



Received: 2026-02-26

Accepted: 2026-06-20

Published: 2026-06-22

Original Article

The Role of Islamic Political Parties in Islamic Constitution-Making in Pakistan from the Perspective of *Siyasah Syar'iyah*

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ABSTRACT

This research study examines the role of Islamic political parties (IPPs) in the process of Islamic constitution-making in Pakistan from the perspective of *Siyasah Syar'iyah* (Islamic Politic). The study begins by defining SS and outlining its objectives. In order to clarify the intellectual foundations of Pakistan's creation, the research reviews the historical background of Pakistan, Muhammad Iqbal's and Muhammad Ali Jinnah's Address. The study further analyzes the Objectives Resolution, the stages of the Constituent Assembly, and the constitutional developments of 1956, 1962, and 1973. It critically evaluates the efforts made by IPPs for the establishment of an Islamic constitution in Pakistan. The findings reveal that the fundamental objective of SS is the implementation of Allah's commands on earth and the collective moral and social reform and welfare of the people. The primary objective behind the creation of Pakistan was likewise to establish a state in which Islamic principles would be implemented and the individual and collective well-being of Muslims would be ensured. However, after independence, the ruling elite did not make serious and practical efforts to establish an Islamic system; rather, attempts were made to steer Pakistan toward a secular state. In this context, the religious leadership and IPPs initiated efforts to transform Pakistan into an Islamic state, resulting in the approval of the Objectives Resolution, which affirmed Pakistan's Islamic identity. The study concludes that the Islamic provisions incorporated into the Constitutions of 1956, 1962 and 1973 were the outcome of these parties' persistent efforts.

Keywords: Islamic Political Parties (IPPs), *Siyasah Syar'iyah*, Islamic constitution, Pakistan, Religious Studies.

Introduction

In Islamic political thought, "*Siyasah Shariah*" is a comprehensive concept that subjects authority, governance, and the administrative order of the state to the objectives of Shariah (*Maqasid al-Shariah*) and the public interest (*Masalih al-'Ammah*). Classical Muslim thinkers, particularly Ibn Khaldun, Al-Ghazali, Ibn Aqil, and Abd al-Wahhab Khallaf, viewed politics not merely as a means to acquire power but as an instrument for implementing Shariah, establishing justice, and promoting collective welfare. According to these thinkers, the primary duty of the state is to maintain a balance between religious and worldly needs by establishing a system that aligns with Allah's commandments and the necessities of human society.

The formation of Muslim political consciousness in the Indian subcontinent and the ideological background of Pakistan's creation are deeply connected to this intellectual tradition. In particular, Allama Muhammad Iqbal's Allahabad Address and Muhammad Ali Jinnah's statements envisioned a state where Muslims could live collectively according to their religious, cultural, and political principles. After the creation of Pakistan, a crucial question arose regarding the extent to which the constitutional and legal framework of the new state would align with Islamic principles, and what role IPPs would play in this process.

In this context, the Objectives Resolution, the debates of the Constituent Assembly, and the formulation of the constitutions of 1956, 1962, and 1973 hold significant importance. During these periods, various IPPs—particularly JI, JUP, and JUI—undertook organized political and constitutional efforts to include, preserve, and strengthen Islamic provisions. However, this process faced challenges such as internal political conflicts, military interventions, and secular trends, which complicated the journey of Islamic constitution-making.

The present research paper provides an analytical study of these historical and intellectual debates. Based on the theoretical principles of SS, it examines the extent to which IPPs contributed effectively to the process of Islamic constitution-making in Pakistan, the obstacles they faced, and how they succeeded in incorporating Islamic provisions into the constitutional framework.

This study seeks to answer the fundamental question of whether the process of Islamic constitution-making in Pakistan was solely the result of state leadership efforts or if the continuous intellectual and practical endeavors of IPPs were a decisive factor. Through this analysis, the research not only attempts to understand the historical constitutional evolution but also aims to contribute academically to contemporary discussions on Islamic political thought and state formation.

Research Methodology

This research is qualitative in nature and employs historical, documentary, and analytical methods. The aim of the study is to examine the process of Islamic constitutional development in Pakistan and the role of IPPs within this process in the light of SS. Both primary and secondary sources have been used for the research. Primary sources include classical works on SS, the Objectives Resolution (1949), the Constitutions of Pakistan (1956, 1962, and 1973), proceedings of the Constituent Assembly, official government documents, and relevant constitutional records. Secondary sources consist of books, research articles, academic journals, theses and dissertations, as well as manifestos and documents of IPPs. The collected data is analyzed through thematic and document analysis approaches. In addition, comparative analysis is also applied. For this purpose, the objectives of SS are used as an analytical framework. In this light, the constitutional struggle and contributions of IPPs such as Jamaat-e-Islami, Jamiat Ulema-e-

Pakistan, and Jamiat Ulema-e-Islam for the enforcement of Islamic provisions are critically examined. The temporal scope of the study extends from the establishment of Pakistan to the formulation of the 1973 Constitution and subsequent key stages of Islamic constitutional development, in order to provide a comprehensive analysis of the role and impact of IPPs in Islamic constitutionalizing in Pakistan.

Literature Review

The present study is based on the analysis of the role of IPPs in Islamic constitution-making in Pakistan within the context of SS. For this purpose, the literature review is organized into two main thematic dimensions: [1] The overview of Islamic constitution-making in Pakistan in the context of SS and [2] The Analysis of the role of IPPs in the process of Islamic constitution-making within Pakistan's constitutional and political structure.

Under the first theme, relevant literature includes the work of Diyah Putriani, Saim Kayadibi, and Tita Nursyamsyah, in which SS is presented as an integrated political and economic framework encompassing Islamic statehood, Islamic economy, and state governance. According to the authors, the establishment of an Islamic state is only possible when the principles of Shariah are practically implemented within the state system, and this process cannot be completed without SS. They further argue that a fundamental requirement for an Islamic state is that its system of governance must conform to SS. The findings indicate that SS is not merely a theoretical concept but a practical state system capable of organizing economy, politics, and society in accordance with Islamic principles. This study is significant for the present research as it presents SS not only as a political theory but as a comprehensive political and economic state model that includes Islamic constitutionalism, economic policy, and institutional governance.¹

Irwan Mohd Subri, Hanan Amran, and Nisar Mohammad Ahmad analyze the theoretical and practical dimensions of SS within Malaysia's constitutional framework. They show that despite constitutional constraints, its principles are applied in institutions such as Islamic banking, halal industry, and governance structures. The study concludes that SS is a workable framework that promotes public welfare, development, and social stability. It highlights the relevance of Islamic governance principles within modern constitutional and multi-ethnic state systems.²

Abdul Azis Ibrahim examines Islamic development within the framework of SS and Maqasid al-Shariah. He argues that certain aspects of the SDGs align with Islamic principles, particularly in social, economic, and environmental domains. The study presents Islamic development as grounded in *falah*, *i'mār al-arḍ*, and justice, alongside moral and social values. It highlights SS as a practical framework for policy-making and state development rather than a purely theoretical concept.³

Abdul Syatar links democracy with Islamic political thought through the framework of SS. He argues that *shūrā* (consultation) aligns democratic values with Islamic governance principles.

