



Eight Decades of Islamization in Pakistan (1947–2027): Enforced Laws, Judicial Contestation, and Structural Limits

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Abstract

Since its inception in 1947, Pakistan's legal system has been characterized by a persistent dialectic between the constitutional aspiration to enforce Islamic law and the institutional challenges of its implementation. This study provides a comprehensive, doctrinal, and analytical evaluation of Islamic law enforcement in Pakistan over an eight-decade timeline (1947–2027). The investigation focuses on landmark legislative and judicial milestones, including the Objectives Resolution; the Islamic provisions of the 1956, 1962, and 1973 Constitutions; the 1979 *Hudood* Ordinances; the establishment of the Federal Shariat Court (FSC); the Blasphemy Amendments to the Pakistan Penal Code (1980–1986); Ordinance XX of 1984; the Enforcement of Shari'ah Act 1991; the *Qisas* and *Diyat* legislation (1997); the Protection of Women Act 2006; the post-18th Amendment devolution of *Zakat*; and the FSC's 2022 *Riba* judgment setting a statutory deadline to eliminate interest from the economy by December 2027.

The article demonstrates that Pakistan's Islamization trajectory has evolved across four distinct phases: (1) constitutional declaration without direct justiciability (1947–1977); (2) state-driven institutionalization under military rule (1977–1988); (3) parliamentary and judicial contestation alongside statutory reform (1988–2007); and (4) structural fragmentation marked by judicially directed economic mandates, under-enforced penal provisions, and extra-legal street enforcement (2008–2027). The study presents six major analytical conclusions: the structural non-justiciability of constitutional provisions; the preference for prospective rather than retroactive legal conformity; institutional friction between judicial bodies and legislature; severe discrepancies between statutory penalties and actual execution; the gradual migration of enforcement from formal courts to non-state actors; and the political instrumentalization of Islamic jurisprudence. The paper concludes by evaluating the legal feasibility of the judicially imposed 2027 interest-free banking mandate and offers recommendations for structural reform of Pakistan's Islamic legal infrastructure.



Keywords: Islamic Jurisprudence; Islamization; Pakistan Constitutional Law; Federal Shariat Court; Hudood Ordinances; Blasphemy Laws; Riba; Legal Pluralism.

1. Introduction

Pakistan was founded in 1947 as a republic for Muslims, yet the Islamization of its constitution and laws had to wait until the 1970s and acquired its durable legal machinery only under a military regime (J.M., 2010; Otto, 2012). The central puzzle of Pakistan's legal history is not the absence of Islamic law but the persistent gap between its textual adoption and its actual enforcement. Over eight decades, the state has enacted an elaborate body of Islamic legislation — constitutional repugnancy clauses, the Hudood Ordinances, the Enforcement of Shari'ah Act, Qisas and Diyat provisions, expanded blasphemy laws, and successive judicial rulings on riba — while enforcement has remained selective, contested, and at times displaced from the courts into extra-legal arenas.

The debate over Islam's place in the state began in the Constituent Assembly itself. The Objectives Resolution of March 1949 vested "sovereignty over the entire universe" in God and declared that Pakistan would be a state "wherein the Muslims shall be enabled to order their lives in the individual and collective spheres in accordance with the teachings and requirements of Islam as set out in the Holy Qur'an and the Sunnah" (Saeed, 2007). Non-Muslim members of the Assembly proposed amendments to safeguard minority rights, but the motion to amend was denied (Iqbal et al., 2023), and the Resolution privileged one religion over all others (Shahid, 2018). The constitutional instruments that followed — the Constitutions of 1956, 1962, and 1973 — each reaffirmed the Islamic character of the state, but each deliberately left the operative repugnancy clause unenforceable in any court (Lau, 2007). Islamization was thus constitutionalized long before it was institutionalized.

