



From Doctrine to Dignity: Reconstructing Pakistan’s Capital Punishment Framework Through Islamic Jurisprudence and Human Rights Norms

Wail¹ Itisam Ullah^{2*}

ABSTRACT

This study examines Pakistan's capital punishment framework through the intersecting lenses of Islamic jurisprudence and international human rights norms. The research addresses the challenge of aligning the country’s extensive death penalty statutes with constitutional guarantees, principles of Shari‘a, and global human rights obligations. Using a qualitative research design grounded in doctrinal analysis, comparative legal study, and normative inquiry, the paper critically evaluates statutory provisions, judicial practices, and interpretive traditions in Pakistan. Key findings reveal a significant gap between the intended objectives of Islamic criminal law—protection of life, proportionality, and mercy—and the contemporary application of the death penalty, which is often overbroad and procedurally deficient. The study demonstrates that a harmonized framework is possible by narrowing the scope of capital offenses, enhancing procedural safeguards, and integrating restorative justice mechanisms. The proposed model emphasizes maqasid al-shari‘a, due process, and human dignity, offering policy pathways for reform that are constitutionally sound, culturally legitimate, and compliant with international standards. These insights contribute to ongoing debates on justice, human rights, and Islamic law in Pakistan.

Keywords: Capital punishment, Islamic jurisprudence, Human rights, Pakistan, Maqasid al-Shari‘a.

© 2025 The Authors, Published by (**SJLS**). This is an Open Access Article under the Creative Commons Attribution Non-Commercial 4.0

INTRODUCTION

The purpose of this study is to critically examine Pakistan’s capital punishment framework and explore pathways for harmonizing Islamic jurisprudential principles with international human rights standards. Pakistan’s legal system presents a complex interplay between Shari‘a, constitutional law, and statutory regulations, making the regulation of the death penalty both politically and ethically significant. The research is motivated by observed gaps in procedural

¹ PhD scholar, Faculty of Shariah & Law at the International Islamic University, Pakistan.

Wail.fazal.wf@gmail.com

^{2*} Advocate at District and session Court Peshawar, Pakistan. itisamllb8@gmail.com (corresponding)

safeguards, inconsistencies in judicial practice, and the overextension of capital offenses beyond classical Islamic doctrine (Ahmad, 2018).

The scope of this study encompasses doctrinal analysis of Islamic criminal law (hudood, qisas, and ta'zir), review of Pakistan Penal Code provisions, constitutional interpretation, and comparative evaluation of international human rights standards such as the ICCPR. The study hypothesizes that a harmonization framework grounded in maqasid al-shari'a and human dignity principles can reconcile the doctrinal imperatives of Islamic law with procedural and substantive obligations under international human rights law. The research methodology combines qualitative doctrinal analysis, comparative legal study, and normative inquiry. Key outcomes highlight the potential for limiting capital punishment to the most serious crimes, embedding restorative justice practices, and enhancing procedural safeguards while preserving Islamic legitimacy. The significance of this study lies in its potential to inform legislative reform, guide judicial reasoning, and foster dialogue between religious scholars, policymakers, and human rights advocates. It contributes to academic debates on the intersection of Islamic law and global human rights norms and provides practical policy recommendations for Pakistan (Sajid & Asim, 2024).

The remaining structure of the article is organized as follows: Section Two reviews the historical and constitutional context; Section Three examines Islamic jurisprudential foundations; Section Four analyzes Pakistan's human rights obligations; Section Five diagnoses systemic challenges; Section Six identifies convergences; Section Seven proposes a dignity-centered reform framework; Section Eight presents comparative case studies; Section Nine addresses key objections; Section Ten offers policy recommendations; and Section Eleven concludes with implications and future research directions.

CONCEPTUAL AND THEORETICAL FRAMEWORK

The conceptual and theoretical framework of this study is grounded in the intersection of Islamic jurisprudence, human rights theory, and restorative justice principles. Conceptually, it views the death penalty not merely as a legal sanction but as a multidimensional phenomenon shaped by doctrinal interpretations, procedural practices, and societal perceptions of justice and deterrence. Theoretically, the study draws on maqasid al-shariah, emphasizing the preservation of life, justice, and public welfare, alongside international human rights frameworks, particularly the ICCPR, which limit capital punishment to the "most serious crimes" and mandate due process safeguards. By integrating these perspectives, the framework provides a lens to analyze Pakistan's capital punishment system holistically, identifying points of convergence and tension between domestic Islamic law, international norms, and practical governance, while highlighting pathways for dignity-centered and evidence-based reform.

