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Pakistan Penal Code: Islamic Jurisprudence and Influence of International Human Rights Norms

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ABSTRACT

The reforms of Pakistan's Penal Code (PPC) remain a contested site where Islamic jurisprudence and International human rights norms intersect, conflict and at the same time converge. International instruments such as "International Covenant on Civil and Political Rights (ICCPR)" and the "Convention Against Torture (CAT)" have influenced domestic reforms, compelling Pakistan to introduce new legislation such as "The Torture and Custodial Death Act (2022)", the "Anti Rape (Investigation and Trial) Act (2021)", and amendments to address honor killing and gender biased violence. Qualitative methodology is used in this research and data is collected from secondary sources. At the same time, core provisions rooted in Islamic jurisprudence, such as Hudood, Qisas and Diyat, continue to challenge Pakistan's compliance with international human rights principles. "The hudood ordinances, particularly Zina laws have been widely criticized for discriminatory evidentiary requirements, while blasphemy laws under section 295-298 of the PPC remains incomplete with Pakistan's ICCPR obligations, drawing repeated condemnation from the UN Human Rights Committee". These conflicts underscore the tension between Pakistan's constitutional identity as an Islamic republic and its international legal commitments. Current reforms suggest a pattern of selective compliance, where international pressure produces legislative change, but structural contradictions between Sharia based provisions and human rights remains unresolved. This research argues that while incremental reforms demonstrate some reconciliation, Pakistan's penal code reflects a dual system that priorities sovereignty and Islamic jurisprudence over full transformation.

Keywords: Pakistan Penal Code, Islamic Jurisprudence, Hudood Ordinances, Selective Compliance



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List of Abbreviations

PPC: Pakistan Penal Code

ICCPR: International Covenant on Civil and Political Rights

CAT: Convention Against Torture

UDHR: Universal Declaration of Human Rights

CEDAW: Convention on the Elimination of All Forms of Discrimination Against Women

NCHR: National Commission for Human Rights

NCRC: National Commission on the Rights of Child

SAARC: South Asian Association for Regional Cooperation

EU: European Union

OIC: Organization for Islamic Cooperation

Introduction

Pakistan Penal Code is mainly based on Islamic values and International Human Rights Norms, as they converge and contradict in several areas. Pakistan maintains a balanced approach because it has to maintain its religious identity as a Muslim country as well as its commitment to the several international conventions and treaties it is part of.

Historical Background:

Pakistan penal code that is originally enacted in 1860 under the colonial administration, has undergone significant transformations to reflect the ideological foundation of the country. With the Islamization of its laws especially under General Zia Ul Haq in the late



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1970s and 1980s, to bring the country's criminal law in alignment with Islamic principles Islamic jurisprudence became a central pillar of Pakistan's legal framework. Provisions like Qisas, Hudood and Diyat were incorporated to align to Pakistan's criminal justice system with the Sharia principles that highlight the country's commitment to an Islamic identity (Pakistan Penal Code, 1860). At the same time Pakistan ratification of international human rights conventions like the CRC and ICCPR that have showed the external pressure to reform laws in accordance with the global human rights standards (Malik, 2017). There is a dual influence and combination of Islamic jurisprudence and international human rights norms and values on Pakistan penal code and there are several areas where they converge, conflict and reform (Tariq, 2025).

The Islamization of the legal system of Pakistan that is a process of aligning Pakistan criminal laws with principles of Islamic shariah marked a significant impact on country representation as a Muslim state that previously follow the colonial system, then incorporate the Sharia law in its society. It introduced the Islamic punishments for the offenses like Zina, theft or robbery, murder and many other offenses. Like 100 lashes for unmarried offenders convicted of the zina and stoning of the death for the married criminals and amputation for robbery or theft under certain strong evidentiary requirements (Mak, 2024). Enactment of Hudood Ordinance in 1979, especially the offence of zina Ordinance which have replaced existing provisions in British originated Pakistan Penal Code with severe punishments. A major aspect in Islamization was the introduction blasphemy laws under section 295-B for criminalizing the discretion of Holy Qur'an.