¹ Putriani, Diyah, Saim Kayadibi, and Tita Nursyamsyah. "Islamic State, Islamic Economy, and Siyasaḥ Syar'iyah: An Islamic Political-Economy Approach." Paper presented at The 1st Islamic Economics and Finance Research Forum, Riau, Indonesia, November 21–22, 2012.

² Irwan Mohd Subri, Hanan Amran, and Nisar Mohammad Ahmad, "Siyasaḥ Shar'iyah and Its Implementation in Malaysia," *Australian Journal of Basic and Applied Sciences* 8(13)(August 2014): 416–423.

³ Ibrahim, Abdul Azis. "Islamic Concept of Development in the Light of Siyasaḥ Shar'iyah and Maqasid Shariah Frameworks: A Literature Review Approach." *Journal of Islamic Studies in Socio-economic Development* 13(3)(2020): 30-60.

Democracy can support justice, welfare, and public interest as objectives of SS. The study highlights both compatibility and differences between modern democracy and Islamic political theory.⁴

Maimun and Dani Amran Hakim apply SS to analyze Indonesia's constitutional and political issues. They evaluate state policies through the concepts of "Siyasah 'Adilah" and "Siyasah Zalimah." The study highlights Islamic political thought as a means to promote justice, public interest, and legal stability. Its focus remains limited to Indonesia, using SS as an analytical constitutional framework.⁵

Hisam Ahyani, Zakiyyu Muhammad, and Syamsudin study SS in relation to zakat regulation within Islamic constitutional thought. They argue that it provides a moral and legal foundation for effective collection and distribution of zakat. This framework helps reduce economic inequality and promotes social justice at the state level. The study presents SS as a practical constitutional and economic governance model.⁶

The aforementioned studies, although they shed light on the theoretical discussions of SS and its various practical applications—such as the Islamic state, democracy, constitutional issues, developmental policies, Islamic economy, the zakat system, and its implementation in countries like Malaysia and Indonesia—do not provide a comprehensive and systematic analysis of the historical process of Islamic constitution-making in Pakistan within the framework of SS. Therefore, the present study seeks to fill this scholarly gap.

A review of previous research shows that there are numerous studies on the process of Islamic constitution-making in Pakistan's constitutional and political structure and the role of IPPs in this regard. Mujeeb Ahmed examines the constitutional and parliamentary struggle of scholars in Pakistan, especially during the making of the 1973 Constitution. He notes that scholars expected Pakistan's system to be based on the Qur'an and Sunnah after its creation. Religious parties and scholars influenced key developments such as the Objectives Resolution (1949) and the 22 Points (1951). They actively participated in the 1956 and 1973 constitutional processes to include Islamic provisions. The study shows that scholars and religious political parties significantly shaped the Islamic character of Pakistan's constitution.⁷

Ali Shan Shah, Muhammad Waris, and Abdul Basit critically examine the Islamization process in Pakistan, especially during General Zia-ul-Haq's regime. They argue that Pakistan's ideological foundation and the Objectives Resolution shaped later Islamization efforts. Institutions like the Council of Islamic Ideology and the Federal Shariat Court supported this process. However,

⁴ Abdul Syatar, "Democracy and Modern State: Siyasah Shar'iyah Analysis," *Jurnal Al Tasyri'iyah* 1(1)(2021): 1–14.

⁵ Maimun and Dani Amran Hakim, "Siyāsah Syar'iyah and Its Application to Constitutional Issues in Indonesia," *As-Siyasi: Journal of Constitutional Law* 3(1)(2023): 111–130, <https://doi.org/10.24042/as-siyasi.v3i1.15710>.

⁶ Hisam Ahyani, Zakiyyu Muhammad, and Syamsudin, "The Intersection of Siyasah Syar'iyah and Islamic Constitutionalism in Zakat Regulations," *Al-Tijarah: Journal of Islamic Economics, Finance and Business* 1(1) (2025): 13–24.

⁷ Mujeeb Ahmed, "The Constitutional and Parliamentary Struggle of Ulema in Pakistan: A Special Study of the 1973 Constitution," *Shashmahi Majallah-e-Tarikh wa Saqafat*, October 1996–March 1997, 81–91.

scholars criticized Zia's policies and highlighted their negative social and legal impacts. The study explains the challenges and partial failure of Islamization in achieving its intended goals.⁸

Muhammad Nawaz examines the role of IPPs and scholars in the Islamization of Pakistan's 1956 Constitution. He notes that religious parties demanded an Islamic constitution based on promises made during the independence movement. Their efforts led to key developments such as the Objectives Resolution (1949) and the 22 Points (1951). Religious parties actively campaigned for Islamic provisions during the constitutional process of 1956. The study concludes that scholars and IPPs significantly shaped the Islamic foundations of Pakistan's first constitution.⁹

Mujeeb Ahmed examines the role of scholars and muftis in shaping Muslim family laws in Pakistan. He highlights that fatwas function as an influential religious and social legal authority in society. Scholars have critically assessed laws like the MFLO 1961 and the Protection of Women Bill 2006. Their opinions and fatwas have significantly influenced legal debates and court decisions. The study concludes that scholars have played an important role in aligning family laws with Shariah principles.¹⁰

Syed Muhammad Usman Ghani presents a comparative study of JI and JUI regarding Islamic governance implementation in Pakistan. He finds that both parties share the goal of establishing an Islamic system but differ in their strategies. JI integrates Islamic politics with democratic values, while JUI shows more adaptive political flexibility. Both parties have limited electoral success but maintain significant political influence. The study concludes that implementing Islamic governance requires balancing ideology with political realities.¹¹