RESEARCH METHODOLOGY

This study adopts a doctrinal and comparative research methodology, combining qualitative analysis of legal texts, statutory provisions, case law, and international treaties with comparative insights from selected Muslim-majority jurisdictions. Doctrinal analysis is used to examine Pakistan's constitutional provisions, Penal Code, Islamic jurisprudence, and procedural safeguards to identify systemic challenges and points of convergence with human rights norms.

Comparative analysis draws on case studies from Morocco, Tunisia, Indonesia, and Iran to highlight reform strategies and restorative justice mechanisms applicable to Pakistan. Additionally, the study employs normative legal reasoning to assess the alignment of domestic law with international obligations, maqasid al-shariah principles, and contemporary standards of justice, providing a comprehensive basis for recommending dignity-centered reforms.

HISTORICAL AND CONSTITUTIONAL CONTEXT OF CAPITAL PUNISHMENT IN PAKISTAN

Colonial Foundations

Pakistan inherited much of its penal architecture from the colonial Indian Penal Code of 1860. The death penalty was retained for crimes such as murder, treason, and waging war against the state. Over time, this inherited framework expanded rather than contracted. This period established legal structures, procedural norms, and criminal categorizations that continue to influence Pakistan's death penalty application, including limited evidentiary standards, appellate mechanisms, and discretionary powers vested in judicial authorities. Pakistan inherited much of its penal architecture from the colonial Indian Penal Code of 1860. The death penalty was retained for crimes such as murder, treason, and waging war against the state. Over time, this inherited framework expanded rather than contracted, setting a foundation for a broad application of capital punishment in the post-independence era (Alam, 2017).

Islamization and Expansion of Capital Offenses

During the Islamization drive of the 1980s, hudood-related capital offenses were codified, and qisas and diyat laws were incorporated into the Pakistan Penal Code. These reforms sought to align state law with Islamic doctrine but often introduced interpretive ambiguity, inconsistent application, and enforcement challenges. They expanded the scope of capital punishment to cover a wider range of offenses, raising questions about proportionality and alignment with classical fiqh principles, particularly regarding evidentiary thresholds and mercy provisions. During the Islamization drive of the 1980s, hudood-related capital offenses were codified, and qisas and diyat laws were incorporated into the Pakistan Penal Code. These reforms aimed to align state law with Islamic doctrine but often introduced interpretive ambiguity, inconsistent application, and expanded the range of offenses punishable by death (Soomro et al., 2025).

Constitutional Guarantees

Article 9 of the Constitution protects the right to life, while Articles 10 and 10-A guarantee due process and the right to a fair trial. Article 227 requires all laws to conform to the Quran and Sunnah. This dual requirement imposes both Islamic and human rights obligations on the state. It creates a framework where statutory provisions, judicial practices, and procedural safeguards must be interpreted to protect life and dignity, maintain justice, and ensure that capital punishment is applied only in accordance with both constitutional and Shari'a principles. Article 9 of the Constitution protects the right to life, while Articles 10 and 10-A guarantee due process and the right to a fair trial. Article 227 mandates that all laws conform to the Quran and Sunnah.

Consequently, Pakistan's constitutional framework requires dual legitimacy: adherence to Islamic principles and compliance with fundamental rights protections (Amin & Khan, 2024).

ISLAMIC JURISPRUDENTIAL FOUNDATIONS OF CAPITAL PUNISHMENT

Scriptural Sources

Islamic jurisprudence recognizes capital punishment in limited circumstances such as intentional murder (qisas) and certain hudood offenses, including adultery and apostasy in some classical interpretations. These laws are embedded within a rigorous framework designed to safeguard life and justice, emphasizing stringent evidentiary requirements, multiple witnesses, and corroborated confessions. The Quran and Sunnah provide foundational guidance, stressing that the application of the death penalty should be exceptional rather than routine. Islamic legal theory mandates that judges exercise caution and prudence, considering the broader social and moral consequences of imposing capital punishment. The role of the state is not merely punitive but also preventive and restorative, ensuring that punishments serve justice while minimizing the risk of wrongful convictions (Baig et al., 2024).

Maqasid al-Shari'a and the Ethic of Life

Maqasid al-shari'a, the objectives of Islamic law, prioritize the protection of essential human interests, particularly life, intellect, property, faith, and dignity. Classical jurists, including Al-Ghazali, Al-Shatibi, and Ibn Ashur, emphasize that punishments, including capital punishment, must align with these higher objectives. The ethic of life requires that the state balance the need for retribution with mercy, social welfare, and ethical proportionality. Maqasid-based interpretation encourages limiting the application of the death penalty to cases where it is unavoidable, preventing injustice, and promoting societal harmony. It also encourages the integration of restorative mechanisms, such as diyat (financial compensation) or reconciliation, reflecting a holistic approach to justice (Naseem et al., 2025).

