

ISLAMIZATION OF LAWS IN PAKISTAN - PROBLEMS AND PROSPECTS

Abdur Rashid
Law College, Gomal University, Dera Ismail Khan

Received 10-05-88

Accepted 12-03-89

ABSTRACT

More than forty years have elapsed since Pakistan was founded as a Muslim state. Despite its ideological commitments, the process of Islamization has produced limited results. Right from M.A. Jinnah to Zia-ul-Haq there has been strong public demand to enforce an Islamic order in Pakistan, for example, all the constitutions of Pakistan have had almost identical Islamic preambles. In view of these effects one gets the impression that Pakistan has become a truly Islamic state which is not true. The paper pinpoints the major drawbacks in the way of the process of Islamization in Pakistan. The paper concludes: unless the proper persons are appointed to promote the process of Islamization the process of Islamization in Pakistan will remain farcical.

INTRODUCTION

The Islamic Republic of Pakistan is offering the comparative lawyers the unique opportunity to study, where two theories of jurisprudence are operating side by side. There is a secular philosophy. in sharp contrast, there is the indigenous Muslim Law, the Shari, ah, which in theory, is Divine both in origin and in inspiration.

It has always been an express object of the Pakistani Constitutions to apply Islamic Law in Pakistan, but to do so has proved more difficult than most Pakistanis imagined while drafting the Constitutions in 1956, 1962 and in 1973 respectively.

But because of a considerable difference of opinion within Pakistan even as to the very nature of Islamic Law and uncertainty-