Dr. Zubaida Zafar, Sheeba Irfan, and Mubashir Ali analyze the role of religion in Pakistan's political structure. They argue that religion and politics are deeply interconnected despite appearing separate in theory. The study traces this relationship from the colonial period to post-independence constitutional developments. It highlights how different political eras shaped religion-state dynamics and increased social and political complexity. The authors conclude that politicized use of religion contributed to intolerance and weakened social harmony.¹²

Fazil Ashraf Qaisarani and Muhammad Mushtaq examine the relationship between religion and politics in Pakistan with reference to IPPs' role in constitutional Islamization. They argue that religion has been used as a source of political legitimacy in different historical contexts. In Pakistan, IPPs significantly influenced constitution-making by promoting Islamic provisions. Their efforts helped incorporate Islam into the constitutional framework while strengthening their

⁸ Ali Shan Shah, Muhammad Waris, and Abdul Basit, "Islamization in Pakistan: A Critical Analysis of Zia's Regime," *GRR* 1, no. 1 (2016): 260–270, [https://doi.org/10.31703/grr.2016\(I-I\).20](https://doi.org/10.31703/grr.2016(I-I).20).

⁹ Muhammad Nawaz, "Islamization of the Constitution of 1956: The Role of Religious Political Parties," *Islamic Law Review* 4(1-2) (Spring/Summer 2020): 74, <http://irigs.iiu.edu.pk:64447/ojs/index.php/ilr/article/view/4623>.

¹⁰ Mujeeb Ahmad, "'Ulama' and the Muslim Family Laws in Pakistan," *Islamic Studies* 59(1)(2020): 51–78, <https://www.jstor.org/stable/27088375>.

¹¹ Syed Mohamed Usman Ghani and Thameem Ushama, "The Role of Islamic Political Parties in an Islamic State: An Analysis of Jamaat-e-Islami," *AL-ITQĀN*, 6(2)(August 2022): 21–40, <https://journals.iium.edu.my/al-itqan/index.php/al-itqan/article/view/233>.

¹² Zubaida Zafar, Sheeba Irfan, and Mubshar Ali, "Analysing the Role of Religion in Political Structure of Pakistan," *ISSRA Papers* 15 (2023): 13–24, <https://issrapapers.ndu.edu.pk/index.php/site/article/view/149>

political legitimacy. The study notes that this religious–political fusion produced complex effects on both state and society.¹³

Syed Muhammad Usman Ghani's research analyzes the role of Islamic political parties, especially JI, within Pakistan's political system. It argues that these parties are influential elite actors despite limited electoral success. Their political impact extends to key issues such as Kashmir, Afghan jihad, and national policymaking. They maintain strong street power and influence over religious legislation like zakat and blasphemy laws. The study concludes that their political influence is greater than their parliamentary representation.¹⁴

Dr. Zeeshan, Saqibullah Khan, and Dr. Muhammad Riaz analyze the evolving role of Islamic political parties in Pakistan's politics. They argue that these parties have grown from limited actors to significant political forces over time. Their influence extends across governance, legislation, and social values, including education and human rights. The study highlights their alliances with secular parties, reflecting political pragmatism and adaptability. It concludes that they continuously balance religious ideology with modern political demands and challenges.¹⁵

The existing research literature, such as the papers by Mujeeb Ahmed, Muhammad Nawaz, Ali Shan Shah, and others, primarily focuses on the constitutional struggle of religious parties and scholars in Pakistan, the Islamization of the 1956 and 1973 Constitutions, and the political and legal impacts of Islamization during General Zia-ul-Haq's era. These studies highlight the historical struggle of religious parties, their parliamentary role, fatwa issuance, intervention in Muslim family laws, and practical role in the implementation of Islamic values in Pakistan. In addition, they shed light on the political influence of religious parties, public protests, alliances with secular parties, and their political flexibility and strategic approaches. However, a clear gap exists in the current literature: these studies do not provide a comprehensive and integrated analysis of the role of IPPs in the context of the principles, objectives, and jurisprudential foundations of *Siyasah Shariah* within Pakistan's historical and political framework.

Therefore, this research paper, seeks to fill this gap. The aim of this study is to examine the role of religious parties in Pakistan's constitution-making not only within its historical and political context but also through the lens of the intellectual and jurisprudential principles of *Siyasah Shariah*, the objectives of *Shariah* (*Maqasid al-Shariah*), and practical political strategies. This integrated approach intends to present a complete and theoretical understanding of the constitutional and political influence of religious parties in Pakistan.

Definitions and Objectives of *Siyasah Shariah*

In the context of *Siyasah Shariah*, to examine the role of RPP in Islamic constitution-making in Pakistan, first the definitions of *Siyasah Shariah* are presented, followed by its objectives, so

¹³ Fazeel Ashraf Qaisrani and Muhammad Mushtaq, "Nexus between Religion and Politics in Pakistan: Examining the Role of Religio-Political Parties in Islamization of the Constitutions," *Pakistan Journal of Law, Analysis and Wisdom* 3, no. 5 (May 2024), <https://pjlw.com.pk/index.php/Journal/article/view/v3i5-1-11>.

¹⁴ Syed Muhammad Usman Ghani, *Methodologies of Implementing Islam in Pakistan* by Jamat-e-Islami and Jamiat Ulama-e-Islam: A Comparative Analysis (PhD diss., International Institute of Islamic Thought and Civilization, International Islamic University Malaysia, 2024).

¹⁵ Zeeshan, Saqib Ullah Khan, and Muhammad Riaz, "The Evolving Identity of Religious Parties in Pakistan's Political Arena," *Advance Social Science Archive Journal* 3, no. 1 (January–March 2025), <https://assajournal.com/index.php/36/article/view/166>.

that the role of RPP in Pakistan's Islamic constitution-making process can be better understood in the light of this theoretical framework. Clarifying the definitions and fundamental objectives of *Siyasah Shariah* will illustrate how Islamic political thought views the state, legislation, justice, public welfare, and the implementation of *Shariah*. Based on these principles, the study can assess to what extent RPP were able to realize their ideological goals in Pakistan's constitutional development.

Allama Ibn Khaldun describes *Siyasah Shariah* as follows:

"السياسة المدنية هي تدبير المنزل أو المدنية بما يجب بمقتضى الأخلاق والحكمة".¹⁶

According to ethics and wisdom, politics is the management of domestic or civic affairs.