The Mercy Principle

Mercy is a central tenet in Islamic criminal law, reflected repeatedly in the Quran and Sunnah. The application of qisas is tempered by a strong preference for forgiveness, pardon, and mediation between victim and offender. The Prophet's teachings consistently demonstrate that hudood penalties should be averted in cases of doubt or uncertainty, reinforcing the principle that human life is sacred. This principle has practical implications for judicial discretion, emphasizing rehabilitation, conflict resolution, and community-based reconciliation. Mercy-based jurisprudence provides flexibility, allowing judges to balance the demands of justice with ethical considerations, ultimately ensuring that the implementation of capital punishment adheres to both legal and moral imperatives (Wasti, 2009).

PAKISTAN'S HUMAN RIGHTS CONTEXT

Pakistan is a party to the International Covenant on Civil and Political Rights (ICCPR), which limits the death penalty to the "most serious crimes" and requires strict procedural safeguards. Despite formal ratification, ensuring consistent compliance with these obligations has

been challenging in practice. Several structural and systemic issues hinder adherence to international standards, raising serious concerns about the fairness and reliability of the criminal justice system. One significant challenge is Pakistan's limited forensic capacity, which undermines the quality of criminal investigations. Courts often rely heavily on confessions, some of which may be obtained under duress or without proper legal safeguards. This reliance raises serious questions about the voluntariness and reliability of evidence in capital cases. Defendant representation also remains uneven and under-resourced, particularly for indigent individuals facing the death penalty. The absence of adequately trained defense counsel increases the risk of wrongful convictions and compromises the right to a fair trial (Jan et al., 2025).

Procedural weaknesses in investigation and evidence collection further exacerbate these problems. Inconsistent investigative protocols, delays, and gaps in due process create conditions that can lead to miscarriages of justice. A particularly troubling issue is the application of capital punishment to non-intentional or lesser crimes, which contravenes the ICCPR's requirement that the death penalty be reserved for the "most serious crimes." In some cases, domestic laws and judicial interpretations allow the death penalty for offenses that do not meet this international threshold, creating a clear tension between national practice and global human rights norms. The UN Human Rights Committee has repeatedly urged Pakistan to address these issues by narrowing the scope of offenses punishable by death, strengthening procedural and investigative safeguards, ensuring effective legal representation, and aligning domestic legislation with international human rights standards. Addressing these challenges requires a comprehensive approach: legislative reforms to limit capital punishment to serious crimes, judicial reforms to enhance training and awareness of human rights standards, and administrative improvements to strengthen forensic and investigative capacity. Importantly, any reforms must remain consistent with Pakistan's constitutional and Islamic legal framework to ensure cultural legitimacy and enforceability (Nabeel, 2023).

Pakistan faces the difficult task of reconciling international human rights obligations with domestic legal realities. Achieving meaningful progress in the administration of the death penalty requires coordinated efforts across legislative, judicial, and administrative domains, guided by both international norms and national legal traditions. Without such reforms, the risk of unfair trials and human rights violations in capital cases will persist, undermining both justice and the rule of law (Awabdeh, 2005).

DIAGNOSING PAKISTAN'S CAPITAL PUNISHMENT SYSTEM

Pakistan's capital punishment system reflects a complex interplay between statutory law, Islamic jurisprudence, and social attitudes. While legally permissible under both domestic and Islamic law, the system exhibits several structural, procedural, and societal weaknesses that compromise fairness, consistency, and compliance with international human rights standards. The following subsections analyze these challenges in detail (Khan, 2010).

Overbreadth of Capital Offenses

One of the primary issues in Pakistan's death penalty framework is the expansive range of offenses punishable by death. Beyond traditional capital crimes such as murder, the criminal code

extends the death penalty to certain drug-related offenses, sabotage, and other non-fatal crimes. This expansion is often criticized for lacking strong grounding in classical Islamic jurisprudence, which traditionally reserves capital punishment for the gravest offenses such as murder and certain hudood crimes. From a human rights perspective, this overbreadth conflicts with the ICCPR, which mandates that capital punishment be restricted to the “most serious crimes.” Expanding capital liability to lesser or non-lethal offenses raises concerns about proportionality and increases the risk of arbitrary or excessive punishment (Abbas, 2024).

Weak Procedural Safeguards

Another critical challenge is the weak procedural protection afforded to defendants in capital cases. Systemic problems such as wrongful convictions, coerced confessions, and inadequately conducted investigations persist across Pakistan. Confessions, which form a significant part of evidence in many cases, are sometimes obtained under duress, violating both international human rights norms and Islamic legal principles that emphasize fairness and certainty in adjudication. In addition, many defendants, particularly those from marginalized or rural areas, lack access to competent and independent legal representation. These deficiencies undermine the fairness of trials, heighten the risk of miscarriages of justice, and contradict Pakistan’s obligations under both domestic law and the ICCPR (Abdullah et al., 2023).