Also, the human rights norms have a great impact on legal framework of Pakistan. It led to several reforms in Pakistan penal code especially in areas that are related to women, children and vulnerable groups (Husain, 2021). The different human rights conventions like ICCPR, CAT and CRC and other human rights bodies led to several changes in criminal justice system like the 2006 amendment for the protection of women to correct the misuse of Hudood Ordinance especially related to rape cases and anti-rape act 2021 that focused on establishment of special sexual offenses courts for speedy trials for the rape cases. All these led to change in legal framework that have to align with international human rights standards (Report on ICCPR , 2024).

There are several conflicts that arise among Islamic laws and international human rights norms within Pakistan penal code, especially related to areas of gender rights, punishments and freedom of religion or belief. The concept of Diyat that allows compensation in case of murder raise the concerns about inequality. The hudood laws also contradicts with international human rights values. So, Pakistan has a dual legal system with Islamic and international human rights principles (Tariq, 2025).

This study aims to explore how International Human Rights Norms have influenced the reforms made in the Pakistan Penal Code. It focuses on finding where Islamic Jurisprudence and International Human Rights principles come together and where they conflict within Pakistan legal system. The research also examines whether these reforms are a sincere effort by Pakistan to balance Islamic values with International Human Right standards or if they reflect selective compliance due to the external global pressure by doing so this study highlights how Pakistan tries to maintain cultural and religious identity while also meeting its International Human Rights obligations (Mak, 2024).



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Theoretical Framework

This theoretical framework applies constructivism on Pakistan penal code and influence of Islamic laws and principles and international human rights norms on it. Constructivism believes that norms, values and laws are socially constructed and not fixed. This study aims to analyze how constructivism helps in reforms in Pakistan penal code and how the Islamic jurisprudence and international human rights norms converge and contradicts within it. It further analyzes the extent to which the reforms are genuine reconciliation or selective compliance in Pakistan penal code.

Literature Review

Ali (1957), analyzes the Pakistan penal code in detail, is it related to the Islamic principal or not. He compared sharia law with Pakistan penal code and realized that only some part of penal code was not linked with Islam. He suggested that to bring sharia with Pakistan penal code, small amendment need to be made instead of replacing the penal code.

Rafiq (2015), section 295 C is about blasphemy law of Pakistan. International human rights law criticized this law because it can be abuse and give death penalty to the criminals, but it's support by Islamic scholars. This law is important for region and also the society, so the reform is not easy.

Josh and Mak (2024), The Pakistan Penal Code originally a colonial law has undergone Islamization by various reforms like Hudood ordinance, Qisas and Diyat laws integrating Islamic principles like Hadd, Tazir, Qisas and Diyat in Pakistan criminal justice system. The reforms reflect efforts to align the state laws with Shariah, though human rights standards especially regarding rules and punishments.

Malik (2017), analyzes blasphemy laws of Pakistan and compare it with Islamic teaching. He emphasizes that the current legal system is influenced by the colonial history in term of procedure and punishment and often depart from Islamic principles.

Research Objectives

To investigate how international human rights norms have influenced reforms in Pakistan penal code.

To identify and examine the convergence and contradiction in Islamic jurisprudence and international human rights within Pakistan penal code.

To evaluate whether ongoing reforms in Pakistan penal code reflect genuine reconciliation between Islamic jurisprudence and international human rights standards or whether they amount to selective compliance with global pressure.

Research Questions

How have International Human Rights Norms influence reforms in Pakistan penal code?

How Islamic jurisprudence and International Human Rights converge and contradicts within Pakistan's Penal Code?

To what extent do ongoing reforms in Pakistan penal code reflect genuine reconciliation between Islamic Jurisprudence and international human rights standards or are they just selective compliance with global pressure.



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Research Statement

International Human Rights Norms shape reforms in Pakistan Penal Code and converge or clash with Islamic Jurisprudence.

Research Methodology

This research employs a qualitative research methodology based on secondary data analysis to explore the Islamization of the Pakistan penal code and influence of the human rights norms. The research based on scholarly articles documents and international conventions. Its analytical, historical and descriptive approach examines the convergence and contradictions on Islamic Jurisprudence and International Human Rights Norms.