Elsewhere, he states:

"هي كفالة للخلق وخلافة لله في العباد لتنفيذ احكامه".¹⁷

Politics is the enforcement of Allah's commands in the capacity of His deputy, along with the care of creation.

According to Ibn Khaldun, politics is not merely about power, authority, or governance, but rather a moral, social, and religious responsibility. He states that the foundation of politics is ethics and wisdom, aimed at managing society's order effectively. Furthermore, he considers politics a duty of Allah's caliphate, whose primary purpose is the welfare of creation and the implementation of Divine *Shariah*. According to this concept, the ruler is not merely an administrator but Allah's deputy, responsible for justice, welfare, and the enforcement of *Shariah*.

According to Imam Ghazali (505 AH), the definition of *Siyasah Shariah* is:

"والسياسة وهي للتأليف والاجتماع والتعاون في أسباب المعيشة وضبطها. والسياسة في استصلاح الخلق وإرشادهم إلى الطريق المستقيم المنجى في الدنيا والآخرة".¹⁸

Politics is essentially meant to unite hearts, establish social cohesion, and ensure mutual cooperation and order in the means of livelihood. Moreover, the purpose of politics is the reform of creation and guiding them toward the straight path that leads to salvation in this world and the Hereafter. According to Abu al-Wafa Ibn Aqil Hanbali (513 AH), the meaning of politics is:

"السياسة ما كان فعلاً بحيث يكون مع الناس أقرب إلى الصلاح وأبعد عن الفساد، وإن لم يضعه الرسول ولا نزل به وحى"¹⁹

¹⁶ Ibn Khaldun, *Tarikh Ibn Khaldun*, vol. 1 (Cairo: Markaz al-Jazir lil-Dirasat, 2006), 50.

¹⁷ *Ibid.*, 179.

¹⁸ Abu Hamid al-Ghazali, *Ihya Ulum al-Din*, vol. 1 (Beirut: Dar al-Ma'rifah), 13.

¹⁹ Ibn Qayyim al Jawziyya, *Al-Turuq al-Hukmiyyah fi al-Siyasah al-Shar'iyah* (n.p.: Maktabah Dar al-Bayan, n.d.), 12.

Politics is the exercise of measures and strategies that keep people close to reform and away from corruption, even if these matters are not explicitly established through the Prophet ﷺ or revealed through divine guidance.

Abd al-Wahhab Khilaf (1956) provides a comprehensive definition of Siyasa Shariah, stating that:

"هي تدبير الشؤون العامة للدولة الإسلامية بما يكفل تحقيق المصالح ودفع المضار مما لا يتعدى حدود الشريعة أو أصولها الكلية وإن لم يتفق وأقوال الأئمة المجتهدين. وبعبارة أخرى هي متابعة السلف الأول في مراعاة المصالح ومساية الحوادث. والمراد لشؤون العامة للدولة كل ما تتطلبه حياتها من نظم، سواء أكانت دستورية أم مالية أم تشريعية أم قضائية أم تنفيذية، وسواء أكانت من شؤونها الداخلية أم علاقاتها الخارجية. فتدبير هذه الشؤون والنظر في أسسها ووضع قواعدها بما يتفق وأصول الشرع هو السياسة الشرعية."²⁰

Siyasa Shariah is the organization of the public affairs of an Islamic state in such a way that benefits (masalih) are achieved and harms (mafasiid) are averted, provided that this does not exceed the limits or general principles of Shariah, even if these matters do not align with the statements of the Mujtahid Imams. In other words, it follows the method of the pious predecessors (Salaf al-Salih), who considered public welfare and were aware of the circumstances of their time. Public affairs of the state refer to all matters required for the functioning of the state, whether constitutional, financial, legislative, judicial, or administrative, and whether related to internal or external relations. Thus, organizing all these affairs, considering their principles, and establishing rules for them, provided they are in accordance with the principles of Shariah — this is Siyasa Shariah.

It is evident that, according to Abd al-Wahhab Khilaf, the scope of Siyasa Shariah is very broad, ijthadi, and realistic. He maintains that Siyasa Shariah is the administration based on public welfare, collective reform, and prevention of harms. This administration falls within the general principles and objectives of Shariah, even if no detailed example is transmitted from previous jurists. He links politics to the insight of the Salaf al-Salih, in accordance with the changing demands and circumstances of the time. The scope of politics is not limited to jurisprudence or judiciary but includes constitutional, financial, legislative, judicial, administrative, and external matters. The establishment of state institutions and principles under Shariah objectives is part of Siyasa Shariah, even if their form is modern.

According to Dr. Hamoud bin Muhammad Ghalib Al-Ghushaymi, the definition of Siyasa Shariah is:

"قيام ذي ولاية برعاية المولى فليهم وجلب المصالح لهم بما يتفق وأحكام الشريعة ومقاصدها في حدود ولايته"²¹

The ruler's responsibility is to care for his subjects and strive to achieve their welfare within the limits of his authority, in a manner that is in accordance with the commands and objectives

²⁰ Abd al Wahhab Khallaf, *Al-Siyasa al-Shar'iyah fi al-Shu'un al-Dusturiyyah wa al-Kharijiyyah wa al-Maliyyah* (Beirut: Dar al-Qalam, 1988), 20.

²¹ Hammoud bin Muhammad Ghalib al Ghashimi, "Mafhum al-Siyasa al-Shar'iyah wa 'Alaqtuhā bi-l-Fiqh wa-l-Qanun," *Majallat al-Dirasat al-Ijtima'iyah*, no. 43 (2015): 149.

of Shariah. From Dr. Hamoud bin Muhammad Ghalib Al-Ghushaymi's definition, it is evident that the primary purpose of Siyasa Shariah is not the acquisition of power but the recognition of responsibility and the welfare of the subjects. In this concept, governance is considered a trust, which requires the authority-holder to prioritize the needs, interests, and collective well-being of the people within the scope of their authority. Moreover, the foundation of this welfare-oriented effort is not mere temporary expediency or political gain but the commands of Shariah and its general objectives, such as justice, peace, protection of religion, life, property, and human dignity. Thus, Siyasa Shariah binds the exercise of power to ethical, legal, and religious limits and subjects it to collective welfare and Shariah objectives rather than personal or party interests.