The decisive turn came under General Zia-ul-Haq, whose coup in 1977 was justified by Pakistan's failure to turn itself into an Islamic state and who obtained a referendum mandate in 1984 to Islamise the legal system (Lau, 2007; Sheikh & Ahmed, 2019). Zia's tenure produced the four Hudood Ordinances of 1979, the Shariat Benches of 1978 and their replacement by the Federal Shariat Court in 1980 (Lau, 2006), the blasphemy amendments of 1980, 1982, and 1986 (J.M., 2010), the Ahmadiyya-specific criminal provisions of 1984 (J.M., 2010), the Zakat and Ushr Ordinance, and — through the Eighth Amendment of 1985 — the incorporation of the Objectives Resolution as a substantive part of the Constitution. This legislative corpus has proved durable: with the exception of the Zina Ordinance, substantially amended by the Protection of Women Act 2006, the Hudood Ordinances of 1979 remain in force (J.M., 2010).

The scholarly literature on these laws is extensive but fragmented. Studies of the Hudood Ordinances have concentrated on their implications for women (Imran, 2005; Khan & Gul, 2017); studies of the blasphemy provisions have focused on vigilantism and minority vulnerability (Ahmed, 2020; Munshey, 2017); and studies of judicial Islamization have examined the Federal Shariat Court's expanding jurisdiction over the "Injunctions of Islam" (Cheema, 2013; Lau, 2006). What is missing is a longitudinal

account that treats enforcement itself as the object of analysis — tracing how the constitutional, institutional, and practical dimensions of enforcement have changed across the full life of the state, and how they converge in the present moment, when the Federal Shariat Court has ordered the elimination of interest from the economy by the end of 2027 (Ghafoor & Ghafoor, 2022).

This article addresses that gap. It analyses the laws actually enacted and enforced in Pakistan from 1947 to 2027, periodises the enforcement strategies of successive regimes, and evaluates the patterns that recur across eight decades. The argument is developed in seven parts: introduction; research gap, objectives, and questions; methodology; literature review; discussion of the enforced laws in four historical phases; findings; and conclusion with recommendations.

4. Literature Review

4.1 Constitutional Islamization and the Repugnancy Clause

Scholarship on the constitutional foundations of Pakistani Islamization converges on a single finding: the framers declared Islam supreme while deliberately disabling judicial enforcement. Martin Lau shows that the 1973 Constitution provided that all laws should be in accordance with Islam, "but crucially, this article could not be enforced in a court" (Lau, 2007). This design persisted until 1980, when the creation of the Federal Shariat Court made the repugnancy clause operative (Lau, 2007). Jan Michiel Otto situates this within a comparative framework of twelve Muslim-majority legal systems, concluding that Pakistan's Islamization project has produced a mixed and tentative balance rather than a fundamentalist triumph: the relatively liberal family legislation of 1961 has remained untouched, the opportunities for women to obtain a divorce independently have been significantly expanded, and the heaviest corporal punishments have never been applied (J.M., 2010). Cheema has analysed how the Federal Shariat Court determines the scope of the phrase "Injunctions of Islam as laid down in the Holy Quran and the Sunnah" — a phrase the Constitution never defines, leaving its definition to the Court itself (Ahmed et al., 2021; Cheema, 2013).

4.2 The Hudood Ordinances and Women's Rights

The most voluminous strand of literature concerns the Hudood Ordinances. Lau's review of twenty-five years of the Hudood Ordinances documents how theft, intoxicants, extra-marital sex including rape, and false accusations of adultery were moved from the secular Pakistan Penal Code of 1860 — under which adultery and fornication had not been criminal offences at all — into ostensibly Islamic criminal law (Lau, 2007). Studies of the Zina Ordinance emphasise the conflation of rape with adultery: the unreformed Ordinance placed rape in the same category as zina (Weaver, 2007), criminalised all consensual sexual intercourse between adults outside marriage, and permitted female minors to be charged with zina upon reaching the age of puberty (Group, 2018). Abbasi's quantitative review records 661 reported zina judgments, 49 qazf judgments, 98 theft judgments, and 251 alcohol-consumption judgments in the Federal Shariat Court between 1981 and 2018, with one report indicating 3,399 appeals in zina cases between 1980 and 1987 (Abbasi, 2021). Feminist scholarship has argued that these laws, framed and enforced in the name of Islam, served as instruments of

patriarchal control (Imran, 2005; Khan & Gul, 2017), a view echoed by activists who describe the Hudood laws as "political tools to control women" (Weaver, 2007). The Protection of Women Act 2006, which removed rape and fornication from the hadd category and returned them to the Penal Code's jurisdiction (J.M., 2010; Weaver, 2007), is widely treated as the pivotal reform, and the number of zina cases decreased after it (Abbasi, 2021).

