Annual Methodological Archive Research Review
http://amresearchreview.com/index.php/Journal/about
Volume 3, Issue 10 (2025)

Online ISSN 3007-3197
Print ISSN 3007-3189

http://amresearchreview.com/index.php/Journal/about

Judicial Interpretation of Islamic Provisions under Article 227 of the Constitution of Pakistan

Rao Qasim Idrees
Associate Professor, School of Law, University of Gujrat
Email: qasim.rao@uog.edu.pk

Naveed Hussain
Assistant Professor, School of Law, University of Gujrat
Email: naveed.hussain@uog.edu.pk

Yasir Arfat
Lecturer, School of Law, University of Gujrat
Email: yasir.arfat@uog.edu.pk

ABSTRACT

Article 227 of the Constitution of Pakistan takes a central stage in establishing the connection between the Islamic injunction and the constitutional and legal set up of the nation. Article 227 makes the concept of Islamization a constitutional goal by requiring all existing laws to be harmonized with the injunctions of Islam that are contained in the Quran and Sunnah, but it also poses a complicated question regarding the interpretation of the constitution, power, and judiciary. This paper takes a critical look at how Islamic stipulations have been interpreted using Article 227 and relating this interpretation to the way the Pakistani courts have ascertained, applied and operationalized this constitutional provision in the past. It submits that judicial interpretation has been decisive in defining the extent and boundaries on which Islamization is exercised, that it has acted as a mediator between the provisions of religion, constitutional supremacy, and the demands of the law in the current times.

The paper examines how courts have looked at the meaning of the term injunctions of Islam, the scope of judicial competence to interpret religious texts and the connection of Article 227 and other constitutional provisions, especially fundamental rights. It emphasizes that the judicial involvement with Article 227 has never been unanimous but has been changing in terms of careful balancing between Islamic tradition and constitutional framework. Although courts have tended to stress the orientation between the Islamic provisions and the constitutional rights, judicial interpretation has also proven to have tensions between the religious requirements and pluralistic legal governance. The article finds that judicial interpretation method within Article 227 is an attempt to balance constitutionalism with the Islamic identity and the role of judiciary in the constitutional jurisprudence of Islamization is crucial in future development of Pakistan.

Annual Methodological Archive Research Review
http://amresearchreview.com/index.php/Journal/about
Volume 3, Issue 10 (2025)

Online ISSN 3007-3197
Print ISSN 3007-3189

http://amresearchreview.com/index.php/Journal/about

Keywords: Article 227; Constitution Of Pakistan; Islamic Provisions; Islamization Of Laws; Judicial Interpretation; Qur'an And Sunnah; Constitutional Jurisprudence; Fundamental Rights; Islamic Ideology; Pakistani Judiciary

Introduction

The introduction of Islamic principles in the constitution has been a characteristic element of legal and political identity of Pakistan since its birth and Article 227 of the Constitution of Pakistan is one of the clearest expressions of this promise. Article 227 provides a constitutional basis to Islamization instead of an aspiration by merely making it mandatory that all existing laws be made to conform to the injunctions of Islam as provided in the Quran and Sunnah. Simultaneously, the provision has underlying concerns about how it is interpreted, as well as the power of the church and how it can interact with the rules of the constitution. The assignment of meaning Article 227 has thus been left, to a great extent, to the judiciary, which places the courts in the midst of a complicated interpretative game that will entail a process of weighing Islamic values against constitutional supremacy, legal predictability and fundamental rights.

Article 227 is written in general, aspirational language, which provides little information on the manner in which compliance with Islamic injunctions shall be assessed and/or executed. The use of terms like injunctions of Islam and allusions to the Quran and the Sunnah subjects to interpretive engagement of religious sources that are in turn matters of varying schools of thought and various jurisprudential traditions. This natural indeterminacy puts courts in a difficult position because they are being asked to interpret religious texts but do so in a constitutional system where consistency, precedent and legal consistency are prized. The role of the judiciary is also complicated by the fact that there are also institutions that are specially established, including the Federal Sharia Court, which has a constitutional right to review laws to repugnance to Islamic injunctions. The presence of three judicial layers between the ordinary courts and the Federal Shariat Court and the Supreme Court as far as Islamization is concerned contributes to the further institutional complexity of judicial interpretation under Article 227.[1]

The judicial interpretation of Article 227 has shifted with time keeping up with changes in the constitution structure, political environment and judicial philosophy. The initial judicial involvement with the provisions of Islam was characterized by a very conservative and reserved attitude, whereby it was pointed out that Article 227 did not supersede the authority of the Constitution or void in effect the existing legislation. The courts tended to integrate Islamic clauses with the constitutional rights and Islamization was seen as a process of interpretation and gradualism instead of the command. However, over the years judicial reasoning has become increasingly involved with substantive Islamic principles, especially in such areas as the family law, criminal justice, and economic regulation. This development underscores the pivotal position of the judicial system to mediate between the identity of Islam and the

[1] Shaikh, A. S., Dars, B. A., & Munir, A. (2018). ENGLISH-THE JUDICIAL REVIEW BETWEEN THE CONSTITUTION OF PAKISTAN AND THE ISLAMIC LEGAL SYSTEM. *The Scholar Islamic Academic Research Journal*, *4*(2), 127-144.