According to Ibn Khaldun, Imam Ghazali, Ibn Aqil, Al-Nasafi, Abd al-Wahhab Khilaf, and other eminent scholars, Siyasa Shariah, as understood from these scholarly definitions, is not merely the pursuit of power or governance but a comprehensive religious and moral system of administration whose fundamental purpose is to integrate two major dimensions.

Objectives of Siyasa Shariah

Jurists have identified two primary objectives of Siyasa Shariah:

1. Implementation of Religion — That is, enforcing the principles and rulings of Islamic Shariah across social, political, judicial, and administrative spheres to promote justice, peace, and welfare.

2. Service to Humanity — That is, ensuring the well-being of the people, their moral and social reform, provision of basic necessities, and guiding them toward success in this world and the Hereafter²².

Dr. Hamoud bin Muhammad Ghalib Al-Ghushaymi describes the objectives of Siyasa Shariah as follows:

"فالسِّيَاسَةُ الشَّرْعِيَّةُ لَهَا غَايَتَانِ رَئِيسَتَانِ هُمَا: إِقَامَةُ شَرَعٍ فِي الْأَرْضِ، وَرِعَايَةُ النَّاسِ وَتَدْبِيرُ شُؤْنِهِمْ وَفَقْ هَذَا الشَّرَعُ، تَطْبِيقًا لِقَوْلِهِ سُبْحَانَهُ وَتَعَالَى: "الَّذِينَ إِنْ مَكَّنَّاهُمْ فِي الْأَرْضِ أَقَامُوا الصَّلَاةَ وَأَتَوْا الزَّكَاةَ وَأَمَرُوا لِمَعْرُوفٍ وَنَهَوْا عَنِ الْمُنْكَرِ وَرَبَّ عَاقِبَةُ الْأُمُورِ"

The two fundamental objectives of Siyasa Shariah are: to establish Allah's law on earth, and to oversee people and manage their affairs in accordance with that Shariah. This is the practical embodiment of Allah's command: "Those who, if We give them authority on earth, establish prayer, give zakah, enjoin what is right and forbid what is wrong, and to Allah belongs the outcome of all matters (Surah Al-Hajj (22): 41)²³.

From Dr. Hamoud bin Muhammad Ghalib Al-Ghushaymi's explanation, it becomes evident that Siyasa Shariah is not merely a theory of governance but a comprehensive religious responsibility whose purpose is to make authority a means of worship and service to creation. According to this concept, the ultimate goal of an Islamic state is encompassed in two fundamental principles: first, the enforcement of Allah's commands on earth so that collective life is subject to divine guidance; and second, the organization and administration of people's

²² Ibn Khaldun, Muqaddimah, 210.; Al-Mawardi, Al-Ahkam al-Sultaniyyah (Kuwait: Maktabat Dar Ibn Qutaybah, 2021), 15.

²³ Al-Ghashimi, "Mafhum al-Siyasa al-Shar'iyah," 160.

affairs in a manner that ensures their religious, social, and economic welfare within the framework of Shariah. This is the concept encapsulated by jurists in the comprehensive principle of “Hirasat al-Din wa Siyasat al-Dunya bihi”—the protection of religion and the governance of worldly affairs according to that religion. In this way, Siyasah Shariah considers authority not as an end but as a means, through which justice, societal reform, and the Qur’anic objectives of enjoining good and forbidding evil are realized in practice.

Ideological Background of Pakistan and Foundations of Islamic Constitution-Making

When examining the role of RPP in Islamic constitution-making in Pakistan in the light of the objectives of Siyasah Shariah—“Hirasat al-Din wa Siyasat al-Dunya bihi,” that is, the protection of religion and the governance of worldly affairs according to it—it becomes clear that the foundation of the State of Pakistan was laid on the understanding that the Muslims of the Indian subcontinent deserved a separate state where they could live according to their religion, civilization, and collective identity, and where they would not only have religious freedom but also be able to organize their political, economic, and social life in accordance with Islamic principles²⁴.

Allama Muhammad Iqbal, through his Allahabad Address in December 1930, for the first time presented a clear vision of a separate Muslim state. In this address, he proposed forming a self-governing administrative structure in the Muslim-majority areas of northwestern India, which later took practical shape in the creation of Pakistan. Although the term “Pakistan” was not used at that time, this speech is considered a milestone in the ideological foundation of the Two-Nation Theory and the movement for a separate homeland. Allama Iqbal stated regarding the establishment of a separate Islamic dominion for Muslims in the subcontinent:

“My desire is that Punjab, the North-West Frontier Province, Sindh, and Baluchistan be united into one state, whether this state obtains autonomy within the British Empire or outside it; it seems to me that otherwise, the Muslims of northwestern India will eventually have to establish a well-organized Islamic state.”²⁵

In this excerpt, Allama Iqbal outlined a clear framework for establishing a well-organized Islamic state in the northwestern region of the subcontinent. He emphasized in his address that after independence from British colonial rule, or even under its presence, Muslims needed a separate state structure for their cultural survival and development. Iqbal explicitly expressed his desire to unite Punjab, the Frontier (Khyber Pakhtunkhwa), Sindh, and Baluchistan. This proposed unity was significant because these provinces had a Muslim majority, allowing them to establish a political system and legislation based on Islamic principles.

In 1939, the founder of Pakistan, Quaid-e-Azam Muhammad Ali Jinnah, stated:

“We (Muslims) are a nation with our own distinctive culture and civilization, language and literature, art and architecture, calendar, history and traditions, aptitudes and in short, we have our own distinctive outlook on life and of life.”²⁶

According to Muhammad Ali Jinnah, Hindus and Muslims could not live together. Therefore, his view was that Muslims needed an independent state where they could practice their

²⁴ Syed Muhammad Saleem, *History of the Ideology of Pakistan* (Lahore: Idara Taleemi Tehqeeq, 1987), 221–250.

²⁵ Sharif al-Mujahid, *Ideological Foundations of Pakistan* (Islamabad: Shariah Academy International Islamic University Islamabad, 1999), 27.

²⁶ Liaquat Ali Khan, *Pakistan: The Heart of Asia* (India: Read Books, 2008), 67.

religious teachings and live in peace and security. The entire Pakistan Movement was carried out based on this ideology, which forms the foundation of Pakistan. During the movement and at the time of Pakistan's creation, Muhammad Ali Jinnah advocated this vision in several speeches, emphasizing that the system of Quran and Sunnah would be implemented in Pakistan.