4.3 Blasphemy, Vigilantism, and Minorities

A third strand examines the blasphemy provisions and their socio-legal consequences. Munshey argues that the blasphemy laws are accompanied by an extra-legal system of enforcement grounded in "traditional notions of Islam and enforced in large part through vigilantism," in which punishment is "handed out in the street more often than in the courtroom" (Munshey, 2017). Ahmed's analysis of *Asia Bibi v. The State* shows that the acquittal, though hailed as a landmark, relied on colonial assumptions about religious conflict and left the concerns of religious minorities unaddressed (Ahmed, 2020). Alexander and Sato's application of the brutalisation thesis documents that at least 274 Ahmadi Muslims have been extralegally killed since 1984, tracing this violence to the state's declaration of the community as non-Muslim and the introduction of the death penalty for blasphemy (Alexander & Sato, 2022). Studies of electoral politics show how blasphemy has been instrumentalised by parties across the spectrum and mobilised by Tehreek-e-Labbaik Pakistan (Javid, 2021; Yılmaz & Shakil, 2022; Zeeshan, 2024), whose sole mission is the full implementation of the anti-blasphemy law (Awan, 2022). The historical roots of these provisions reach back to British India, where blasphemy provisions originated and were occasionally misused by administrators seeking to preserve inter-communal peace (Nazir, 2023).

4.4 Islamic Finance and the Riba Litigation

The riba litigation has generated a specialist literature on Islamic banking and finance. The Federal Shariat Court's 1991 judgment declared the non-interest-based banking system introduced in 1985 un-Islamic because of "sell and buy-back" transactions and the sale of debts and receivables (Ghafoor & Ghafoor, 2022; Khan & Bhatti, 2008); the Shariat Appellate Bench affirmed in 1999 and ordered interest-based laws to cease by 30 June 2001 (Khan & Bhatti, 2008). Ayub records that the case then remained pending for two decades, during which the state argued that non-justiciable policy decisions regarding implementable possibilities lay beyond the Shariat Court's jurisdiction (Ayub & Ayub, 2021). This literature underscores the enforcement dimension: landmark rulings repeatedly produced extensions, remands, and pendency rather than conformity.

4.5 Position of This Study

The literature review reveals that the enforcement question is treated within each sub-field but never across them. This study contributes a unified, longitudinal analysis that connects constitutional design, institutional machinery, judicial practice, and extra-legal enforcement, and extends the analysis to the judicially imposed deadline of 2027

2.1 Research Gap

Three gaps in the existing scholarship justify this study. First, the literature is law-specific rather than system-wide. Studies of the Zina Ordinance (Abbasi, 2021; Lau,

2007), the blasphemy provisions (Munshey, 2017; Zeeshan, 2024), and the riba litigation (Ayub & Ayub, 2021; Khan & Bhatti, 2008) analyse individual instruments in depth, but rarely situate them within a unified account of enforcement policy from independence to the present. Second, the literature is period-specific: the Zia era dominates (Kalra & Butt, 2019; Sheikh & Ahmed, 2019), while the post-2008 period, marked by the 18th Amendment, the Asia Bibi litigation, and the rise of Tehreek-e-Labbaik Pakistan, remains comparatively underexplored in legal-doctrinal terms (Ahmed, 2020; Yılmaz & Shakil, 2022). Third, scholars have documented specific enforcement failures — non-justiciable constitutional clauses (Lau, 2007), contradiction between the Council of Islamic Ideology and the Federal Shariat Court (Ahmed & Yılmaz, 2021), and the non-application of the harshest punishments (J.M., 2010) — but no study has integrated these into a single analytical framework that distinguishes constitutional enforceability, institutional implementation, and practical execution.