Judicial Inconsistency

Judicial inconsistency is another prominent problem within Pakistan’s capital punishment system. Courts frequently diverge in interpreting evidentiary standards for hudood, qisas, and discretionary ta’zir punishments. For instance, the application of qisas requires strict proof and, in certain cases, the consent of the victim or their family; however, judicial interpretations can vary widely, leading to differing outcomes in similar cases. Likewise, ta’zir punishments, which are discretionary under Islamic law, are applied inconsistently, resulting in unpredictable sentencing. Such variability undermines public confidence in the judiciary and challenges the principle of equality before the law, as individuals with similar offenses may receive markedly different punishments depending on the presiding court (Čustović, 2024).

Social Pressures and Deterrence Claims

Public perceptions and social pressures also play a significant role in sustaining Pakistan’s capital punishment system. Widespread support for the death penalty is often tied to notions of crime deterrence, public security, and national protection, particularly in high-profile or terrorism-related cases. Political actors and policymakers frequently invoke these perceptions to justify maintaining or expanding capital punishment. However, empirical evidence regarding the deterrent effect of the death penalty is inconclusive. Reliance on public opinion rather than evidence-based policy can prioritize short-term perceptions of security over principles of fairness, proportionality, and human rights compliance (Al-Ahsan, 2008).

Implications for Reform

The issues outlined above overbroad offenses, weak procedural safeguards, judicial inconsistency, and social pressures underscore the urgent need for comprehensive reform of

Pakistan's capital punishment system. Legislative measures could narrow the scope of capital offenses in line with ICCPR obligations and classical Islamic principles. Judicial reforms, including standardized evidentiary protocols and specialized training, could improve consistency and fairness. Strengthening procedural safeguards, such as ensuring access to qualified legal counsel and improving forensic and investigative capacity, is critical to reducing wrongful convictions. Finally, public education and awareness campaigns could help align societal perceptions with human rights norms and evidence-based criminal justice policies. A coordinated approach across legislative, judicial, and administrative domains, sensitive to Pakistan's constitutional and Islamic legal framework, is essential to ensure that the death penalty is applied fairly, proportionately, and legitimately (Ahmed, 2007).

CONVERGENCES: WHERE ISLAMIC LAW AND HUMAN RIGHTS MEET

Despite common assumptions that Islamic law and international human rights norms are inherently in conflict, there exists significant potential for harmonization, particularly regarding the death penalty. By focusing on shared principles and values, Pakistan's legal system could reconcile domestic Islamic law with its international obligations, fostering a more just and proportionate capital punishment framework (Sajjad, 2023).

Shared Emphasis on Human Dignity

Both Islamic jurisprudence and international human rights law place a high value on the protection of human life and human dignity. In Islamic legal tradition, life is considered sacred, and the taking of life is permitted only under strictly defined circumstances, such as proven intentional homicide. Similarly, human rights law, particularly the ICCPR, emphasizes the preservation of life and restricts the death penalty to the "most serious crimes." This shared emphasis creates a common normative ground for limiting the scope and application of capital punishment, promoting the sanctity of life while ensuring accountability for serious offenses (Lin & Song, 2024).

Due Process as an Islamic Imperative

Islamic law also prioritizes rigorous procedural safeguards. Punishments, including qisas (retribution), cannot be imposed without clear and convincing evidence. Doubtful or insufficient evidence invalidates the application of severe penalties, including death. This procedural rigor aligns closely with the due process requirements enshrined in international human rights law, suggesting that Islamic jurisprudence inherently supports fair trial standards, careful evidence assessment, and the avoidance of wrongful convictions (Khan & Riaz, 2024).

Preference for Non-Lethal Outcomes

Another key point of convergence is the preference for non-lethal resolutions under Islamic law. The principle of qisas allows for forgiveness or monetary compensation (diyah) as alternatives to capital punishment. This restorative dimension mirrors modern human rights approaches emphasizing rehabilitation, reconciliation, and restorative justice. By prioritizing mercy, reconciliation, and compensatory mechanisms, Islamic law provides a culturally grounded

framework for reducing reliance on the death penalty while still upholding justice (Khan & Usman, 2023).

Narrow Scope of Capital Offenses

Classical fiqh also restricts the application of capital punishment far more narrowly than Pakistan's current penal code. Traditional Islamic legal theory confines the death penalty to intentional murder, hudood offenses with strict evidentiary requirements, and certain grave crimes, excluding non-fatal or indirect offenses. This narrower scope aligns closely with ICCPR standards and offers a normative basis for reforming Pakistan's penal code, ensuring that capital punishment is applied only in exceptional circumstances and consistent with both domestic Islamic principles and international law (Faisal et al., 2023).