Discussion and Analysis

This research uses analytical and descriptive approach and secondary data to analyze the relationship between Islamic jurisprudence and international human rights norms and standards within Pakistan penal code

Reforms in Pakistan Penal Code by Influence of International Human Rights Norms

International human rights norms led to several changes and legal reforms in Pakistan penal code by influencing it. Pakistan as a member of United Nations, ratified several human rights conventions and treaties like ICCPR, UDHR, and CEDAW. These commitments have placed the moral and legal obligations on the country to align the state laws including PPC with the international human rights norms (Report on ICCPR , 2024). The constitution of Pakistan 1973 which also allocates the fundamental human rights like life, liberty and freedom of expression, also align with many human rights convention provisions. Pakistan established different institutional mechanisms like National Commission for Human Rights (NCHR) and National Commission on Rights of Child (NCRC) play central role in monitoring of violation, reviewing of laws and recommending the reforms in light of international human rights standards. These mandates ensure independence and broad human rights coverage. By awareness campaigns, legal reforms initiatives and rights education, these institutions ensure the domestic application of International human rights standards that promotes Pakistan alignment with human rights governance (Rajput, 2022). The influence of international treaties and agreements led to several amendments and changes like Custodial and Torture Act 2022 to criminalize acts of torture, Custodial rape and custodial death and the Anti Rape Act 2021 for reforming rape and other sexual violence crimes and their investigation procedures. And Protection of Women Act 2006 which amend the existing laws to provide the better protection to women. The South Asian Association for Regional Corporation (SAARC) has contributed by fostering regional cooperation Is on different issues like human rights, counter terrorism and trafficking, that indirectly motivates Pakistan to harmonize its Penal framework with regional legal trends. The European Union (EU) has used trade incentives like the GSP+ status to press for legal reforms to ensure compliance with international human rights and labour rights treaties and conventions. This economic linkage has pushed Pakistan to review and amend Penal's provision related to torture, blasphemy and women rights. The Organization of Islamic Corporation (OIC) on the other hand influence Pakistan to maintain harmony



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between Islamic legal values and principles and modern human rights norms and standards emphasize justice, moral accountability and the protection of human dignity. Through the lens of constructivism, reforms in Pakistan Penal Code reflects the internalization of international human rights norm shaped by social interaction and normative learning (Husain, 2021). These reforms signify a negotiated balance between global human rights ideals and Pakistan's Islamic legal identity. So international human rights norms and values have influenced the legal system of Pakistan to align with different international conventions especially in areas of women, children and minorities and provide them fundamental rights.

Convergence and Contradictions between Islamic Jurisprudence and international Human Rights Norms

Pakistan penal code presents a complex intersection between Islamic jurisprudence and international human rights norms which converge and contradicts at the same time, that shape state's dual commitment to Islamic values and global human rights norms. Pakistan legal system seeks a balance between these two frameworks, integrating Sharia based principles with modern international norms, to maintain its religious identity with international obligations. Islamic jurisprudence and international human rights converge in many areas where they have same goals and values. International Human Rights instruments like the Universal Declaration of Human Rights (UDHR) and International Covenant on Civil and Political Rights (ICCPR). Both focus on justice, protection of human dignity and life and social welfare of all without any discrimination. Pakistan enactment of Torture and Custodial Death Act 2022 demonstrate s alignment with both Islamic teachings against cruelty and International Obligations under UN convention against torture (Uddin, 2025). The Anti-rape Act 2021 provides special codes and victim protection mechanisms that reflect both Islamic concerns for protection of women dignity and compliance with international standards on gender justice. Laws against murder and corruption in PPC align with both Islamic teachings and international human rights norms that aim to protect life and property. Different provisions that promote equality before law and protection against arbitrary punishment align with both frameworks. At the same time contradiction emerge in them when interpretation of Islamic laws is different from international human rights norms particularly in blasphemy laws. The Blasphemy laws particularly Section 295-C of Pakistan Penal Code which mandates the death penalty of the defiling the Prophet Muhammad (peace be upon him) are the key point of contention. International Human Rights Framework emphasize freedom of religion and expression while the Pakistani laws prioritize protection of religious sentiments. International human rights bodies view these provisions as restrictive to freedom of expression and belief. Islam uphold the rights of women and dignity to all, difference may appear in interpretation of inheritance and personal laws, which may conflict with international human rights norms (Papracha, 2012). Pakistan Constitutional commitment to ensuring laws remain consistent with Islam that hinders full incorporation of International Norms and standards, when these are perceived as challenging Islamic principles. European Union (EU) promotes human rights and democratic values in world by development aid and trade agreements. In Muslim majority countries, the EU supports human rights awareness programs, but tensions emerge when EU expectations of secular governance and liberal rights conflict with cultural and religious frameworks rooted in Islamic Jurisprudence. The OIC served as a