2.3 Research Questions:

1. How has the enforcement of Islamic law in Pakistan been constitutionally structured, and why did the operative repugnancy clause remain non-justiciable for three decades?
2. What enforcement machinery was created after 1977, and how did it transform the legal system?
3. Why have the harshest Islamic penalties been declared but not executed, while extra-legal actors have enforced blasphemy norms through violence?
4. What do the patterns of enforcement between 1947 and 2027 imply for the judicially imposed deadline of 2027 for the elimination of riba?
5. What were the primary constitutional and statutory milestones in the Islamization of Pakistan's legal framework between 1947 and 2027, and how did successive political and military regimes shape this process?
6. To what extent have specific Islamic laws—such as the Hudood Ordinances, the Law of Evidence (Qanun-e-Shahadat), and the Qisas and Diyat Ordinance—been harmonized with classical Shariah principles versus modern statutory requirements?
7. What role have the Federal Shariat Court (FSC) and the Shariat Appellate Bench of the Supreme Court played in evaluating, enforcing, and modifying laws to conform with the Injunctions of Islam?
8. In light of evolving global human rights standards and modern socio-economic realities, how can Pakistan's legal system bridge the gap between traditional Islamic jurisprudence and contemporary statutory enforcement moving forward?

2.2 Objectives

The objectives of this study are:

- To trace the legislative and judicial trajectory of Islamic law in Pakistan from 1947 to 2027, organised around the laws actually enacted and enforced;
- To analyse the institutional machinery created to enforce Islamic law, particularly the Federal Shariat Court and its review jurisdiction;
- To explain the recurring divergence between Islamic law as declared and Islamic law as applied, including extra-legal enforcement;

To assess the prospects of the Federal Shariat Court's 2022 *riba* judgment and its 2027 deadline in light of past enforcement patterns.

3. Research Methodology:

This study employs a doctrinal, qualitative legal research design. Its primary materials are the constitutional instruments of Pakistan (the Objectives Resolution of 1949 and the Constitutions of 1956, 1962, and 1973, with their amendments), the principal Islamization statutes (the Hudood Ordinances of 1979, the Enforcement of Shari'ah Act 1991, the Criminal Law Act 1997, the Protection of Women Act 2006, and the Zakat and Ushr legislation), and the key judgments of the Federal Shariat Court and the Shariat Appellate Bench of the Supreme Court, particularly the *riba* rulings of 1991, 1999, and 2022. Secondary materials comprise peer-reviewed scholarship, institutional reports, and case commentary on Pakistani Islamization.

The analysis is organised by periodisation into four phases: constitutional foundation (1947–1977); the construction of enforcement machinery (1977–1988); consolidation and contestation (1988–2007); and the enforcement deficit and extra-legal enforcement (2008–2027). Within each phase, "enforcement" is examined at three levels: constitutional enforceability (whether courts may act on the Islamic provisions), institutional implementation (which bodies implement the laws and how they interact), and practical execution (whether prescribed punishments and reforms are actually carried out).

The study is subject to three limitations. First, it is doctrinal rather than empirical: it does not generate new field data on prosecution rates or judicial practice, but relies on reported judgments and secondary documentation. Second, the analysis of the 2027 *riba* deadline is necessarily prospective. Third, reported Federal Shariat Court judgments represent only a fraction of actual cases, a limitation acknowledged in the primary scholarship on which this study draws (Abbasi, 2021).