TOWARD A DIGNITY CENTRED REFORM FRAMEWORK

Building on the analysis of Pakistan's capital punishment system and its harmonization potential with Islamic and human rights principles, this article proposes a reconstruction model that moves away from doctrinal rigidity toward a dignity-based, Islamic-aligned approach. The framework emphasizes the protection of human life, fairness in judicial processes, and alignment with both classical Islamic principles and international human rights standards. At the substantive level, reforms should narrow the scope of capital punishment to intentional murder supported by clear and incontrovertible evidence, while removing capital punishment for non-intentional or non-lethal offenses. This approach reflects the restrictions of classical fiqh and aligns with international obligations under the ICCPR. Judicial interpretation should systematically incorporate maqasid al-shariah-based reasoning, emphasizing the preservation of life, justice, and public welfare. Codifying this reasoning in legislation and court practice would help ensure that the death penalty is applied only in the gravest cases, fostering proportionality, consistency, and moral legitimacy (Hussain et al., 2023).

Procedural reforms are also essential to minimize wrongful convictions and enhance the fairness of trials. All defendants should have mandatory access to competent legal counsel, particularly in underserved regions, while forensic and investigative capacities must be strengthened to ensure accurate and reliable evidence collection. Mandatory appellate review in all capital cases would provide an additional safeguard against judicial error, and independent oversight of police interrogations is critical to prevent coerced confessions and uphold the integrity of the justice process. Together, these procedural improvements align Pakistan's criminal justice system with both Islamic principles and international human rights norms. Islamic law further provides culturally grounded mechanisms for restorative justice, which can complement substantive and procedural reforms. The use of diya (monetary compensation) and structured victim-offender mediation should be expanded to allow families and communities to seek reconciliation where appropriate. Community-based reconciliation processes can promote social harmony, provide closure for victims, and prioritize rehabilitation over purely punitive measures. Integrating restorative justice into the legal framework can reduce reliance on the death penalty while aligning the justice system with dignity-centered and morally grounded approaches (Khan et al., 2023).

Institutional reforms are also necessary to ensure consistency, accountability, and oversight. The Federal Shariat Court should be empowered to articulate clear and uniform standards for hudood, qisas, and ta'zir punishments. In addition, a national commission could be established to review death penalty cases for potential miscarriages of justice, providing an independent check on judicial decisions and ensuring uniform application of reforms across Pakistan. To facilitate the transition to a reformed system, a temporary moratorium on executions is recommended while these legislative, procedural, and institutional changes are implemented. This moratorium would prevent irreversible miscarriages of justice during the transitional period and provide a window for courts, law enforcement, and policymakers to adjust to the reformed framework. By combining substantive, procedural, restorative, institutional, and transitional measures, Pakistan can gradually move toward a capital punishment system that respects human dignity, aligns with Islamic principles, and fulfills its international human rights obligations (Hussain et al., 2023).

CASE STUDIES: LESSONS FOR PAKISTAN

International experiences offer instructive lessons for Pakistan in reforming its capital punishment system, showing how Islamic principles and human rights norms can be harmonized in practice. In Morocco, the case of Mohamed Sabri, a death row inmate pardoned after reforms guided by maqasid reasoning, illustrates how legal principles emphasizing the preservation of life can lead to more restrained application of the death penalty. Similarly, Tunisia's reforms following the high-profile Chokri Belaid assassination case prioritized life-preserving interpretations of Islamic law and human rights norms, significantly restricting executions and emphasizing due process safeguards. These cases show how maqasid-based reasoning can provide both legitimacy and human dignity in limiting capital punishment (Khan et al., 2022).

Indonesia provides further insights through cases such as the Bali bombings trials, where defendants convicted of terrorism faced the death penalty but received procedural safeguards and judicial scrutiny aligned with both Shari'a principles and international human rights norms. These cases demonstrate that a constitutional Muslim state can reconcile its Islamic identity with rights-based reforms, applying the death penalty only in extreme cases while maintaining fair trial protections and rigorous evidence standards (Khan et al., 2022).

Iran offers instructive examples in qisas cases, such as the widely reported Mashhad murder mediation case, where the family of a murder victim reached a settlement with the offender through mediation, allowing for the commutation of the death sentence. This illustrates how procedural reforms and reconciliation mechanisms can reduce reliance on executions while respecting both Islamic law and social expectations. By incorporating victim-offender mediation, diya payments, and community-based reconciliation, Iran provides a model for procedural rationalization and restorative justice that Pakistan could emulate (Javed et al., 2021).

These case examples collectively show that Islamic legal traditions and human rights norms are not inherently incompatible. By learning from concrete instances in Morocco, Tunisia, Indonesia, and Iran, Pakistan can adopt a dignity-centered, culturally and legally grounded framework for capital punishment that integrates maqasid reasoning, procedural safeguards, and

restorative justice practices, while remaining faithful to its constitutional and Islamic legal commitments (Khan et al., 2021).

