

## Social Justice and Governance in Pakistan: A Critical Analysis of Contemporary Practices

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### Abstract:

Social justice and governance play a crucial role in shaping the ethical, moral and legal fabric of a society. Pakistan, as an Islamic republic, has a constitutional obligation to align its governance framework with Sharia principles. However, contemporary governance in Pakistan faces critical challenges, including corruption, economic disparity and judicial inefficiency, which hinder the realization of true social justice. This study critically examines these governance issues through an Islamic lens, highlighting inconsistencies between Sharia-based justice and current practices. By analyzing key aspects such as judicial administration, economic fairness and gender justice, the research evaluates the effectiveness of existing policies. The study further proposes comprehensive reforms based on Islamic principles, including enhanced accountability, judicial efficiency, economic redistribution through *zakat* and *waqf* and stronger legal protections for marginalized groups. A governance model grounded in Sharia is vital to ensuring justice, equity and sustainable development in Pakistan. The findings emphasize the need for an integrated approach that bridges the gap between governance and Islamic jurisprudence, promoting a more just and ethical society.

**Keywords:** *Social justice, governance, Sharia principles, judicial administration, gender justice*

### 1. Introduction

Social justice is an essential component of governance, ensuring equal opportunities, fair distribution of resources and the protection of fundamental rights. It serves as a foundational principle in Islamic teachings, emphasizing justice (*adl*), fairness and the welfare (*maslaha*) of the people. Governance, in any society, is tasked with implementing these principles to create a just and equitable system. In the context of Pakistan, an Islamic republic, governance structures are constitutionally required to align with Sharia principles. However, the current governance model exhibits significant gaps in achieving true social justice, as evidenced by widespread corruption, economic disparity, judicial inefficiency and gender inequality.

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The disparity between governance policies and Islamic teachings raises critical questions about the implementation of justice in Pakistan. While the Constitution of Pakistan affirms the primacy of Islam in legislative and administrative affairs, practical challenges hinder the realization of a just and equitable society. The prevalence of bribery, misuse of public office, and an inefficient judicial system undermine the objectives of justice and accountability. Moreover, economic imbalances, exacerbated by the absence of effective redistribution mechanisms such as *zakat* and *waqf*, have resulted in a widening wealth gap, contradicting Islamic economic principles.

This study explores these governance challenges through the lens of Islamic jurisprudence analyzing their compliance with Sharia and proposing solutions rooted in Islam. It examines key areas such as judicial administration, economic policies, and gender justice, offering recommendations to align Pakistan's governance with Islamic ideals. By evaluating contemporary governance practices against the framework of Sharia, this research aims to bridge the gap between theoretical commitments to Islamic justice and their practical application, ultimately advocating for a governance model that embodies the principles of equity, accountability and social welfare.

## 2. Sharia and the Concept of Social Justice

Sharia provides a comprehensive framework for social justice, emphasizing equality, economic fairness, and the protection of rights. The Quran states:

"Indeed, Allah commands you to render trusts to whom they are due and when you judge between people to judge with justice."<sup>2</sup>

Social justice in Islam is deeply rooted in the principles of fairness (*adl*), benevolence (*ihsan*) and protection of human dignity (*karamah*). These principles guide governance structures to ensure that all individuals, regardless of their social or economic status, have equal access to rights and opportunities.

Islamic governance is based on several core tenets, including accountability (*hisbah*), consultation (*shura*) and the promotion of public welfare (*maslaha*). The concept of hisbah ensures that rulers and administrators remain accountable to the people and adhere to ethical governance. Consultation (*shura*) is a fundamental aspect of decision-making, as indicated in the Quran:

"And those who have responded to [the needs of] their ruler with consultation."<sup>3</sup>

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<sup>2</sup>. Al Nisa, 4:58

<sup>3</sup>. Al Shura, 42:38

The principle of *maslaha* ensures that policies and governance mechanisms prioritize the well-being of society balancing individual freedoms with communal responsibility.