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bridge between Islamic Jurisprudence and International Human Rights Norms. The OIC defends the application of Shari'ah based principles while promoting justice, equality and dignity in accordance with Islamic teachings. However, contradictions remain, as the OIC approach priorities collective and moral rights over the individualistic framework promoted by the western human rights institution. SAARC contributes to regional cooperation in areas such as social justice, women empowerment and child protection. These international and regional organizations play an important role in promoting dialogue and gradual harmonization between Islamic Jurisprudence and International Human Rights Norms. Constructivism explains that convergence and contradictions in Pakistan Penal Code emerge from social interaction between global human rights norms and Islamic Jurisprudence. This reflects Pakistan's evolving attempt to harmonize international values with its religious legal identity. So, PPC presents a hybrid legal structure where both Islamic laws and international human rights norms coexist in harmony and sometimes conflict. Pakistan tries to achieve a balanced approach to align with both Islamic jurisprudence and international human rights standards. (Malik,2017).

Genuine Reconciliation or Selective Compliance

The reforms introduced Pakistan penal code under influence of international human rights norms reflect a complex blend of the selective compliance with limited reconciliation, instead of genuine transformation. Pakistan legal system has its roots in both Islamic laws and colonial British Laws and create a dual framework that balance the country's religious identity with international obligations. Pakistan ratified several treaties like ICCPR, CEDAW and CAT and the practical implementation of these commitments remain incomplete to some extent. In several areas Pakistan reforms of its laws show real attempts at reconciliation (Report on ICCPR , 2024). Reforms like Torture and Custodial Death Act 2022 and Anti Rape Act 2021 shows the efforts to align domestic laws with international Human Rights obligations while upholding Islamic values of human dignity mercy and justice. These laws emphasize on protection of victims and fair trial rights, as these principles are strongly supported by Islamic and international values. Amendment like Protection of Women Act 2006 corrects certain weakness in Hudood Ordinance show the efforts to harmonize religious doctrine with modern human rights standards. Aside from these positive developments broader trend in Pakistan Penal Reforms show the selective compliance that is derived from external pressure. These legislative reforms often emerge to tackle international criticism or obligations under UN mechanism of review, suggest the elements of strategic compliance rather than the genuine reconciliation between Islamic jurisprudence and international standards (Robinson, 2007). The selective compliance shows in gap between ratification and implementation of international conventions and treaties, and Pakistan Constitution also reinforce Islamic supremacy, and all its laws should align with Quran and Sunnah. So, it ensures the protection of its religious identity, it limits the extent to which international norm can fully implement (Khan, 2023). Constructivist ideology interprets genuine reconciliation or selective compliance in Pakistan's Penal Code are shaped by evolving social meanings and identity. It reflects how Pakistan internalizes some human rights norms for legitimacy while adapting others to align with its Islamic and cultural context. The selective implementation of international obligations that allows Pakistan to show conformity with global stage and preserving its Islamic Legal identity domestically. Reforms improve due process and protect women rights but



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still indicate selective compliance that aimed at managing external pressure and Islamic identity.

Application of Theoretical Framework

Constructivism provides a valuable framework to understand the relationship between Islamic jurisprudence and international human rights norms within Pakistan penal code. Constructivism believes that laws, norms and legal practices are not fixed but they are socially constructed through beliefs, ideas and identities. It explains that state's legal and Political behavior reflect its cultural and ideological identity, shaped by its historical and social interactions. The legal system of Pakistan penal code could not understand only as colonial inheritance, but it is a dynamic framework that continue to evolve by the interplay of Islamic values and international norms. The Islamization of Pakistan penal code could not see only as legal reforms, but it reflects Pakistan collective identity and ideological values. So, the Islamic reforms of it shows the religious legitimacy and cultural heritage of the society. Constructivism emphasize that Islamic laws were not imposed but they are socially constructed in legal system. The reforms by influence of international human rights norms and values were also not imposed but they were universal norms and values, so the legal system adopted it. The intersection between Islamic identity and international human rights norms reveals the ongoing process of norms diffusion and contestation. This reflects a process of selective adaptation, where international norms are localized in the way that maintain cultural and religious legitimacy. This shows that Pakistan legal development is not a clash of civilizations between local, Islamic values and global norms. So, constructivism explains the complex relationship between Islamic jurisprudence, British inherited colonial laws and international human rights norms how they are socially constructed by values, beliefs and ideas and how they coexist.