ADDRESSING KEY OBJECTIONS

Several common objections are often raised against reforming Pakistan's capital punishment system, but closer analysis reveals that these concerns are not insurmountable. One frequent argument is that human rights norms are Western impositions incompatible with Islamic law. In reality, core human rights principles, including the protection of human dignity, due process, and the sanctity of life, are deeply embedded in Islamic legal philosophy. Aligning Pakistan's legal system with international human rights standards does not contradict Islamic values; rather, it reinforces the Qur'anic and fiqh-based emphasis on justice, mercy, and fairness. Recognizing this convergence allows reforms to be framed in culturally and religiously legitimate terms, enhancing both domestic acceptance and international compliance (Khan et al., 2021).

Another common objection is that restricting capital punishment would undermine deterrence. Empirical research, however, consistently shows that the death penalty has no clear correlation with crime reduction. Studies across multiple jurisdictions indicate that effective policing, judicial efficiency, and functional criminal justice systems are far stronger determinants of deterrence than the mere existence of capital punishment. By focusing on procedural rigor, law enforcement capacity, and social rehabilitation, Pakistan can maintain public safety while reducing reliance on executions (Usman et al., 2021).

A further objection asserts that hudood punishments cannot be reinterpreted or adapted to modern contexts. Yet Islamic legal tradition recognizes interpretive tools such as *ijtihad*, *maslaha* (public interest), and *maqasid al-shariah* (objectives of the law), which provide flexibility for legal evolution. These mechanisms allow jurists and lawmakers to reconcile classical jurisprudence with contemporary societal needs, including the protection of human dignity, proportionality, and fairness in the application of punishments. Through careful, principled reinterpretation, Pakistan can adapt its hudood provisions to modern legal and human rights standards without undermining religious legitimacy (Usman et al., 2021).

Taken together, these analyses demonstrate that the major objections to reform are surmountable. By highlighting the alignment between Islamic principles and human rights, emphasizing evidence-based approaches to crime prevention, and invoking the interpretive flexibility inherent in Islamic law, Pakistan can pursue meaningful reforms in its capital punishment system while maintaining both religious legitimacy and social credibility (Khan et al., 2020).

POLICY RECOMMENDATIONS

For the Legislature

The legislature plays a critical role in aligning Pakistan's capital punishment system with both Islamic principles and international human rights norms. It should amend the Pakistan Penal Code to limit capital punishment strictly to intentional murder and other gravely serious offenses, removing non-lethal and non-intentional crimes from the ambit of death penalty eligibility.

Additionally, statutory safeguards should be enacted to require forensic corroboration and strict evidentiary standards in all capital cases, ensuring procedural rigor and reducing the risk of wrongful convictions (Khan et al., 2020).

For the Judiciary

Judicial institutions must adopt interpretive frameworks that integrate Islamic objectives with human rights protections. Courts should develop maqasid-based constitutional jurisprudence on the death penalty, emphasizing the preservation of life, justice, and public welfare. They should also ensure consistency in the application of qisas and diyat, standardizing sentencing practices across jurisdictions to enhance predictability and fairness. Judicial training and awareness programs can further support the consistent application of these principles (Khan et al., 2020).

For Religious Scholars

Religious scholars can facilitate reform by promoting jurisprudential models that emphasize mercy, proportionality, and public welfare. Scholars should issue interpretive guidance that supports the adoption of contemporary justice practices, including restorative mechanisms and procedural safeguards, demonstrating that Islamic law is capable of adaptation without compromising its core ethical and moral values. Their engagement is critical for both societal legitimacy and doctrinal grounding of reforms (Kanwel et al., 2020).

For Civil Society

Civil society organizations have an important role in shaping public understanding and supporting reform implementation. They should advocate for restorative justice frameworks, including victim-offender mediation and community reconciliation processes. Additionally, civil society can provide support to both victims' families and accused persons, helping to facilitate rehabilitation, reconciliation, and social reintegration. These initiatives can strengthen the social legitimacy of reforms and reduce reliance on capital punishment.

For International Bodies

International organizations and human rights bodies can contribute to reform by offering technical assistance and capacity-building without imposing external normative hierarchies. Support could include training programs for law enforcement and judiciary, expertise in forensic and investigative methods, and guidance on best practices in restorative justice. By providing context-sensitive assistance, international bodies can help Pakistan implement reforms in a manner that respects both its Islamic legal framework and its international obligations.