Online ISSN 3007-3197
Print ISSN 3007-3189

rule of law.

Interaction with fundamental rights Article 227 and fundamental rights Article 227 has been of great interest to judicial interpretation. The Constitution of Pakistan provides a spectrum of the fundamental rights including equality, due process, and the right of faith, which has to co-exist with the requirement of Islamization. The courts have often pointed out that Islamic provisions and fundamental rights do not necessarily conflict, but that the concept of Islam is founded on the idea of justice, equality, and human dignity. However, this has resulted into tensions in certain situations where the religious interpretation seems to limit an individual right thus necessitating the courts to ensure a careful balancing. How courts decide such tensions has had serious consequences of constitutionalism, minority rights, and legitimacy of judicial authority.[2]

Article 227 also undermines the judiciary interpretation as it also questions the due extent of judicial power. Explaining the Islamic injunctions involves a process that involves religious content that is largely linked to religious authority and academic excellence. This has compelled the courts to grapple with the line separating legal interpretation and religious interpretation and in most cases the courts have had to resort to expert opinion, case law or institutional expertise to support their decisions. This has attracted controversy over whether the role that courts play in the process of Islamization should be an activist one or be restraining by yielding to the legislative and other specialized religious bodies.[3]

This paper will be a critical examination of how the Islamic provisions in the constitution, under Article 227, have been interpreted by the court. It attempts to explore the way in which the courts have interpreted the meaning of Article 227, the approaches that they have taken to interpret the Islamic injunctions, and how their interpretation has affected the constitutional jurisprudence of Pakistan. With a view to understanding how the judiciary can reconcile harmony and conflict management and institutional power, the study will help in illuminating the role of the judiciary in the constitutional relationship between Islam and the modern state.

Literature Review

There has been a long-standing academic controversy concerning the judicial interpretation of the Islamic provisions in Article 227, which is indicative of the larger conflict between constitutionalism, religious authority and legal pluralism in Pakistan. The legal scholars have examined Article 227 as a normative pledge and as an interpretive dilemma, they have pointed out that the open-textured language used in Article 227 encourages judicial discretion yet at the same time binds courts with reference to divine sources. Constitutional commentary Early constitutional interpretation tended to interpret Article 227 as waving a nod to Islamic identity as opposed to a legal suicide note, contending that its main purpose was to inform legislative policy as opposed to licensing direct judicial invalidation of legislation. This interpretation placed the primacy of the constitution and warned that Islamic

[2] Redding, J. A. (2003). Constitutionalizing Islam: Theory and Pakistan. *Va. J. Int'l L.*, *44*, 759.
[3] Ashraf, Z. (2021). ISLAMISATION OF LAWS UNDER CHAPTER 3A OF THE CONSTITUTION OF PAKISTAN. *Available at SSRN 5217720*.

Annual Methodological Archive Research Review
http://amresearchreview.com/index.php/Journal/about
Volume 3, Issue 10 (2025)

Online ISSN 3007-3197
Print ISSN 3007-3189
http://amresearchreview.com/index.php/Journal/about

provisions should not be read as valid textual instructions that could provoke a lack of constitutionality in the text.[4]

Later scholarship, however, noted that Article 227 could not be dismissed as being merely aspirational especially with the developments in other institutions, the formation of the Federal Shariat Court and the accumulation of Islamization jurisprudence. Scholars started to study the way in which the concept of Islamic conformity was operationalized by courts and how the meaning of injunction derived in Islamic confinements and where they could find such injunctions. This literature lays emphasis to the methodological dilemma of the judges; there are various schools of thought, various interpretive traditions and various approaches to the context that the Islamic jurisprudence has resulted in creating a question of which interpretation should be embraced in the adjudication of the constitution. Scholarly criticism has often criticized the judicial reasoning that adopts some interpretations without providing explicit methodological reasons, on the basis that this approach to judicial interpretation is likely to turn into judicial interpretation being ideological preference.[5]

There is a great body of literature on the relationship between Article 227 and the Federal Shariat Court as an institution. Researchers focus on the role of the constitutional separation of powers between regular and the Shariat courts in the context of the discourse on Islamization. According to some commentators, the presence of specialized Shariat institutions is an indication that there is a desire to restrain the ordinary judicial involvement in the Islamic interpretation to repugnancy review in special forums. Some other people argue that Article 227 has a general constitutional duty, which notifies all the judicial reasoning, even the Supreme Court and High Courts. This discussion represents more general anxieties regarding institutional competence, the separation of powers and the risk of constitutional interpretation being divided.[6]