Conclusion

Pakistan penal code represents the complex relationship between colonial legal inheritance, Islamic jurisprudence and international human rights norms. Pakistan infusion eventually the Islamic principles into its criminal justice system, which focus on moral accountability, equality before law and the protection of public welfare. But the interpretation and enforcement of these principles have not always fully reflected the true spirit of Sharia, where justice, mercy and the rehabilitation are the main and central aim.

At the same time, Pakistan ratification and commitment to international human rights conventions and treaties have increased the complexity to its penal structure. Several amendments and changes were introduced in its legal framework by the influence and efforts of these treaties and norms. There are significant efforts to harmonize domestic law with global human rights norms. Different provisions like related to blasphemy, women rights and Punishment methods continue to generate criticism. These areas show the ongoing struggle to reconcile religious authenticity with universal standards of justice and human dignity.

Some meaningful reforms are required for a balanced approach that have both Islamic principles and values and international human rights obligations. By interpretation of Islamic laws with their higher objectives like compassion, justice and preservation of human dignity, Pakistan could strengthen the moral legitimacy of Pakistan legal framework with ensuring of compliance with global norms and values



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Recommendations

Harmonize Pakistan penal code with Islamic values and principles and international human rights norms and standards.

Integrate the Islamic humanitarian values and beliefs like justice, mercy and protection of human dignity into its legal framework by reforms.

Provide training to lawyers, judges and law enforcement on Islamic jurisprudence and international human rights standards.

Align domestic laws of Pakistan with the values of ratified international conventions and treaties like ICCPR and UDHR.

Promote and continue dialogue and talks with Islamic scholars, the human rights experts and the law enforcement bodies.

Promote the awareness campaigns for citizens to know about their rights in both Islamic laws and international human rights conventions.

Limitations

This study is based on secondary and qualitative data which lemmatize the inclusion of viewpoints of policymakers and law experts.

There is a lack of empirical data, interviews and surveys and based on subjectivity rather than objectivity.

Recent sources on legal reforms and their alignment or commitment human rights standards were limited to access.

Comparing Islamic jurisprudence with international human rights standards within PPC was complex due to different legal interpretations and foundations.

References

- Ali, M. S. (1957). possible amendment of the pakistan penal code to bring it into conformity with the sharia. london: pqdt-global.
- Allahrakha, N. (2025). modernizing punishment: comparative analysis on pakistan penal code. lahore: naeem allahrakha.
- Basharat Ullah, A. U. (2023). a comparative study between hudood ordinance and relevant crimes under pakistan penal code. peshawar: russian law journal.
- Husain, M. (2021). international human rights standards: a tool for pakistan's criminal justice system. london: research society of international law.
- Mak, J. A. (2024). islamic concepts in the pakistan penal code. chicago: josh and mak international.
- Malik, S. A. (2017, 8 23). blasphemy: a crime in pakistan penal code versus the traditional perspective. lahore: shayan azamat malik.
- Muhammad Arif Rajput, f. s.-v. (2022). reformation of criminal justice system of pakistan. colombia: european scientific journal.
- Muhammad Imran Khan, n. q. (2023). reforming criminal rehabilitation practices: a case study of pakistan. jamshoro: international journal of contemporary issues in social sciences.
- Nizam Uddin, S. B. (2025). reforming pakistan's criminal justice system: effective and long-lasting solutions for a reliable and well-organized framework. quetta: review journal of social psychology & social works.
- Pakistan, G. O. (1860). pakistan penal code (act XLV of 1860). islamabad: government of pakistan.
- Paul H Robinson, a. z. (2007). codifying sharia: international norms, legality and the



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freedom to invent new forms. chicago: j. comp. 1.

Rafiq, a. (2015). section 295-C of pakistan penal code: controversy and criticism.
rawalpindi: academic research international.

(2024). Report on ICCPR . karachi: national commission for human rights pakistan.

Sajjad Papracha, D. K. (2012). historical and professionals paradigm of pakista penal
code pertaining to the press. multan: international journal of management
sciences and business research.

Tariq, M. (2025). human rights challenges in pakistan: global norms and local realities.
lahore: creative commons attributions international.