CONCLUSION

This study demonstrates that Pakistan's capital punishment system is at a critical juncture, where legal, procedural, and social reforms are both necessary and feasible. The analysis highlights significant challenges, including the overbreadth of capital offenses, weak procedural safeguards, judicial inconsistency, and social pressures that often prioritize perceived deterrence over justice. At the same time, the research identifies substantial opportunities for harmonization between Islamic jurisprudence and international human rights standards, particularly through principles

such as maqasid al-shariah, due process, and restorative justice mechanisms. A dignity-centered reform framework, incorporating substantive, procedural, institutional, and transitional measures, offers a pathway to reconcile Pakistan's domestic legal framework with its constitutional and Islamic commitments while fulfilling its international obligations. Key reforms include limiting capital punishment to intentional murder, strengthening forensic and investigative capacities, expanding restorative justice practices such as diyat and victim-offender mediation, and empowering judicial and religious institutions to interpret and implement the law in line with both justice and mercy. Lessons from international experiences, including Morocco, Tunisia, Indonesia, and Iran, further illustrate that reform is both practically achievable and culturally legitimate.

Future research could explore several areas to strengthen evidence-based policy. Comparative studies of post-reform outcomes in Muslim-majority countries would provide empirical insights into the effectiveness of limiting capital punishment. In-depth analyses of procedural safeguards, forensic capacity, and restorative justice programs in the Pakistani context could identify best practices for reducing wrongful convictions and enhancing trial fairness. Additionally, interdisciplinary studies that examine public perceptions, religious scholarship, and civil society engagement can help ensure that reforms are socially sustainable and widely accepted.

In conclusion, reforming Pakistan's capital punishment system is not merely a legal or procedural exercise—it is an opportunity to reaffirm the value of human dignity, justice, and social harmony. By adopting a principled, evidence-based, and culturally grounded approach, Pakistan can develop a system that is fair, consistent, and aligned with both Islamic teachings and international human rights standards, offering a model for other jurisdictions facing similar challenges.

REFERENCES

- Abbas, M. M. S. (2024). procedural justice and the right to a fair trial in pakistan.
- Abdullah, M., Tampubolon, M., & Malik, Z. (2023). Human Rights and Democracy in South Asia: Theory and Practice in Pakistan. *Journal of Scientific Research, Education, and Technology (JSRET)*, 2(4), 1831-1844.
- Ahmad, A. (2018). Rethinking capital punishment for mentally ill: A comparative study in the context of Pakistan, India, and international human rights law. *Unpublished Masters Study, Central European University*. Retrieved May, 12, 2023.
- Ahmed, F. (2007). Shari'a, custom, and statutory law: comparing state approaches to Islamic jurisprudence, tribal autonomy, and legal development in Afghanistan and Pakistan. *Global Jurist*, 7, i.
- Al-Ahsan, A. (2008). Law, religion and human dignity in the Muslim world today: An examination of OIC's Cairo Declaration of Human Rights. *Journal of Law and Religion*, 24(2), 569-597.
- Alam, M. (2017). *Capital punishment in South Asia (India, Pakistan and Bangladesh): a legal analysis* (Doctoral dissertation, Middlesex University).
- Amin, Z., & Khan, R. A. (2024). The Abolition of Punishment: A Comparative and Research-Based Study between Islamic Sharia 'h and Positive Laws. *Journal of Political Stability Archive*, 2(4), 405-431.
- Awabdeh, M. A. (2005). *History and prospect of Islamic criminal law with respect to the human rights* (Doctoral dissertation, Juristische Fakultät).