From 1938 to 1948, Quaid-e-Azam Muhammad Ali Jinnah, in over 100 statements, discussed the Islamic ideology, Islamic civilization, Islamic nationality, Islamic identity, Islamic law, Islamic culture, Islamic history, and Islamic society²⁷.

The first Prime Minister, Nawabzada Liaquat Ali Khan, described the purpose of Pakistan's creation as follows "Pakistan was founded because the Muslims of this subcontinent wanted to build up their lives in accordance with traditions of Islam".²⁸ After a long struggle, Muslims were granted the opportunity to establish their own separate state, where they could implement governance according to Islamic principles. Thus, the Islamic Republic of Pakistan became one of the few states in the world established in the name of Islam.

Islamic State or Secular State? Efforts in Islamic Constitution-Making and Political Obstacles

After the creation of Pakistan, Quaid-e-Azam Muhammad Ali Jinnah initiated the early steps for preparing an Islamic constitution to fulfill his promises. In this regard, Nawab Mamdot was appointed as the first Chief Minister of South Punjab, and in October 1947, he established an institution named Ihya-e-Millat-e-Islamia for this purpose. The leadership of this institution was given to a prominent leader of the Muslim world, Allama Asad, who had rendered distinguished services in Saudi Arabia and other Arab countries. This institution was the first of its kind in the Muslim world, aimed at laying the initial structure for an Islamic constitutional and legal system in Pakistan. Renowned scholars across the country recognized the establishment of this institution and expressed their commitment to its mission. In this historical initiative, Pakistan's first Prime Minister, Liaquat Ali Khan, also held meetings with scholars and reached consensus on the establishment of Islamic constitutional principles and the initial framework of legislation. However, later, due to the deteriorating situation in Kashmir caused by India and other political issues, the implementation of Islamic laws and the constitution could not be realized²⁹.

Subsequently, the ruling class did not make any serious or practical efforts to establish an Islamic system in the state. Delays in constitution-making, the presence of secular and liberal tendencies, and the ruling elite's weak attachment to Islam discouraged the scholars and religious parties. Gradually, after the creation of Pakistan—a country acquired in the name of Islam—an important political and ideological question arose during the formation of the first Constituent Assembly: would Pakistan be an Islamic state or a secular state? This question profoundly influenced the country's constitutional and legal framework, government policies, and public opinion. Differences emerged among various political and religious groups over whether Pakistan's foundation was solely based on national autonomy and the political separation of Muslims or whether its purpose included establishing a complete Islamic system

²⁷ Khurshid Ahmad. "The Ideological Foundation of Pakistan and the Secular Lobby" *Tarjuman al-Qur'an*, January 2022. <https://www.tarjumanulquran.org/articles/jan-2022-pakistan-ki-naziryati-asas-aor-secular-lobby>

²⁸ Constituent Assembly of Pakistan Debates, vol. 5, no. 15 (Karachi: Government of Pakistan, 1949), 101.

²⁹ Iftikhar Haidar Malik, *The History of Pakistan: The Greenwoods Histories of Modern Nations* (New York: Greenwood, 2008), 33.

and governance under Shariah. This issue became a central point of discussion in Pakistan's early constitutional documents and subsequent political debates³⁰.

Role of Scholars and Religious Parties in the Approval of the Objectives Resolution

Scholars and religious parties struggled and argued that Pakistan was created because we are Muslims and have our own religion, civilization, and culture, and it was for the protection of this that a separate country was established. Consequently, this debate continued both inside and outside the Constituent Assembly.

Allama Shabbir Ahmad Usmani, who was a member of the Constituent Assembly elected from East Pakistan, led the efforts within the Assembly, while RPP, particularly JI, JUI and JUP held gatherings and passed resolutions outside the Assembly asserting that the country's system would be based on Islamakistan P-e-Ulema-e-auspices of MajlisOn May 7, 1948, under the³¹. and Jamiat al-Mashaikh, Youm-e-Shariah was observed, and a strong demand was made for the immediate implementation of an Islamic constitution³².

As a result of the efforts of the religious leadership, particularly the RPP JI, JUI and JUP it was decided that a resolution would be approved stating that the country's constitution would be based on Islamic teachings. The responsibility of drafting the resolution within the Assembly was assigned to Maulana Shabbir Ahmad Usmani. This resolution was passed in the Constituent Assembly of Pakistan on March 12, 1949. The resolution affirmed that sovereignty belongs to Allah, and therefore Pakistan's constitution would be according to Islam, and the Muslims of Pakistan would be enabled to live their individual and collective lives according to Islamic teachings.³³

Thus, as a result of the efforts of scholars from RPP, the approval of the Objectives Resolution in the Constituent Assembly established that Pakistan would be an Islamic state, not a secular state, and that supreme constitutional sovereignty in Pakistan would belong not to the people but to Allah. In this way, the religious leadership and political parties resolved this early ideological crisis and shaped Pakistan's constitutional framework according to its Islamic identity.

Efforts and Challenges of Scholars and Religious Parties in the Establishment of an Islamic Constitution

The next stage was constitution-making. In order to draft a constitution on Islamic lines under the Objectives Resolution, the government formed the Board of Islamic Teachings, consisting of experts in the Quran and Sunnah. This included Maulana Zafar Ahmad Ansari, Mufti Muhammad Shafi, and other eminent scholars. Another committee was established with the responsibility to draft the constitution for presentation in the Assembly and to incorporate the recommendations of the Board of Islamic Teachings in such a way that the draft constitution reflected Islamic teachings. This committee, responsible for preparing the draft, was called the Committee of Fundamental Principles. Its prepared draft constitution was presented in September 1950. Regarding Islam, it contained nothing except that Quranic education would be compulsory for Muslims. Not a single recommendation of the Board of Islamic Teachings had

³⁰ Zahid al-Rashdi, "The Background and Prospects of the Objectives Resolution" Al-Shariah Academy Gujranwala, September 19, 2014, <https://zahidrashdi.org/5473>.

³¹ Hafeez-ur-Rahman Siddiqi, *Qarardad Maqasid se Islami Qanoon Tak* (Karachi: Tahir Sons, 1981), 28–31.

³² Muhammad Ahmad Qadri, "Events of the Majlis-e-Ulema-e-Pakistan". (Lahore, 1949), 16–18.