The interaction of Article 227 and fundamental rights in particular has received certain attention among scholars. Law scholars analyze those cases where the courts have attempted to reconcile the Islamic provisions with constitutional protections of equality, dignity, and due process. Scholars have been highly complimentary of judicial attempts not to frame the Islamization and fundamental rights as mutually exclusive and that in many instances, courts use the principles of Islam as a means to support, not limit the rights. Simultaneously, some parts of the world are raising their voices in criticism that this harmonization can lead to glossing over actual conflicts, especially when mainstream interpretations of Islamic standards clash with current interpretations of gender equality or minority protection. What this literature highlights is that courts need to find a fine balance to maintain constitutional legitimacy and deal with religious mandates.[7]

[4] Shaikh, B. A. (2018). Constitutional Islamization: A Case Study of Pakistan. *Islamabad Law Review*, *2*(3&4), 56-75.
[5] Ahmed, M., & Sharif, S. M. (1963). Islamic aspects of the new constitution of Pakistan. *Islamic Studies*, *2*(2), 249-286.
[6] Razi, N. (2013). Interpretive Policy of the Supreme Court of Pakistan: A Critical Analysis from the Perspective of Islamic Interpretive System. *Stud*, *2*(4).
[7] Lau, M. (2005). *The role of Islam in the legal system of Pakistan* (Vol. 9). Brill.

Annual Methodological Archive Research Review
http://amresearchreview.com/index.php/Journal/about
Volume 3, Issue 10 (2025)

Online ISSN 3007-3197
Print ISSN 3007-3189

http://amresearchreview.com/index.php/Journal/about

Comparative constitutional scholarship places the experience of Pakistan in the context of other states in the world, which have introduced religion into the constitutional systems. Scholars make comparisons with jurisdictions which acknowledge religious norms as a source of law, and they point to shared problems in interpretation of authority, pluralism, and legal certainty. According to these comparative analyses, judicial mediation is unavoidable within the systems where religion and constitutional law meet each other, however, transparent rationale and institutional restraint are also important. With the Pakistani situation, according to commentators, legitimacy of the judiciary relies on its capacity to render principled strategies of interpretation of Islam that do not dismiss the diversity of the Islamic thought, but also retain constitutional coherence.[8]

More recent work takes a critical socio-legal approach, focusing on the impact of judicial interpretation of Article 227 on the social consequences and power dynamics. Scholars examine the influence of the Islamization jurisprudence on family law, criminal law and economic regulation, with uneven effects on various social groups. This literature raises the question of whether judicial interpretation has taken due consideration of social context, minority views and dynamic interpretation of justice. It also points out the danger of the courts in taking up the role of religious interpreter and in doing so, marginalizing other voices in the Islamic discourse.

Together the literature shows that Article 227 has a controversial and active position in the constitution order of Pakistan. There is consensus among scholars that judicial interpretation has played an indispensable role in providing content to the Islamic provisions but they differ on whether courts have done so with appropriate methodological clarity and institutional restraint. This article is a continuation of the available literature by critically reviewing the way judicial interpretation of Article 227 has changed, how the courts have managed to balance competing constitutional values, and what this says about the judiciary in terms of its role in reconciling Islamic identity with constitutional governance.

Methodology

This paper will use doctrinal research with the help of constitutional and jurisprudential research to research the judicial interpretation of Islamic provisions as per Article 227 of the Constitution of Pakistan. The doctrinal orientation is especially suitable as the topic under consideration is based on textual, judicial and interpretive methods of the Constitution as opposed to measurement. The study aims at examining the interpretation of Article 227 by the courts, the rationale that the courts have used when dealing with the Islamic injunctions and how the articles have been viewed in balancing them with the constitutional supremacy and the basic rights. Through a closer analysis of judicial decisions, the research aims to make patterns, changes, and assumptions behind the judicial involvement in the process of Islamization.

The text of the Constitution of Pakistan, especially Article 227 and other provisions,

[8] Mumtaz, A., Soomro, A. S., Laghari, N. A., & Laghari, A. R. (2024). Islamic Law and Constitutionalism in Pakistan: Exploring the Role of Sharia in Constitutional Development. *International Journal of Innovative in Social Science and Humanities*, *1*(1), 24-31.

Online ISSN 3007-3197
Print ISSN 3007-3189

and the decision of the Supreme Court, High Courts, and the Federal Shariat Court discussing the Islamic conformity and repugnance to Islamic injunction are the primary sources that can be used in this research. Judicial opinions undergo evaluation to gauge the scope of Article 227, content of the purpose of the injections of Islam and the institutional competence of the courts in dealing with religious texts like the Qur'an and Sunnah. Particular focus is placed on those cases providing an example of judicial moderation between Islamic stipulations and fundamental rights because these rulings display the way courts act within the state of possible contradictions in the legal system.