5. Discussion: The Enforced Laws in Four Phases

5.1 Constitutional Foundations, 1947–1977:

Declared but Unenforceable The founding period established the template of declared Islamization without enforcement machinery. The Objectives Resolution of 1949 set out the Islamic aspiration while refusing to name Pakistan an "Islamic state" and simultaneously asserting protection of minority rights (Saeed, 2007). The 1956 Constitution declared Pakistan an Islamic Republic and required all laws to conform to the "Injunctions of Islam"; the 1962 Constitution initially excluded such references but restored them after protest (Ahmed et al., 2024). The Constitution of 1973 declared Islam the religion of the state, declared the Ahmadiyya community non-Muslim for holding "un-Islamic beliefs" (Ahmed et al., 2024), and inserted the famous repugnancy article, Article 227(1), providing that all existing laws shall be brought into conformity with the Injunctions of Islam and that no law repugnant to those injunctions shall be enacted (Ahmed et al., 2021). The explanation appended to Article 227 specifies that, in its application to the personal law of any Muslim sect, "Quran and Sunnah" means the Quran and Sunnah as interpreted by that sect (Cheema, 2024).

Yet the decisive feature of these provisions was non-justiciability. Article 227(1) could not be enforced in any court (Lau, 2007), and the Principles of Policy, including the Islamic obligations of Article 37(h), were expressly incapable of judicial enforcement (Lau, 2007). Three decades of constitutional Islamization therefore produced aspiration without adjudication.

5.2 The Zia Era, 1977–1988: The Construction of Enforcement Machinery

Zia's Islamization programme was driven largely by political motives — the pursuit of legitimacy through religious credentials (Lau, 2007; Sheikh & Ahmed, 2019). Its instruments form a coherent enforcement architecture.

The Hudood Ordinances (1979). The four ordinances — the Offences against Property Ordinance, the Offence of Zina Ordinance, the Offence of Qazf Ordinance, and the Prohibition Order — were meant to Islamise Pakistan's corpus of criminal law, providing corporal punishments for the five hadd crimes (J.M., 2010; Lau, 2007). They supplemented rather than repealed the 1860 Penal Code (Abbasi, 2021). Punishments were divided between Hadd, requiring proof by four adult Muslim witnesses described as "truthful persons [who] abstain from major sins," and Tazir (non-Quranic), applicable where hadd proof failed (Group, 2018). Because rape was placed in the same category as zina, the Ordinance introduced ambiguity into the law and subjected women to its rigid, gender-discriminatory interpretation (Khan & Gul, 2017; Weaver, 2007).

The Federal Shariat Court (1980). The Shariat Benches of Superior Courts Order 1978 created Islamic benches at the four provincial High Courts, empowered to review laws for repugnancy to Islam; in 1980 these were replaced by the Federal Shariat Court, which also acted as a court of appeal for Hudood decisions (Lau, 2006). For the first time in Pakistan's legal history, a court was enjoined to examine substantial parts of the legal system on the basis of Islam (Lau, 2006). The creation of the Court made Article 227(1) enforceable (Lau, 2007). Its jurisdiction turned on the undefined phrase "the Injunctions of Islam," the scope of which the Court itself was left to determine (Ahmed et al., 2021; Cheema, 2013).

Blasphemy and Ahmadiyya provisions. The Penal Code amendments of 1980, 1982, and 1986 introduced purely Islamic provisions: Section 295-B made desecration of the Holy Quran punishable with imprisonment for life, and Section 295-C made defilement of the Prophet's name punishable with death or life imprisonment (Munshey, 2017). In 1991 the Federal Shariat Court held life imprisonment contrary to Islam, enhancing the punishment to death, and an appeal against that decision was rejected by the Shariat Appellate Bench in 2009 (J.M., 2010). The Ahmadiyya-specific amendments of 1984 criminalised the community's religious identity: members face up to three years' imprisonment for referring to themselves as Muslims or propagating their faith (PPC Section 298B), and for public acts that may "outrage" Muslim religious beliefs (PPC Section 298C) (J.M., 2010).

Zakat, evidence, and Article 2A. The Zakat and Ushr Ordinance imposed a 2.5 per cent tax on the estates of Muslims, distributed through zakat commissions for the maintenance of the poor and needy (Samra & Siddiqui, 2021). After protests, Shias

were exempted. The Eighth Amendment of 1985 inserted Article 2A, making the Objectives Resolution a substantive part of the Constitution — an amendment judges in the High Courts promptly used to review laws directly on the basis of Islam (Lau, 2007).