³³ Saleem, *History of the Ideology of Pakistan*, 235.

been included. When this draft was made public, it faced opposition from all sections of society. The draft constitution lacked all the features that it should have carried under the influence of the Objectives Resolution. Eminent scholars such as Maulana Zafar Ahmad Usmani, Maulana Ehtisham-ul-Haq Thanvi, and Maulana Muhammad Ismail strongly criticized it. On October 14, 1950, in a public gathering in Lahore, Maulana Abul A'la Maududi stated regarding this report: "No responsibility has been placed on the government in it to establish the good prescribed by the Quran and to remove evils. It was only considered sufficient that Quranic education would be compulsory for Muslims". Seeing the strong public reaction against this report, the government was forced to withdraw it and promised that a new constitutional draft would be prepared from scratch³⁴.

Misunderstandings and objections arose regarding the Islamic constitution of the state: whether Islam had a state constitution, what its principles were, what its practical form could be, and whether there could be agreement among scholars of different Islamic sects on any of its principles or details. To answer these questions, a council of selected and trusted scholars from all Islamic sects was convened to not only state the fundamental principles of an Islamic constitution but also draft a constitutional framework acceptable to all sects. A gathering was held on January 21–24, 1951, in Karachi. In this meeting, Allama Syed Suleman Nadvi (President of the council), the Amir of JI, Maulana Syed Abul A'la Maududi, Maulana Muhammad Abdul Hamid Qadri Badayuni (President of JUP, Sindh), the central leadership of JUI, and religious political leaders representing all streams of thought from across Pakistan gathered. Together, they unanimously drafted 22 constitutional points. These 22 points included principles regarding the fundamental concept of an Islamic state, sources of Islamic law, the state's responsibility in promoting good and preventing evil, provision of basic necessities for citizens, protection of fundamental freedoms, the right to earn a livelihood, equality of opportunity for development, unity of the Islamic world, and other guiding principles. Disputes among different sects, which had been considered a major obstacle to the Islamic constitution, were resolved in just one clause of the 22-point formula with remarkable elegance.³⁵ Later, when Pakistan's first constitution was enforced in 1956, it was the result of these efforts.

As a result of the efforts of JI, JUI, JUP and other religious political leaders, Islamic provisions were incorporated into Pakistan's first constitution (1956). The constitution was predominantly given an Islamic character. The Objectives Resolution became the cornerstone of the constitution, which stipulated that the state's name would be the Islamic Republic of Pakistan. The head of state would be a Muslim. All laws contrary to the Quran and Sunnah would be repealed. To provide guidance for existing laws, an Islamic Ideology Council would be established within one year of the constitution's enforcement, tasked with completing this work within five years. Muslims would be enabled to live according to Islamic teachings. Quranic education would be compulsory. Islamic brotherhood would be promoted. Zakat, waqf, and mosque management would be organized. Close relations with Muslim countries would be established. Every citizen would have freedom of writing, speech, assembly, association, movement, and religious practice. Slavery and forced labor would be prohibited. Efforts would be made to provide all individuals with basic necessities of life, including food, clothing, shelter,

³⁴ Hafeez-ur-Rahman, *Qarardad Maqasid se Islami Qanoon*, 31–36.

³⁵ Zahid al-Rashdi, "22 constitutional points of 31 Ulama," *Al Sharia*, vol. 26, no. 7 (July 2015), <https://alsharia.org/2015/jul/31-ulama-ke-22-dasturi-nikaat>.

healthcare, and education. Prostitution, gambling, alcohol consumption, and drug use would be prohibited, among other provisions³⁶.

The 1956 constitution included Islamic provisions due to the efforts of religious political leaders. Several Islamic provisions were included in the 1956 constitution under their pressure, most prominently declaring Pakistan as an Islamic Republic and requiring the President to be a Muslim .

Ayub Khan's 1962 Constitution and the Abrogation of the Islamic Constitution

On October 8, 1958, Iskander Mirza abrogated the constitution, dissolved the National Assembly, dismissed the ministry of Feroz Khan Noon, and appointed Ayub Khan as Chief Martial Law Administrator. The abrogation of the constitution was a major tragedy, as it had been established after nine years of great struggle. Forty-four months later, Ayub Khan enacted a new constitution, which came into force on June 8, 1962. This constitution lacked all the features of the 1956 constitution that had reflected an Islamic perspective. While the Objectives Resolution was incorporated into its foundations, the structure built upon it was entirely secular in nature. Only the recognition that no law would contradict the Quran and Sunnah, and that Islamic education would be compulsory, was retained. All positive provisions of the 1956 constitution that facilitated the establishment of an Islamic way of life were removed. Additionally, fundamental rights were made subject to the President's discretion, allowing them to be suspended or revoked at will. With these changes, the establishment of an Islamic system under the constitution became nearly impossible³⁷.

Parliamentary Efforts of IPPs and Pakistan's 1973 Constitution

Pakistan's first national general elections were held on December 7, 1970, nearly 23 years after the country's creation. According to the election results, among the RPP, JUP won 7 seats, JI won 4 seats, and JUI won 7 seats³⁸.

Through the joint efforts of JI, JUI and JUP in the assembly, the 1973 Constitution was formulated. For the preparation of the permanent constitution, a 25-member committee was established, which included members of both the ruling and opposition parties, as well as Maulana Shah Ahmad Noorani Siddiqi from JUP, Mufti Mahmood from JUI, and Professor Abdul Ghafoor Ahmed from JI. Maulana Noorani, as the parliamentary party leader of JUP, actively participated in the committee's proceedings and emphasized that the foundation of the permanent constitution should be based on the Quran and Sunnah and the twenty-two points formulated by the ulema in January 1951³⁹.

While speaking in the assembly on the draft of the interim constitution, Maulana Noorani strongly criticized the Islamic provisions, stating that the draft made no mention of a timeline by which the country would be freed from interest-based banking, alcohol, nightclubs, and similar matters. Therefore, he argued, the Islamic clauses included in the interim constitution had lost their intended purpose. Maulana Noorani declared the draft contrary to the Islamic spirit⁴⁰.

³⁶ Hafeez-ur-Rahman, *Qarardad Maqasid se Islami Qanoon*, 55–57.

³⁷ *Ibid.*, 63

³⁸ Mehdi, T. (2010). National Assembly elections in Pakistan: 1970–2008, a compendium of elections-related facts and statistic. Islamabad: FAFEN.

³⁹ National Assembly of Pakistan Debates, vol. 1, no. 1 (April 14, 1972), 70–73, National Assembly of Pakistan.