A jurisprudential approach to interpretive methods used by courts is also included in the methodology. This will involve scrutiny of how the judges use the precedent, expertise opinion, classical Islamic jurisprudence, and current reasoning in interpreting Islamic provisions. The study will compare various judicial methodologies over time and courts in order to determine whether the judicial system has adopted a unified methodology or is still all over the place and case-oriented. This discussion can be useful in shedding light on the extent of uniformity, predictability, and transparency in Islamization jurisprudence.

Moreover, one will use a constitutional framework analysis to place Article 227 in the context of a greater whole that is the Constitution. This paper canvasses the interplay between judicial interpretation in strict compliance with Article 227 and principles of constitutional supremacy, separation of powers and safeguarding fundamental rights. Judicial decisions are put in context by providing secondary sources such as academic literature, constitutional commentary and finding criticisms and other viewpoints. The study, in such a methodological approach, will give a holistic picture of the role of judicial interpretation in Article 227 in developing constitutional jurisprudence in Pakistan and the current debate between Islamic values and the constitution of the country.

Research Findings

As it is seen through the analysis, judicial interpretation by Article 227 has become a multi-faceted and multi-stratified jurisprudence that not only acknowledges the Islamic nature of the constitutional order but also maintains the structural dominance of the Constitution as a unified legal system. This is one of the most important discoveries because Pakistani courts have tended to interpret Article 227 not as an automatic disabling clause automatically voiding laws across which it is felt to be contradictory with Islamic injunctions. Rather, judicial logic, has frequently construed Article 227 as a type of directive that directs the legislation and interpretation, and repugnancy review is to a great extent functionalized by constitutionally articulated institutions and processes. Such a method embodies a judicial taste towards harmonization and gradualism as opposed to radical substitution of the old law.[9]

One of the main discoveries is the conceptualization of the phrase injunctions of Islam in the eyes of the judiciary and the problematic approach it poses. Courts have recognized that Islamic injunctions are based on the Quran and Sunnah, but court

[9] Khan, B. (2021). Comparing the Fundamental Rights in Islamic Law and Pakistan Constitutional Law Perspective. *Available at SSRN 4512567*.

Online ISSN 3007-3197
Print ISSN 3007-3189

rulings reveal that there is inconsistency in the use of these materials. In other instances, the courts apply general principles of justice, morality, and the welfare of the whole world in the interpretation of injunctions, and Islamic injunctions are seen as in line with the constitutional values of dignity, equality and fairness. In other instances, more detailed formulations of doctrines and classical jurisprudence are used by the courts in determining conformity. The results demonstrate that the courts tend to pick and choose on which sources of Islamic jurisprudence to apply, and the level of methodological clarity varies in decisions and forums. It means that although Article 227 offers an Islamic normative point of reference, its judicial interpretation is highly reliant on both interpretative decisions and institutional context.[10]

The other important discovery is associated with the institutional allocation of power in Islamization. The presence of the Federal Shariat Court and its authority to analyze legislation as being repugnant has influenced the operation of the common courts. The results show that better courts have regularly stressed the constitutional plan that attributes repugnancy review to the Shariat Court to a primary extent, restricting the direct invalidation by the ordinary courts acting under the Article 227. Simultaneously, common courts have not viewed Article 227 as a dead weight, but rather as an interpretive rule have applied it to interpret statutes to the extent that they do not clash with Islamic norms. This two-pronged strategy enables the courts to preserve institutional precincts even when holding Article 227, as a governmental compass in interpreting the Constitution.[11]

One of the most significant findings that can be made is the interaction between Article 227 and fundamental rights. The courts have often articulated the concept that Islamic injunctions and fundamental rights are not necessarily directed to be in opposition to each other with the view that Islam represents a set of values of justice, dignity and equality. Consequently, judicial reasoning has been increasingly trying to reconcile Article 227 with the rights principles through the interpretation of Islamic principles in manners that do not favor the constitutional rights but restrict them. Nonetheless, the results also reveal that tensions occur in those situations where there are controversial social issues, and the hegemonic interpretations of Islamic norms can seem to restrict rights-based claims. In these circumstances, the courts have resorted occasionally to careful reasoning, which is not confrontational, focusing on constitutional form and institutional competence, not substantive involvement with divergent interpretations of Islamic law.[12]

The analysis also indicates that judicial interpretation under Article 227 is subject to greater political and constitutional backgrounds. Spurts of increased Islamization in the political life have been associated with an increased judicial activism in the field of Islamic provisions, other spurts are related to a greater sense of restraint and the focus on constitutional stability. This implies that Article 227 jurisprudence is not

[10] Shaikh, B. A. (2018). Constitutional Islamization: A Case Study of Pakistan. *Islamabad Law Review*, *2*(3&4), 56-75.
[11] Redding, J. A. (2003). Constitutionalizing Islam: Theory and Pakistan. *Va. J. Int'l L.*, *44*, 759.
[12] Tariq, F. U. D. (2024). The Inclusion of Islamic Provisions in Legislation in Pakistan and the Role of Religious Political Parties. *Qualitative Research*.

