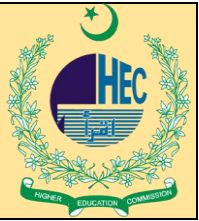




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Print ISSN: [3006-2497](#) Online ISSN: [3006-2500](#)Platform & Workflow by: [Open Journal Systems](#)<https://doi.org/10.5281/zenodo.17398374>**Gender Justice in Islamic Law and the Pakistani Legal System****Ayesha Azam**

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ayeshazam180@gmail.com**ABSTRACT**

*This study explores the complex intersection of gender justice, Islamic law, and the Pakistani legal system. Specifically, it evaluates the alignment between Islamic jurisprudence and contemporary standards of gender equality, highlighting the tension between traditional patriarchal interpretations and modern human rights principles. The research investigates Qur'anic teachings, Hadiths, and the Pakistani Constitution, focusing on women's rights in marriage, inheritance, and social participation. The study further examines the evolving legal frameworks in Pakistan, such as the Muslim Family Laws Ordinance and the Transgender Persons Protection Act, and their impact on gender equality. Ultimately, it argues for a reinterpretation of Islamic law through *ijtihad* and the implementation of more effective legal reforms to bridge the gap between religious doctrine and gender justice.*

Keywords: Gender Justice, Islamic Law, Pakistani Legal System, Feminist Legal Theory, Human Rights.

Introduction

Pakistan legal and social structures have been significantly affected by the intersections of Islamic law and cultural ethics, particularly in the gender roles. Although Islamic jurisprudence inherently encourages the equality and dignity of men and women under God, this practice tends to be very different, especially with the use of patriarchal interpretations and tradition (Shaheed, 2009; Hassan, 2020). The Pakistani legal system integrating the Islamic law with the colonial legal traditions has been left unable to bring the legal system of the country close to the standards of gender equality (Zahid, 2024; Ali et al., 2023). Although the provisions of the constitution are meant to ensure equality in gender, as seen in Article 25, numerous challenges exist, the first being the unequal implementation of the laws and prevailing culture within the traditional settings (Usman et al., 2021; Gondal & Hatta, 2024). Legal pluralism exacerbates such problems to an extent that, in these situations, there exist several legal systems that act as a confounder, resulting in confusion and sabotaging a consistent practice of gender justice (Imran, 2005; Raza et al., 2024).

The main objective of the research is to assess how the Islamic law developed gender justice in the Pakistani judicial framework, especially the connection between legal reforms and constitutional provisions and traditional practices and cultural norms (Priola & Chaudhry, 2021; Ahmed & Bhatti, 2023). Through critical analysis of Islamic legal documents, including the Quran and the Hadiths, and the examples of the implementation obstacles, namely, the Muslim Family Laws Ordinance and the Transgender Persons Protection Act, the study will examine the obstacles to the effective working gender justice laws in Pakistan (Khan, 2015; Raza et al., 2024). The study is significant because it provides a perspective into the multi-faceted association among the aspects of religion, culture, and law in the formation of gender equality, which has become an imperative concern in Pakistan. In addition, it suggests that legal restructuring and

meeting with the Islamic law, to point out the possibility of *ijtihad* in promoting a more gender-just legal system, is necessary (Hassan, 2020; Ghafoor, 2025). The study contributes in current debates on how to bring faith-based legal frameworks into line with global standards on human rights to promote both legal and social advocacy of gender justice in Pakistan (Abbas, 2021; Ghafoor, 2025).

Research Questions

1. How does Islamic law (Shari'ah) address gender justice and equality, and how are these principles reflected in Pakistan's legal framework?
2. What are the key constitutional and legal provisions in Pakistan that aim to promote gender equality, and how effective are they in practice?
3. What challenges hinder the full implementation of gender justice laws in Pakistan, particularly in relation to deeply rooted cultural and patriarchal norms?
4. How do recent legal reforms, such as the Transgender Persons (Protection of Rights) Act 2018, address the rights of transgender individuals in Pakistan, and what is their societal impact?
5. How do Islamic legal principles on gender equality compare with Western legal frameworks, and what implications does this have for the pursuit of gender justice in Pakistan?