The era's net effect is contested. Critics argue that Zia's reforms strengthened "summative justice" — extra-judicial, patriarchal, prejudicial justice — rather than the rule of sharia, reinforcing customary law and creating conditions of "mob rule" (Kalra & Butt, 2019). The declared goal of Islamic order also served to suppress dissent (Kalra & Butt, 2019).

5.3 Consolidation and Contestation, 1988–2007:

Zia's death did not end Islamization; it "remained a popular subject, especially as a potent campaign slogan" (Lau, 2007). The National Assembly's Enforcement of Shari'ah Act of 1991 had a telling political function: it put the principle of democratic election outside the jurisdiction of clerics while saving the interest-related laws that had become extremely controversial (Muzaffar et al., 2017).

The *riba* litigation unfolded in this period. On 14 November 1991 the Federal Shariat Court declared the interest-based banking system un-Islamic, ordering its Islamization by the end of June 1992 (Ghafoor & Ghafoor, 2022; Khan & Bhatti, 2008). The Shariat Appellate Bench affirmed on 23 December 1999, ordering that interest-based laws cease to have effect by 30 June 2001 (Khan & Bhatti, 2008); a newly constituted bench then remanded both judgments back to the Federal Shariat Court in June 2002, and the case remained pending for two decades (Ayub & Ayub, 2021).

In 1997 the Islamic criminal law of murder and assault — *Qisas* and *Diyat* — was incorporated into the Penal Code by the Criminal Law Act 1997, following Federal Shariat Court decisions that the colonial law on murder and bodily harm was un-Islamic because it did not allow the victim or the victim's heirs to determine how the offender should be treated (J.M., 2010). The 1997 legislation and the 1991 Shari'ah Act both belong to the pattern of parliamentary Islamization (J.M., 2010).

Meanwhile, the judiciary resisted the harshest outcomes of the programme. After the Federal Shariat Court ruled in 1981 that stoning was against Islamic principles, Zia replaced the Court's judges and the reconstituted Court overruled its own decision in 1982 (Lau, 2007). Yet both the Supreme Court and the Federal Shariat Court retained a reticent attitude toward severe corporal punishments (Lau, 2007), and the highest judicial authorities proved unwilling in the early 1990s to allow the rule of law to be subjugated to exceedingly conservative interpretations of sharia (J.M., 2010).

The Protection of Women Act 2006 delivered the era's most significant correction. Rape and fornication ceased to be treated as *hadd* crimes and returned to the jurisdiction of the Pakistan Penal Code, removing them from the Federal Shariat Court's review (J.M., 2010). The Zina Ordinance, initially of 22 sections, was reduced to 11 sections by the 2006 Act (Mukhtar, 2016), and the number of zina cases decreased afterwards (Abbasi, 2021). Giunchi captures the underlying dynamic: the enforcement of Islamic laws has been traversed by two opposite tensions — toward systematization and toward complexity — with religiously inspired judicial activism

able either to improve or to worsen women's status depending on the sources the courts refer to (Giunchi, 2013).

5.4 The Enforcement Deficit and Extra-Legal Enforcement, 2008–2027

The 18th Amendment of 2010 curtailed presidential powers and devolved authority to the provinces (Begum, 2015). Its impact on the Islamization machinery was administrative: the Federal Ministry of Zakat and Ushr was abolished and the provinces authorised to legislate on the subject — Sindh in January 2011, Baluchistan in April 2011, Khyber Pakhtunkhwa in October 2011, and Punjab as late as February 2018 (Samra & Siddiqui, 2021). Enforcement of this Islamic welfare institution thus shifted from the centre to the provinces.