Annual Methodological Archive Research Review
http://amresearchreview.com/index.php/Journal/about
Volume 3, Issue 10 (2025)

Online ISSN 3007-3197
Print ISSN 3007-3189
http://amresearchreview.com/index.php/Journal/about

entirely doctrinal, but is influenced by more governance relations, such as institutional relations between the judiciary, legislature and the religious institutions.[13]

The other important discovery is associated with the way in which the courts justify their interaction with the Islamic sources. The use of precedent and judicial interpretations is common for courts to uphold legal consistency, with reference to old cases, to justify the reasoning in new cases. The court also resorts to expert opinion, classical Islamic scholarship and Islamic jurisprudence principles in some situations to support their findings. However, the results show that the judicial system has failed to formulate a clearly defined methodological approach towards choosing between competing Islamic views. Such lack of methodological clarity allows one to criticize it in the sense that judicial interpretation according to Article 227 may become selective and arbitrary and, hence, be based on judicial judgment and circumstances.[14]

Generally, these results show that Article 227 has served as a constitutional affirmation of Islamic identity and as an arena of interpretation negotiations. The management of the courts in terms of operationalizing Islamization whilst maintaining constitutional coherency has usually favored harmonization and institutional restraint rather than direct confrontation in terms of doctrine. This jurisprudence has determined the larger constitutional terrain by delimiting the manner in which norms in Islamic are incorporated into legal interpretation and the way that possible conflicts with constitutional rights are resolved.

Discussion

The discussion indicates that Article 227 has been used to a less egregious purpose as an interpretive guide with which the Pakistani courts have bargained the interaction between the Islamic identity and constitutional rule. The form of this negotiation is unavoidable structurally since Article 227 is both a declaration of a normative obligation conformity of laws to the injunctions of the Islamic faith and an incomplete determination of the epistemic and institutional inquiries of what said conformity implies. The interpretation by the judiciary thus becomes the process whereby the constitutional aspiration is converted into legal sense. The jurisprudence that emerges is one that finds itself bound by a number of limitations: constitutional consistency, institutional constraints (especially the position of the Federal Shariat Court), legal predictability, and answering social and political demands in relation to Islamization.[15]

One of the key aspects of such an interpretive negotiation is a judicial preference of harmonization. In most situations, courts have refused to interpret Article 227 as a presumption that can invalidate inconsistent legislation, but rather as a principle that can support legislative policy and statutory interpretation. This solution shows a

[13] Pattanaik, S. S. (1998). Islam and the Ideology of Pakistan. *Strategic Analysis*, *22*(9), 1273-1295.

[14] Qadri, A. R., Mukhtar, M. W., & Hassan, Q. (2022). ISLAMIC PROVISIONS UNDER CONSTITUION OF 1973: AN ANALYSIS OF THE ISLAMIZATION BY ZULFIKAR ALI BHUTTO: ISLAMIC PROVISIONS UNDER CONSTITUION OF 1973: AN ANALYSIS OF THE ISLAMIZATION BY ZULFIKAR ALI BHUTTO. *International Research Journal of Social Sciences and Humanities*, *1*(1), 55-71.

[15] Lau, M. (2005). *The role of Islam in the legal system of Pakistan* (Vol. 9). Brill.

Annual Methodological Archive Research Review
http://amresearchreview.com/index.php/Journal/about
Volume 3, Issue 10 (2025)

Online ISSN 3007-3197
Print ISSN 3007-3189
http://amresearchreview.com/index.php/Journal/about

constitutional reasoning that aims at preserving stability and continuity, so that Article 227 does not act as a source of law that only creates legal uncertainty. Meanwhile, harmonization is no longer a disinterested interpretive method, it represents a jurisprudential supposition that Islamization and constitutionalism are compatible within a unified normative system. This presumption allows courts to escape and avoid making a binary decision between Islamic norms and constitutional rights, but it diverts the problem of conflict resolution to interpretive strategy. Where harmonization is successful, Article 227 is brought out as supporting constitutional justice. In a scenario where the harmonization process has failed or became acute, courts are forced to make the decision between the allegiance to religious requirement, protection of rights, or the protection of institutional competence.[16]

One of the most conceptually challenging aspects of Article 227 jurisprudence is the methodological challenge of in terms of injunctions of Islam. Primary sources are recognized as the Quran and Sunnah, although the Islamic juristical tradition is marked by diversity of the interpretation, schools of thought and situational reasoning. The use of religious sources that do not view statutory interpretation and precedent-driven reasoning inherently entails limitations to courts, which are subject to training in statutory interpretation and precedent generation. This challenge is usually addressed by the judicial decisions that selectively apply the general Islamic values like justice, welfare and morality and thus reconcile the religious values with the constitutional ones. Although this solution can yield rights-consistent results and be coherent to the constitution, it is also open to criticism due to the absence of methodological transparency. In the event that courts pick between competing interpretations without any explicit exposition of what criteria they are using, judicial reasoning becomes susceptible of seeming preference driven, as opposed to principle driven and undermining legitimacy, both in the legal and religious senses.[17]