Literature Review

The Islamic law, although based on its founding pillars of gender equity, has typically been understood in terms of patriarchy that limited the rights of women. According to scholars, although the Quran explicitly promotes gender equity, the problem with it in most Muslim societies such as Pakistan is that it has been so high-influenced by male-dominated interpretations of the culture (Engineer, 2001). Such a misunderstanding usually leads to the practices that do not rely on egalitarian beliefs of Islam, especially in domains like the rights of inheritance and marriage (Wijaya & Muchlis, 2025). However, modern feminist researchers believe that these old meanings should be reconsidered in terms of *ijtihad* to have a more balanced interpretation of the Quran (Zahrudin, 2024). The studies on Islamic feminism underline the significance of re-interpretation of Islamic texts to empower women, which have gone against past interpretations that played out the ongoing inequality (Mir-Hosseini, 2009). In Pakistan, the cultural practices tend to override the legal reforms as far as gender justice is concerned through the influence of the Islamic law. Family law The implementation of Muslim Family laws ordinance (1961) was incredibly important in the way of gender equity in family law, but it has not been well implemented in response to constituted cultural norms paying sanctuary to the principle of patriarchy (Zia, 2018). Gender equality is another challenge that faces only two legal systems working in Pakistan that have both Islamic and colonial legal systems, because in rural localities, as in many instances, the customary practices supersede the statutory laws (Gondal & Hatta, 2024). These legal and cultural differences have been pointed out as to why even now, these factors are still seen to disrupt the road of full gender equality in the nation (Rehman, 2024). The legal limitations that denote women to obtain their rights, especially in rural regions, are reinforced by poor implementation of the law and resistance to change (Arif et al., 2025). The conflict between Islamic law and Pakistani legal systems also finds its expression in the legal status of transgender people. Transgender Persons (Protection of Rights) Act 2018 was a big success in transgender rights recognition in Pakistan, but its effectiveness is undermined by stigma and poor implementation by society (Abbas, 2021). Research has indicated that even with the advancement of legislation, transgender people still experience discrimination and marginalization; especially in the rural regions where the culture still

maintains the traditional norms (Sajid & Asim, 2024). It demonstrates the discrepancy between legalization and social acceptance and indicates that further changes and reforms are necessary to guarantee the complete implementation of transgender rights (Zaheer et al., 2025). Moreover, the contradiction between Islamic law and international norms of human rights will remain a problem that will introduce difficulties in accepting gender justice legislation because legal changes tend to conflict with cultural values (Soomro et al., 2025).

Methodology

This study adopts a qualitative research design, combining doctrinal legal analysis and socio-legal methods. The doctrinal approach is essential for analyzing primary legal documents, including Islamic texts such as the Qur'an and Hadith, as well as constitutional provisions and statutory laws like the Muslim Family Laws Ordinance (1961) and the Transgender Persons (Protection of Rights) Act (2018). This approach allows for a comprehensive evaluation of the legal framework governing gender justice in Pakistan. In addition to doctrinal analysis, socio-legal methods are employed to understand the broader social context in which these laws are applied, particularly how cultural practices and societal norms influence the actual implementation of gender justice laws in Pakistan. This dual approach provides an in-depth understanding of the intersection of law, culture, and religion. The population for this study includes legal texts, religious scriptures, judicial rulings, and academic literature related to gender justice in Islamic law and the Pakistani legal system. The sample consists of key legal documents such as the Constitution of Pakistan, the Muslim Family Laws Ordinance (1961), and recent legal reforms like the Transgender Persons (Protection of Rights) Act (2018). Additionally, relevant Qur'anic verses, Hadiths, and scholarly articles on gender justice and legal reform are selected for analysis. A purposive sampling technique is used to ensure that the chosen texts are directly relevant to the study's objectives. The data collection process involves an extensive review of these documents, judicial rulings, and academic literature, providing a rich dataset for qualitative analysis.

Results

The findings of this research report demonstrate that even in the presence of constitutional provisions guaranteeing gender equality in Pakistan, there are still notable gaps in the application of gender justice statutes. The constitutional provisions and the Muslim Family Laws Ordinance are legal provisions that provide women with equal rights, which are not always practiced. The results also show that even the positive changes in legislation, including the Women Protection Bill of 2006 and the Transgender Persons (Protection of Rights) Act of 2018, are ineffective due to the inefficient enforcement bodies and the dominance of the oppressive cultural and patriarchal values. In most cases, such laws usually have selectivity and even in the society; women and gender minorities in most cases are met with opposition by not only the legal authority but also to the society as a whole especially in rural settings where their traditional ways of taking things in life are taken seriously. In addition, the study reveals that the lack of correspondence between the legal theory and practice is exacerbated by the patriarchal conceptualization of the Islamic law that still persists in the legal treatment of women. Although the Islamic teachings in their original version favor gender equity, the results indicate that Islamic culture has influenced a male interpretation of Islamic scripture. Such biased construction has caused discriminatory legal practices in places like inheritance, marriage, and testimony. Women are still disadvantaged by the inheritance laws like in the case of inheritance, they are often coerced by the society and family to give up what is theirs. In the same vein, the rights of women in marriage to divorce, the right to a marriage gift (mahr) among others is most commonly limited by the patriarchal rules limiting woman autonomy.