⁴⁰ *Ibid.*, 123-124

Maulana Ghulam Ghaus Hazarvi (1896–1981) of JUI criticized in his speech that the draft interim constitution did not safeguard the commands and prohibitions of the Quran, while, conversely, laws contrary to Shariah, particularly family laws, were given legal protection. Maulana Hazarvi demanded that Islam be declared the state religion and emphasized that mere verbal recognition of Islam would achieve nothing; rather, a genuine system of Islamic education and training needed to be established⁴¹.

In his speech, Mufti Mahmood expressed that the interim constitution did not meet the true requirements of Pakistan. Although the country's name was designated as the Islamic Republic of Pakistan, a closer look revealed no reference to Islam. Mufti Mahmood emphasized the need to declare Islam the state religion and to legislate according to the Quran and Sunnah. However, he opposed granting protection to family laws contrary to Shariah and allowing apostasy. Mawood Azam Farooqi of JI, speaking on the draft, stated that Pakistan's permanent constitution should be Islamic, democratic, and parliamentary. Maulana Shah Ahmad Noorani was the first politician in Pakistan's parliamentary and constitutional history to demand that a definition of a Muslim be included in the constitution. Minister of Information and Hajj and Auqaf, Kosar Niazi (1934–1994), claimed that the ulema could never agree on a unanimous definition of a Muslim; however, if they did present a consensus definition in the assembly, the government would approve it⁴².

In response to Kosar Niazi's challenge, Maulana Noorani, Maulana Muhammad Abdul Sattar Khan Niazi, Maulana Ghulam Ali Okarvi, Maulana Syed Muhammad Ali Rizvi, and Maulana Abda al-Mustafa al-Azhari (1918–1989) formulated a definition of a Muslim. After approval by JUI members of the National Assembly, including Mufti Mahmood, Maulana Ghulam Ghaus Hazarvi, and Maulana Abdul Hakeem (d. 1991), Maulana Abdul Haq (d. 1988), a JUI MNA, presented it in the assembly. According to this scholarly definition, a Muslim is one who believes in the oneness of Allah, His revealed books—especially the Holy Quran, the Day of Judgment, and accepts the Holy Prophet Muhammad ﷺ as the final Messenger⁴³.

As a result of the continuous struggle of JI, JUI and JUP in the Assembly, the National Assembly adopted the permanent Constitution on April 10, 1973, which was to come into effect on August 14. Islam was declared the state religion of Pakistan, and for the first time, the definition of "Muslim" was included in the Constitution and incorporated into the oath of all key government offices. A empowered Islamic Ideological Council was established, tasked with ensuring that all constitutional and parliamentary matters were resolved in accordance with Islam. Under the 1973 Constitution, no law could be made contrary to the Quran and Sunnah.

One important amendment in the 1973 Constitution was to declare Mirza Ghulam Ahmad and his followers as a non-Muslim minority. The belief in the finality of Prophethood (Khatm-e-Nubuwwat) is the foundation of Islam, and under the Quran, Hadith, the practices of the Companions, and the consensus of the Ummah, anyone who denies this belief is considered an apostate and liable to punishment. In the Indian subcontinent, Mirza Ghulam Ahmad (1839–1908) claimed prophethood in 1901 and declared those who did not accept him as non-Muslims. Scholars from all schools of thought rejected his claim, declaring him and his followers as apostates. Before Pakistan's creation, the ulema used rational and textual arguments to

⁴¹ Ibid., 209.

⁴² Mujeeb Ahmed, "The Constitutional and Parliamentary Struggle of Ulema in Pakistan: A Special Study of the 1973 Constitution," *Shashmahi Majallah-e-Tarikh wa Saqafat*, October 1996–March 1997, 81–91

⁴³ National Assembly of Pakistan Debates, vol. 1, no. 3 (April 17, 1972), 355, National Assembly of Pakistan.

refute his claim, and after the creation of Pakistan, in 1953, they launched a vigorous movement to constitutionally and legally classify his followers as a non-Muslim minority. Their sustained efforts culminated on September 7, 1974, when the Pakistani Parliament, after more than two months of debate, officially declared Mirza Ghulam Ahmad and his followers a non-Muslim minority⁴⁴.

All Islamic provisions in Pakistan were the result of the continuous demands, struggle, and consent of the ulema and religious parties. Therefore, according to the scholars, compared to the constitutions of other Muslim countries, Pakistan's 1973 Constitution holds the most promising and commendable religious distinction.

Conclusion

The role of RPP in the process of Islamic constitution-making in Pakistan has been complex, dual-faceted, and historically significant. From the perspective of SS, these parties consistently emphasized that the constitutional structure of the state should fully reflect Islamic teachings. They not only endeavored to promote Islamic principles legally and constitutionally but also played a key role in raising public awareness and highlighting religious values in political discourse.

Research indicates that the vision of a separate state articulated by Allama Iqbal, the concept of Islamic nationality presented by Quaid-e-Azam Muhammad Ali Jinnah, and the efforts of scholars from JI, JUI and JUP within the Constituent Assembly, collectively strengthened the Islamic character of Pakistan's constitutional framework. The Objectives Resolution (1949) and subsequent constitutions (1956, 1962, and 1973) reflect the practical outcome of this sustained struggle through the inclusion of Islamic provisions.

However, historical and political factors often limited the effectiveness of these parties' efforts. Internal challenges such as organizational weaknesses, limited financial resources, and leadership disputes, alongside external pressures including political coercion, the role of military and civil establishments, and electoral manipulations, affected their constitutional influence. Consequently, the implementation of fully Islamic principles within Pakistan's constitutional framework often remained only partially successful.

This analysis also highlights that effective participation of RPP requires not only ideological commitment but also practical political strategy, strong internal organization, public support, political alliances, and effective lobbying. According to the principles of SS, the promotion of Islamic values in constitution-making necessitates the establishment of permanent and robust institutional foundations.

In conclusion, IPPs in Pakistan play a vital and central role in the practical promotion of Islamic legislation at the constitutional level. Yet, for the full realization of this role, they must overcome political, social, and organizational challenges. For the future, if these parties maintain their ideological principles while becoming more active, coordinated, and strategic in practical politics, their impact on constitutional and legal frameworks could become even more significant.

⁴⁴ Shah Farid-ul-Haq, *The final blow to Qadianism*, Karachi, 9-10

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