The allocation of power within an institution has an enormous impact on how Article 227 is judged. The realization of the Federal Sharia Court constitutional is guided by the endeavor to find repugnancy review in a nuanced court restricting the direct Islamization of the regular courts. According to the results, this institutional structure has often been used by superior courts to support restraint, which supports the notion that Article 227 has to be operationalized via specific procedures, rather than by the invalidation of the court acting alone. Nonetheless, the same courts still regard Article 227 as having constitutional significance by referring to it as an interpretive prism in regular adjudication. The importance of this two-fold approach lies in the fact that it shows how Article 227 operates at two levels, on one hand, as a structural requirement being utilized by institutional means, and, on the other, as a normative principle that informs interpretive decision-making throughout the judiciary. This method has the benefit of maintaining the order in an institution besides permitting Islamic values to shape law. The danger, though, is that it generates fragmentation, in

[16] Mumtaz, A., Soomro, A. S., Laghari, N. A., & Laghari, A. R. (2024). Islamic Law and Constitutionalism in Pakistan: Exploring the Role of Sharia in Constitutional Development. *International Journal of Innovative in Social Science and Humanities*, *1*(1), 24-31.

[17] Aziz, S. (2018). The Constitution of Pakistan.

Online ISSN 3007-3197
Print ISSN 3007-3189

which it means Islamic conformity depending on forums and case settings.

One of the most significant aspects of judicial interpretation is the correlation between Article 227 and the basic rights. It is often claimed in courts that the Islamic injunctions and fundamental rights are only compatible in the conceptual sense, according to which Islam encourages justice, equality and human dignity. This reading position is strategically significant due to the fact that it enables the judiciary to protect the constitutional rights without seeming to disown the Islamic identity. Nevertheless, there exist tensions in places where dominant types of social interpretation of Islamic norms are felt to limit rights claims, especially in the female equality area, minority rights, and criminal justice. In these situations courts have occasionally evaded direct doctrinal confrontation by insisting on institutional competence or institutional design as opposed to deciding on substantive dispute. This evasion mechanism might help to maintain the judicial legitimacy and minimize the political backlash, but it might also restrict the functions of judiciary in defining the meaning of the constitution and protecting of rights.[18]

These findings can also be interpreted to mean that Article 227 jurisprudence has an effect of a wider political and historical context. The most vigorous periods of Islamization in the governmental affairs have generally been coincident with greater judicial activity with the Islamic provisions a-la-guerre, and the less vigorous with greater moderation. This implies that judicial interpretation does not exist in a vacuum; it is in response to institutional pressures, social demands, and constitutional politics. The balancing of the judiciary as per Article 227 can thus be viewed as an adjustive system to retain its powers with stability in the constitution in a politically hostile environment.[19]

Finally, Article 227 jurisprudence shows a constitutional project being pursued on an ongoing basis and not a final doctrinal resolution. The courts have been trying to incorporate Islamic standards in the interpretation of the constitution without compromising the legality and institutional integrity. However, the lack of a standardized framework of how Islamic injunctions can be ascertained and conflicting interpretations can be resolved is still a sore weakness. Whether the Article 227 jurisprudence can evolve in the future will probably be based on whether courts can formulate more definitive interpretive principles, have greater institutional coherence between ordinary courts and Shariat forums, and can have more credible harmonization between Islamic provisions and fundamental rights. The judicial system is a key participant in this continuing negotiation process and it has been instrumental in determining the expression of the constitutional identity of Pakistan as an Islamic state, but as a constitutional state, into law.

Recommendations

To enhance the coherence, legitimacy, and rights-compatibility of judicial interpretation under Article 227, it is necessary to have reforms aimed at improving

[18] Abbasi, M. Z. (2022). Islamic Constitutionalism in Pakistan: Nature, Impact, and Compatibility with International Human Rights Law. *J. Int'l L. Islamic L.*, *18*, 3.

[19] Shah, N. A. (2022). The application of human rights treaties in dualist Muslim states: The practice of Pakistan. *Human Rights Quarterly*, *44*(2), 257-285.

Online ISSN 3007-3197
Print ISSN 3007-3189

methodological clarity, institutional coordination as well as constitutional consistency. The initial suggestion is that there should be more transparent judicial guidelines to the use of Islamic sources. Courts ought to express clear interpretative principles that seek to define what the injunctions of Islam are and how the reasoning based on Quran and Sunnah can be codified into the constitutional adjudication. It does not imply that the courts need to assert theological monopoly, but it does imply that they need to take seriously diverse interpretations of the Islamic jurisprudence, and explain why certain interpretations are favored in a certain constitutional situation. In the absence of this methodological candor, Article 227 jurisprudence is open to unpredictability and criticism that judicial results are not produced by principle but by discretion.