Legal protection of transgender rights in Pakistan in the form of the Transgender Persons (Protection of rights) Act is a big leap towards inclusiveness. The research however concludes that the true effect of this legislation is restricted by social stigma and ignorance. Although the law gives a legal framework through which transgender people can assert their entitlements, disparity is witnessed in terms of the implementation of the rights. Lack of employment, medical care, and higher education remains the prevalent source of discrimination against transgender people, and the legal aspect is very unlikely to guarantee the actual acceptance and protection of the social minorities. The results also demonstrate the intersectionality of the gender justice issues, transgender people of the marginalized community are further discriminated against due to their status as it relates to their classes, ethnicity, and rural or urban locations. The study outcomes underline the need to teach and interpret Islamic legal texts in ways that are more compliant with modern conceptions of gender justice. Although the need to include *ijtihad* (independent legal reasoning) to deal with gender inequality in the realms of the Islamic law is increasingly being advocated, the results indicate that these systems are meeting resistance among the conservative religious scholars and cultural elites. The research highlights the importance of strike a balance which is capable of accommodating Islamic principles of justice and equity with the current standards of human rights. It concludes that gender justice in Pakistan needs more than a legal change, but a change in cultural orientation and carries on with the involvement of religious scholars in reinterpreting the Islamic law to ensure that it favors gender equality.

Discussions/Findings

This research highlights an important disjuncture between the legal provisions that are supposed to guarantee gender justice to the reality of operationalizing gender justice in Pakistan. Even though some of the legal reforms like the Muslim Family Laws Ordinance (1961) and Transgender Persons (Protection of Rights) Act (2018) were intended to safeguard gender equality, they are not always practically implemented by the resistance of the culture, and the inability to implement them through effective enforcement mechanisms. As a matter of fact, these legal progressions are still shadowed by patriarchal understandings of cultural norms as well as Islamic legislation. The continued existence of the male-preference in inheritance and other restrictions in marriage rights shows how the illusion of legal equality and reality lived by women and gender minorities both diverged. Regardless of the constitution guaranteeing equality, the study established that gender based discrimination is still common, especially in rural centers where the norms play a stronger role in stopping such aspects as opposed to the law. The right of women to inheritance, marriage and divorce is normally limited by the family demands and expectation of the society with many being pressurized to give out their legal rights. Although a progressive move, the Transgender Persons (Protection of Rights)- act has not led to the general social acceptance and legal protection of transgender persons who continue to experience much stigma and marginalization. Besides, the research indicates that interpretation of the Islamic law is significantly important in determining gender justice outcomes. As the Islamic doctrine promotes equality between men and women, spiritually, as well as morally, the legalization system and its patriarchal interpretations of religious texts resulted in the maintenance of gender inequality. This selectivity of Islamic legislation tends to limit the rights of women especially in laws dealing with inheritance and marriage whereby the cultural mentality demolishes the ideas of equity in gender that are evident in religious books. These problems are further affected by the fact that there is no interaction with progressive religious scholarship, as far as the possibility to make the Islamic law, a driver of gender justice is concerned. Additionally, the results will indicate that the legal and religious systems are closely interrelated with each other in Pakistan,

but they tend to be in conflict. Although the Constitution of Pakistan guarantees equality of rights to all the citizens, the unequal implementation of the laws in various areas of the country due to local traditions and religious interpretations, shows the strong tendency to be unwilling to accept legal changes. The existence of these differences can be also attributed to wider problems in Pakistan in its adaptation of the legal framework to international human rights norms, particularly concerning gender equality.

Conclusion

This study reveals that while Pakistan has made significant strides in enacting laws aimed at promoting gender justice, deeply embedded cultural norms and selective legal interpretations continue to hinder true equality. The disconnect between legal frameworks and societal practices, particularly in rural regions, underscores the need for both legal reform and cultural transformation. To achieve meaningful gender justice, it is crucial to engage in a reinterpretation of Islamic legal principles, ensuring they align with contemporary human rights standards. Ultimately, a holistic approach that includes legal, social, and religious reform is essential for creating a more just and equitable society.

Limitations & Future Directions

This study, while providing valuable insights into the intersection of Islamic law and gender justice in Pakistan, is not without its limitations. One of the primary limitations is the reliance on existing legal texts, religious scriptures, and judicial rulings, which may not fully capture the diverse and evolving interpretations of gender justice within Pakistan's legal and social context. The analysis is also constrained by the difficulty of assessing the real-world impact of legal reforms, as their application varies greatly across different regions, particularly in rural areas where traditional cultural norms hold stronger influence. Additionally, while the study covers key legal reforms, it may not have explored the nuances of local laws or informal legal systems, such as Jirga's, which continue to play a significant role in resolving gender-related disputes outside the formal legal system.

Future research should focus on empirical studies that assess the lived experiences of women and gender minorities in relation to the legal frameworks discussed in this study. Such research could involve qualitative methods, such as interviews or surveys, to gain a deeper understanding of how legal reforms and Islamic interpretations are applied in everyday life. Furthermore, future studies could explore the potential for reforming informal legal systems, such as Jirga's, to better align with constitutional guarantees of gender equality. Another direction for future research is the examination of the role of religious scholars and institutions in shaping gender justice, particularly how progressive interpretations of Islamic law can be integrated into mainstream legal practices. This would provide a more comprehensive understanding of how religious and legal systems can be harmonized to promote gender equity in Pakistan.

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