations of blasphemy or national security stories are attended to by the institutions faster than the cases involving common cases of cyber harassment especially the ones that touch on women and marginalized communities. This imbalance tends to ruin the credibility of the law and lower the trust of the people in digital governance institutions.

References

- Ananny, M., & Crawford, K. (2018). Seeing without knowing: Limitations of the transparency ideal and its application to algorithmic accountability. *New Media & Society*, 20(3), 973–989. <https://doi.org/10.1177/1461444816676645>
- Baldwin, R., & Lodge, M. (2012). *Understanding regulation: Theory, strategy, and practice* (2nd ed.). Oxford University Press.
- Balkin, J. M. (2018). Free speech in the algorithmic society: Big data, private governance, and new school speech regulation. *UC Davis Law Review*, 51(3), 1149–1210.
- Beer, D. (2017). The social power of algorithms. *Information, Communication & Society*, 20(1), 1–13. <https://doi.org/10.1080/1369118X.2016.1216147>
- Belli, L., & Venturini, J. (2021). Digital constitutionalism: The role of Internet bills of rights. *International Communication Gazette*, 83(6–8), 589–606.
- Bucher, T. (2018). *If... then: Algorithmic power and politics*. Oxford University Press.
- Cafaggi, F., & Iamiceli, P. (2021). Unpacking the regulatory power of platforms: A new research agenda. *European Law Journal*, 27(4–5), 251–268.
- Castells, M. (2012). *Networks of outrage and hope: Social movements in the Internet age*. Polity Press.
- Cohen, J. E. (2019). *Between truth and power: The legal constructions of informational capitalism*. Oxford University Press.
- European Commission. (2022). *The Digital Services Act package*. Publications Office of the European Union.
- Farooq, A., & Jan, S. (2023). Digital media regulation and democratic governance in South Asia. *Journal of Media Studies*, 38(2), 45–62.
- Freedman, D. (2008). *The politics of media policy*. Polity Press.
- Gillespie, T. (2020). *Custodians of the Internet: Platforms, content moderation, and the hidden decisions that shape social media*. Yale University Press.
- Gorwa, R. (2019). What is platform governance? *Information, Communication & Society*, 22(6), 854–871. <https://doi.org/10.1080/1369118X.2019.1573914>
- Howard, P. N., & Bradshaw, S. (2019). The global disinformation order: 2019 global inventory of organised social media manipulation. Oxford Internet Institute.
- Imran, M., & Akbar, R. (2025). Political communication and social media regulation in emerging democracies. *Asian Journal of Communication*, 35(1), 78–94.
- Kaye, D. (2019). *Speech police: The global struggle to govern the Internet*. Columbia Global Reports.

- Krishnas, R. (2022). Platform regulation and democratic accountability. *Media Policy Review*, 14(3), 102–118.
- Li, X., Zhang, Y., & Chen, L. (2025). Artificial intelligence governance and online misinformation. *Journal of Digital Policy*, 12(1), 23–39.
- Noman, H., & Javed, A. (2023). State control and digital repression in South Asia. *Information Technology & International Development*, 19, 55–70.
- Papacharissi, Z. (2015). *Affective publics: Sentiment, technology, and politics*. Oxford University Press.
- Sarkar, S., Bose, T., & Banerjee, R. (2015). Digital surveillance and public policy. *Communication & Society*, 28(4), 89–104.
- Statista. (2025). Number of social media users worldwide from 2010 to 2025. <https://www.statista.com>
- Sunstein, C. R. (2017). *#Republic: Divided democracy in the age of social media*. Princeton University Press.
- Tufekci, Z. (2017). *Twitter and tear gas: The power and fragility of networked protest*. Yale University Press.
- Vosoughi, S., Roy, D., & Aral, S. (2018). The spread of true and false news online. *Science*, 359(6380), 1146–1151. <https://doi.org/10.1126/science.aap9559>
- Wardle, C. (2017). Fake news. It's complicated. *First Draft News*.
- Zuboff, S. (2019). *The age of surveillance capitalism: The fight for a human future at the new frontier of power*. PublicAffairs.
- Krishnas, R. (2022). Platform regulation and democratic accountability. *Media Policy Review*, 14(3), 102–118.
- Li, X., Zhang, Y., & Chen, L. (2025). Artificial intelligence governance and online misinformation. *Journal of Digital Policy*, 12(1), 23–39.
- Imran, M., & Akbar, R. (2025). Political communication and social media regulation in emerging democracies. *Asian Journal of Communication*, 35(1), 78–94.
- Noman, H., & Javed, A. (2023). State control and digital repression in South Asia. *Information Technology & International Development*, 19, 55–70.
- Farooq, A., & Jan, S. (2023). Digital media regulation and democratic governance in South Asia. *Journal of Media Studies*, 38(2), 45–62.
- Sarkar, S., Bose, T., & Banerjee, R. (2015). Digital surveillance and public policy. *Communication & Society*, 28(4), 89–104.
- Statista. (2025). Number of social media users worldwide from 2010 to 2025. Statista.