Second, the coordination between the ordinary courts and the special Shariat forums should be enhanced by the institutions to minimize the fragmentation and the conflicting interpretation. The constitutional architecture that reposes repugnancy review with the Federal Shariat Court ought to be respected, though, mechanisms ought to be enhanced so that there might be consistent associativity between the Shariat judiciary and the constitutional courts. This might involve having more transparent lines of procedure to follow, having more systematic judicial discourse in terms of precedent and consistent reasoning, and institutional regimes which reduce inconsistencies in similar legal inquiries. The uncertain nature of institutional overlaps between the litigants and courts of lower order expose opposition to legal certainty and the power of constitutional and Sharia law.

Third, Article X of the Constitution should be applied in a consistent manner in order to operationalize the relationship between Article 227 and fundamental rights. The courts must re-establish the principle that the basic rights cannot be dismissed by unstructured religious argument, that Article 227 must be construed in the greater constitutional context, encompassing the rights protections and constitutional supremacy. In areas where there is a possibility of tensions, there should be explicit balancing strategies by courts on the basis of constitutional ideals, instead of the possibility of evading confrontation by silence, or simply on procedural grounds. Open rights-based balancing would be more effective at making the court seem more legitimate by showing that courts do not make decisions based on their social responsibility, but rather on constitutional grounds.

Fourth, there is the need to build the judicial capacity. Judges who handle questions related to Article 227 need to be provided with systematic training in the constitutional interpretation, diversity in Islamic jurisprudence, and models of religion and constitution integration. It must be stressed in this training that the difference between theological debate and constitutional adjudication must be taught so that it allows the judges to approach the Islamic principles in a legally disciplined and rights-conscious manner and in a methodologically sound way. Capacity-building also has the ability to minimize ad hoc solutions and promote more uniform jurisprudence between judicial locations.

Fifth, democratic deliberation should be promoted, where there should be a restraint of judicial interpretation of issues that need to be deliberated by the legislature. Parliament must undertake to be more engaged in the goal of Islamization in a manner that is transparent, consultative and legally coherent as opposed to courts to adjudicate

Online ISSN 3007-3197
Print ISSN 3007-3189

on politically sensitive issues in a litigation procedure. In situations where the legislature has offered transparent statutory guidelines that have been informed by constitutional values and extensive consultations, courts may be able to base their operation with more stable points of reference and pressure to make policy-like determinations under Article 227.

Lastly, the public legitimacy stipulates that there should be clear and responsible communication by the judiciary. Articles 227 interpretations should be formulated carefully and explain the constitutional and Islamic reasoning, in recognition of the diversity of interpretation and showing respect to constitutional order. Utmost reasoning enhances the trust because it demonstrates that the courts are not throwing away the Islamic requirements or letting it go wild without constitutional discipline. Judicial legitimacy is built upon the perception in a society with strong symbolic and normative meanings of Article 227, which is that courts are principled adjudicators who can help to make Islamic identity compliant with constitutional governance.

Conclusion

The judicial interpretation of the provisions of Islamic law in the Article 227 of the Constitution of Pakistan is a reflection of a constant constitutional endeavour to agree with Islamic identity with the requirements of the current constitutional government. This paper has shown that Article 227 is not an entirely symbolic proclamation or an automatic means of declaring the illegality of laws but it is a constitutional prescription the interpretation of whose meaning and the manner in which it affects judicial decisions have been formed primarily by judicial interpretation. Courts have been playing a central role in brokering between Islamic injunctions, constitutional supremacy, institutional design, and basic rights and have thus delimited the practical outlines of Islamization in the Pakistani legal system.

The discussion shows that Pakistani courts have been mostly conservative and reconciling approach to Article 227 where they have tried to incorporate the views of Islam in interpreting the law without disrupting the constitutional harmony and misaligning the institutional boundaries. The judiciary has not permitted Article 227 to be a basis of unstructured judicial activism by focusing on gradualism, interpretive restraint, and institutional competence. Concurrently, the provision has not been made redundant by the courts, but has served to them as an interpretative framework, which directs statutory interpretation and constitutionalistic logic. This is a strategy of trying to strike a balance between religious requisite and legal assurance and protection of rights.

Nevertheless, the research also reveals that there are still unresolved issues in Article 227 jurisprudence. These lack of a consistently expressed methodology to arrive at Islamic injunctions, the selective use of religious texts and the fluctuating interrelations between ordinary courts and Shariat forums bring uncertainty and subject to criticism. Although courts tend to claim that Islam is compatible with fundamental rights, tensions are experienced in those areas where the mainstream religious interpretation conflicts with disputed social concerns. The institutional stability maintained by judicial noninvolvement in such situations can be beneficial, but may also inhibit constitutional clarity and constitutional rights formation.