The most acute enforcement problem of the period has been the blasphemy law, which is "surrounded by an extra-legal system enforced largely through vigilantism and violence" (Munshey, 2017). The Asia Bibi case, initiated in 2009, exposed how Section 295-C can be misused (Naveed, 2025); the Supreme Court's eventual acquittal, though landmark, changed little else, reinforcing the death penalty for blasphemy while recognizing the law's misuse (Ahmed, 2020). Mass emotion, manipulated through the anti-blasphemy laws, has repeatedly incited violence against minorities, with Asia Bibi serving as the paradigm case (Raza, 2025). The murder of eight Christians in Gojra in July 2009 prompted the Minister for Minorities to concede that the law "is being misused. People have been extrajudicially killed and falsely implicated and are now behind bars" (J.M., 2010). Documentation of continuing violence includes a mob attack on an Ahmadiyya place of worship in Karachi on 25 July and an attack on a factory owned by an Ahmadi in Lahore on 18 August, in which the authorities charged eight members of the Ahmadi community with blasphemy instead of prosecuting the attackers, and an attack on a Christian settlement in Faisalabad in August 2023 in which a mob vandalized churches, houses, and a cemetery ("Human-Rights-Watch-World-Report-2011," 2016). Since 1984, at least 274 Ahmadi Muslims have been extralegally killed on account of their faith (Alexander & Sato, 2022).

Extra-legal enforcement has been institutionalized politically. Tehreek-e-Labbaik Pakistan, formed in 2015 and campaigning on the emotive issue of blasphemy, has given rise to a vigilante-style mob culture in which individuals inspired by its narrative kill in plain sight without remorse (Javid, 2021; Yilmaz & Shakil, 2022). The party's sole mission is the full implementation of the anti-blasphemy law (Awan, 2022). In the 2018 general elections it won almost 4 per cent of the vote — a breakthrough only in relative terms, since religious parties have averaged only about 6 per cent of votes in elections since the 1980s (Zaheer et al., 2025). Political attempts to appease the movement have emboldened it, and mainstream parties have instrumentalized blasphemy as a political and electoral tool (Zeeshan, 2024).

Nominal enforcement persists alongside street enforcement. The Quranic punishment for theft — severing the hand — "will never be carried out," and none of the death sentences handed down under the blasphemy law has ever been carried out (Boivin, 2021); the heaviest corporal punishments such as stoning and amputation have never been applied because the highest judicial authorities have consistently opposed their

execution (J.M., 2010). The law on the books and the law in practice have thus diverged in both directions: courts refrain from the harshest punishments, while extra-judicial actors kill in the law's name.

5.5 The Riba Case Revisited:

The 2022 Judgment and the 2027 Deadline The riba saga reached a new juncture with the Federal Shariat Court's judgment of 28 April 2022, after the case had been pending for two decades. The Court again declared that all types of interest — commercial, production-related, or personal — fall under the definition of riba, directed the government to complete the necessary legislative amendments by 31 December 2022 to replace the laws declared void, and ordered that interest be eliminated from the economy by the end of 2027 (Ghafoor & Ghafoor, 2022). The judgment is why the analytical horizon of this study extends to 2027: the enforcement of Islamic economic law now has a judicially fixed deadline. The history of the litigation — extensions, remands, and a two-decade pendency — suggests, however, that deadline enforcement is itself uncertain, and scholars observe that little effort has been made to transform Pakistan's economy to the risk-and-reward sharing basis required by Islamic principles, with the debt burden leaving little room for such a transformation (Ayub & Ayub, 2021).

6. Findings:

Six findings emerge from the analysis of the enforced laws.

Finding 1: Constitutional Islamization was structurally non-justiciable. The repugnancy clauses of 1956, 1962, and 1973 were designed not to be enforceable; only the creation of the Federal Shariat Court in 1980 made Article 227(1) operational, and the Principles of Policy remain unenforceable (Lau, 2007). The constitutional text itself institutionalized the gap between Islamic aspiration and enforcement.

Finding 2: Enforcement has been partial and prospective, not retroactive. Because the Federal Shariat Court may declare a law void only where it is repugnant to the injunctions of Islam, laws not found repugnant remain valid even where they do not conform to Islamic injunctions (Cheema, 2013). The Islamization process is therefore imperfect by design, permitting the continuity of non-conforming laws.