- Baig, K., Soomro, A. S., Khan, S. M., & Malik, F. (2024). Critical Analysis of Legal Frameworks Relating to the Custodial Torture in Context of Pakistan. *Pakistan JL Analysis & Wisdom*, 3, 140.
- Čustović, A. (2024). Progressive Islamic Interpretation of Tradition: Why Should Muslims Treat Sharia Law Only as a Moral Code in the Context of Universal Human Rights?. In *When Politics Meets Religion* (pp. 199-212). Routledge.
- Faisal, S. M., Usman, M., & Khan, A. (2023). Unraveling the Constitutional Quandry: The Status of FATA Pre-Merger in the 1973 Constitution. *Pakistan JL Analysis & Wisdom*, 2, 591.
- Hussain, N., Khan, A., & Chandio, L. A. (2023). Legal Safeguards against Mob Justice: An Analysis of Blasphemy Laws in Pakistan and International Human Rights Norms.
- Hussain, N., Khan, A., Chandio, L. A., & Oad, S. (2023). Individual criminal responsibility for the crime of aggression: the role of the ICC's Leadership Clause. *Pakistan journal of humanities and social sciences*, 11(1), 223-232.
- Jan, N., Rajamanickam, R., Zahir, M. Z. M., & Alias, N. (2025). freedom of expression and from punitive justice to restorative justice: compensation and rehabilitation issues on wrongful conviction. *Veredas do Direito*, 22(4), e223704-e223704.
- Javed, K., Jianxin, L., & Khan, A. (2021). Constitutional exceptions of right to speech: Evidence from the apex courts of Pakistan. *Journal of Humanities, Social and Management Sciences (JHMS)*, 2(1), 72-84.
- Kanwel, S., KHAN, M. I., Usman, M., & Khan, A. (2020). Navigating Constitutional Challenges: An In-depth Exploration of Pakistan's Constitutional Landscape. *International Review of Social Sciences (IRSS)*, 8(11), 273-279.
- Khan, A. S. I. F., Amjad, S. O. H. A. I. L., & Usman, M. U. H. A. M. M. A. D. (2020). The Evolution of Human Rights Law in the Age of Globalization. *Pakistan journal of law, analysis and wisdom*.
- Khan, A., & Usman, M. (2023). The effectiveness of international law: a comparative analysis. *International Journal of Contemporary Issues in Social Sciences*, 2(3), 780-786.
- Khan, A., Amjad, S., & Usman, M. (2020). The Role of Customary International Law in Contemporary International Relations. *International Review of Social Sciences*, 8(08), 259-265.
- Khan, A., Bhatti, S. H., & Shah, A. (2021). An overview on individual criminal liability for crime of aggression. *Liberal Arts and Social Sciences International Journal (LASSIJ)*, 5(1), 432-442.
- Khan, A., Hussain, N., & Oad, S. (2023). The Rome Statute: A Critical Review Of The Role Of The Swgca In Defining The Crime Of Aggression. *Pakistan Journal of International Affairs*, 6(1).
- Khan, A., Iqbal, N., & Ahmad, I. (2022). Human Trafficking in Pakistan: A Qualitative Analysis. *Journal of Social Sciences Review*, 2(3), 257-268.
- Khan, A., Javed, K., Khan, A. S., & Rizwi, A. (2022). Aggression and individual criminal responsibility in the perspective of Islamic law.
- Khan, A., Usman, M., & Amjad, S. (2020). Enforcing Economic, Social, and Cultural Rights: A Global Imperative. *International Review of Social Sciences (IRSS)*, 8(09).
- Khan, A., Usman, M., & Riaz, N. (2021). The Intersectionality of Human Rights: Addressing Multiple Discrimination. *Asian Social Studies and Applied Research (ASSAR)*, 2(03), 498-502.

- Khan, M. (2010). Islam and Human Rights: Reimagining a Space for Dialogue Between Islamism and Secularism in Pakistan.
- Khan, M. I., & Riaz, N. (2024). Blasphemy Laws in Pakistan: A Legal Analysis and Contemporary Discourse. *International Journal of Social Science Archives (IJSSA)*, 7(1).
- Lin, S., & Song, Y. (2024). Upholding human rights in mega sports: A study of governance practices within the IOC and FIFA through the lens of the Ruggie Principle. *Heliyon*, 10(16).
- Nabeel, R. (2023). Conceptions of Legitimacy Under International Human Rights Law and Islamic Rights Law. *Indonesian J. Int'l L.*, 21, 223.
- Naseem, R. M. S., Sethi, A., & Hashmi, M. A. I. (2025). Reforming the Death Penalty Constitutional, Human Rights, and Policy Dimensions: <https://doi.org/10.5281/zenodo.17284884>. *ASSAJ*, 4(02), 277-293.
- Sajid, Z., & Asim, M. A. (2024). Evaluating the Fundamentals of Human Rights in South Asia: A Comparative Analysis with a Focus on Pakistan. *Insights of Pakistan, Iran and the Caucasus Studies*, 3(3), 1-11.
- Sajjad, M. W. (2023). Prioritizing religious freedoms: Islam, Pakistan, and the human rights discourse. *Muslim World Journal of Human Rights*, 20(1), 47-68.
- Soomro, A. S., Baig, K., Sattar, S., & Khokhar, J. A. (2025). Human Rights in Islam: A Comparative Analysis of the Legal Frameworks in context of Pakistan and International Norms. *The Critical Review of Social Sciences Studies*, 3(1), 1161-1171.
- Usman, M. U. H. A. M. M. A. D., Khan, A. S. I. F., & Amjad, S. O. H. A. I. L. (2021). State Responsibility and International Law: Bridging the Gap.
- Usman, M., Kanwel, S., Khan, M. I., & Khan, A. (2021). Advancing Gender Equality within the Legal Framework of Pakistan: Navigating Progress and Overcoming Persistent Challenges. *International Review of Social Sciences (IRSS)*, 9(5), 310-316.
- Wasti, T. (2009). *The application of Islamic criminal law in Pakistan: Sharia in practice* (Vol. 2). Brill.