Finally, the Article 227 jurisprudence explains how Islamization in a constitutional

Online ISSN 3007-3197
Print ISSN 3007-3189

system cannot be a predetermined result but is a dynamic project of interpretation. The judiciary should play the key role in this project, not as a theological institution, but as a constitutional interpreter, one who has to incorporate religious norms into a pluralistic legal order. The future of Article 227 jurisprudence will be conditioned by the possibilities of the courts to formulate more articulate principles of the interpretation, better coordination of the institutions, and the principled interpretation of Islamic injunctions and constitutional rights. It is only under such disciplined interpretation that Article 227 can still serve the purpose of being a meaningful but consistent component of the civic identity of Pakistan.

References

Abbasi, M. Z. (2022). Islamic Constitutionalism in Pakistan: Nature, Impact, and Compatibility with International Human Rights Law. J. Int'l L. Islamic L., 18, 3.

Abbasi, Z. (2022). Islamic Constitutionalism in Pakistan. Available at SSRN 5702582.

Ahmed, M., & Sharif, S. M. (1963). Islamic aspects of the new constitution of Pakistan. Islamic Studies, 2(2), 249-286.

Ali, B., & Aziz-ur-Rehman, H. (2019). Public Interest Litigation in Pakistan: Islamic Constitutional Manifestation. Pakistan Journal of Social Sciences (PJSS), 39(4).

Comparative constitutional scholarship on religion and constitutional governance.

Constitution of the Islamic Republic of Pakistan, 1973.Decisions of the Federal Shariat Court on repugnancy to Islamic injunctions.

Ijaz, S., Sultana, S., & Ziauddin, M. (2022). Jinnah's Pakistan and constitutional status of minorities. Pakistan Journal of International Affairs, 5(2).

Jabeen, S., & Shehzad, W. (2022). The Constitution of Pakistan: A Textual Perspective Analysis. Linguistics and Literature Review, 8(1), 47-84.

Judgments of the Supreme Court and High Courts of Pakistan interpreting Article 227.

Khan, B. (2021). Comparing the Fundamental Rights in Islamic Law and Pakistan Constitutional Law Perspective. Available at SSRN 4512567.

Lau, M. (2005). The role of Islam in the legal system of Pakistan (Vol. 9). Brill.

Lau, M. (2005). The role of Islam in the legal system of Pakistan (Vol. 9). Brill.

Malik, I. H. (2002). Religious minorities in Pakistan. Minority Rights Group.

Mumtaz, A., Soomro, A. S., Laghari, N. A., & Laghari, A. R. (2024). Islamic Law and Constitutionalism in Pakistan: Exploring the Role of Sharia in Constitutional Development. International Journal of Innovative in Social Science and Humanities, 1(1), 24-31.

Mumtaz, A., Soomro, A. S., Laghari, N. A., & Laghari, A. R. (2024). Islamic Law and Constitutionalism in Pakistan: Exploring the Role of Sharia in Constitutional Development. International Journal of Innovative in Social Science and Humanities, 1(1), 24-31.

Munir, M. (2015). The Law of Khul'in Islamic Law and the Legal System of Pakistan. LUMS LJ, 2, 33.

Online ISSN 3007-3197
Print ISSN 3007-3189

Pattanaik, S. S. (1998). Islam and the Ideology of Pakistan. Strategic Analysis, 22(9), 1273-1295.

Qadri, A. R., Mukhtar, M. W., & Hassan, Q. (2022). ISLAMIC PROVISIONS UNDER CONSTITUION OF 1973: AN ANALYSIS OF THE ISLAMIZATION BY ZULFIKAR ALI BHUTTO: ISLAMIC PROVISIONS UNDER CONSTITUION OF 1973: AN ANALYSIS OF THE ISLAMIZATION BY ZULFIKAR ALI BHUTTO. International Research Journal of Social Sciences and Humanities, 1(1), 55-71.

Rahman, M. J. I. H., & BAQAR, M. J. M. IN THE SUPREME COURT OF PAKISTAN.

Razi, N. (2013). Interpretive Policy of the Supreme Court of Pakistan: A Critical Analysis from the Perspective of Islamic Interpretive System. Stud, 2(4).

Redding, J. A. (2003). Constitutionalizing Islam: Theory and Pakistan. Va. J. Int'l L., 44, 759.

Shah, N. A. (2022). The application of human rights treaties in dualist Muslim states: The practice of Pakistan. Human Rights Quarterly, 44(2), 257-285.

Shaheen, S. CONSTITUTIONAL RESTRAINTS IN ITS MAKING PROCESS IN PAKISTAN. PREMIER LAW JOURNAL, 43.

Shaikh, A. S., Dars, B. A., & Munir, A. (2018). ENGLISH-THE JUDICIAL REVIEW BETWEEN THE CONSTITUTION OF PAKISTAN AND THE ISLAMIC LEGAL SYSTEM. The Scholar Islamic Academic Research Journal, 4(2), 127-144.

Shaikh, B. A. (2018). Constitutional Islamization: A Case Study of Pakistan. Islamabad Law Review, 2(3&4), 56-75.

Tariq, F. U. D. (2024). The Inclusion of Islamic Provisions in Legislation in Pakistan and the Role of Religious Political Parties. Qualitative Research.