Finding 3: Enforcement has been contested between institutions. The Council of Islamic Ideology and the Federal Shariat Court, both constitutional bodies established to Islamise society, frequently contradict each other in their understanding of Islamic law, notably on women's rights (Ahmed & Yilmaz, 2021). The exercise of the "Injunctions of Islam" jurisdiction is ambivalent and has interfered with the tasks of other constitutional courts (Cheema, 2013); judicial activism has alternatively systematized and complicated the law (Giunchi, 2013).

Finding 4: The harshest penalties have been declared but not executed. Stoning, amputation, and the death penalty for blasphemy remain on the statute book, yet stoning and amputation have never been applied (J.M., 2010), and no blasphemy death sentence has ever been carried out (Boivin, 2021). The courts' reticence about severe corporal punishments constitutes a form of informal non-enforcement (Lau, 2007).

Finding 5: Enforcement has migrated from the judiciary to the street. Where the state refrains from or mismanages enforcement, extra-legal actors supply it — most dangerously in blasphemy matters, where vigilante violence has become the operative enforcement mechanism (Munshey, 2017), documented in successive attacks on Ahmadi and Christian communities (Alexander & Sato, 2022; “Human-Rights-Watch-World-Report-2011,” 2016).

Finding 6: Enforcement is politically instrumental. Zia Islamised to secure legitimacy (Sheikh & Ahmed, 2019); post-Zia governments used Islamic legislation to manage constituencies, as with the 1991 Shari'ah Act (Muzaffar et al., 2017); and parties continue to deploy religious rhetoric as an electoral weapon (Zaheer et al., 2025; Zeeshan, 2024). The politically appointed memberships of the Council of Islamic Ideology and the Federal Shariat Court keep these bodies sites of that competition (Ahmed & Yilmaz, 2021).

7. Conclusion and Recommendations:

From 1947 to 2027, the enforcement of Islamic law in Pakistan has moved through four phases: a constitutional period in which Islam was declared but deliberately left unenforceable (1947–1977); a legislative period in which a military regime constructed enforcement machinery — courts, ordinances, and criminal provisions — for political legitimacy (1977–1988); a contestatory period in which parliamentary Islamization, judicial moderation, and reform legislation struggled over the meaning of enforcement (1988–2007); and a current period in which enforcement has fragmented between a court-directed economic agenda with a 2027 deadline, nominally enforced criminal provisions, and extra-legal street enforcement (2008–2027).

The analytical conclusion is that Pakistan has never resolved the tension it encoded in 1949: a state that enables Muslims to order their lives by Islam, but whose legal system inherited its structure from colonialism and retains constitutional instruments — non-justiciable principles, undefined injunctions, and politically appointed enforcement bodies — that keep Islamic law enforceable in form and contested in practice. The declared-but-unexecuted punishments and the rise of vigilante enforcement show that the enforcement deficit is not merely technical but institutional: when state courts decline to apply the harshest norms, extra-legal actors claim the authority to apply them instead.

On this basis, five recommendations follow. First, the Constitution should define the “Injunctions of Islam,” or assign a settled, coherent method for their determination, so that review jurisdiction does not oscillate with judicial composition (Ahmed et al., 2021; Cheema, 2013). Second, the contradictions between the Council of Islamic Ideology and the Federal Shariat Court should be resolved through a defined hierarchy or consultative mechanism (Ahmed & Yilmaz, 2021). Third, the state must reclaim the monopoly of enforcement from vigilantes: legal reform alone is insufficient, and reform is needed at the societal, institutional, and political levels (Munshey, 2017). Fourth, Parliament and the executive should honour the Federal Shariat Court's 2027 deadline for the elimination of *riba* through credible legislative transition, or the pattern of extensions and pendency — and the resulting erosion of judicial authority — will

repeat (Ayub & Ayub, 2021; Khan & Bhatti, 2008). Fifth, the reform of the blasphemy provisions should address both their misuse and the conditions that make violent extra-legal enforcement possible (Ahmed, 2020; Alexander & Sato, 2022).

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