Economic justice is a significant component of Sharia with mechanisms such as *zakat* (mandatory almsgiving), *waqf* (endowment) and the prohibition of *riba* (usury) designed to reduce economic disparity and ensure wealth circulation among all social classes. The Prophet Muhammad (PBUH) emphasized economic fairness, stating,

*"The best of people are those who bring the most benefit to others."*<sup>4</sup>

Furthermore, the Islamic legal framework guarantees the protection of vulnerable populations, including orphans, widows and the poor, underscoring the necessity of social safety nets in governance.

By integrating these principles into governance, a Sharia-compliant system fosters justice, equity and sustainable development, ensuring that the rights and responsibilities of all citizens are upheld in accordance with Islamic teachings.

### **3. Defining Social Justice and Governance**

Social justice entails the fair distribution of resources, opportunities, and privileges within a society. According to Rawls' theory of justice, fairness in societal institutions is fundamental to achieving equity.<sup>5</sup> Governance, on the other hand refers to the processes and institutions through which authority is exercised. Effective governance is characterized by accountability, transparency and inclusivity.<sup>6</sup>

### **4. Contemporary Practices and Policy Frameworks**

Efforts to address social justice and governance issues in Pakistan have been made through various policies and initiatives.

#### **4.1. Ehsaas Program:**

Launched in 2019, the Ehsaas Program aims to alleviate poverty and promote social welfare. Its multi-dimensional approach includes cash transfers, scholarships and healthcare support.<sup>7</sup> While the program has shown promise, its impact is limited by inadequate implementation and monitoring.

#### **4.2. Judicial Reforms:**

Recent judicial reforms focus on reducing case backlogs and ensuring timely justice delivery. However, the effectiveness of these reforms is debated, with critics highlighting

<sup>4</sup>. Ahmad, Ibn Hanbal. *Musnad Ahmad bin Hanbal*. Cairo: Dar al-Hadith, 1995, Hadith 23409

<sup>5</sup>. John Rawls, *A Theory of Justice*, USA: Harvard University Press, 1971, p.321

<sup>6</sup>. World Bank. *Governance and Development*. Washington, DC: World Bank, 1992, p.11

<sup>7</sup>. Govt. of Pakistan. *Ehsaas Program Policy Framework*. Islamabad: Government of Pakistan, 2019, p.12

persistent delays and resource constraints.<sup>8</sup>

### 4.3. Local Government Systems:

Decentralization through local government systems has been proposed as a means to enhance governance and promote social justice. However, frequent changes in local governance structures and inadequate resource allocation have limited their efficacy.<sup>9</sup>

While contemporary practices demonstrate a recognition of the importance of social justice in governance, their execution often falls short. The lack of political will, coupled with institutional inefficiencies, undermines progress. Furthermore, the absence of robust accountability mechanisms perpetuates injustices, particularly for marginalized groups.

## 5. Governance Challenges in Pakistan

### 5.1. Corruption and Mismanagement:

Corruption remains one of the most significant barriers to governance in Pakistan. The Transparency International Corruption Perceptions Index (CPI) ranks Pakistan among the most corrupt nations, highlighting issues such as nepotism, favoritism, and financial embezzlement.<sup>10</sup> Islamic teachings strongly condemn corruption, with the Prophet Muhammad (PBUH) stating,

*"The curse of Allah is upon the briber and the one who takes a bribe."*<sup>11</sup>

Despite anti-corruption agencies such as the National Accountability Bureau (NAB) weak enforcement and political influence continue to hinder efforts against corruption.

### 5.2. Judicial Inefficiency:

The judicial system in Pakistan is plagued by case backlogs, procedural delays, and unequal access to justice. Courts often take years to resolve disputes, which directly contradicts the Islamic principle of swift justice, as emphasized by the Prophet (PBUH):

*"Delaying justice is injustice."*<sup>12</sup>

Additionally, limited access to justice for the poor and marginalized further exacerbates disparities in legal protections.

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<sup>8</sup>. Ahmed, Saima. *Judicial Reforms in Pakistan: Challenges and Prospects*. Karachi: Oxford University Press, 2021, p.8

<sup>9</sup>. Khan, Farooq, and Naveed Javed. "Decentralization and Governance in Pakistan: An Analysis." *Journal of Governance and Development Studies* 8, no. 2 (2020): 34-56

<sup>10</sup>. Transparency International. "Corruption Perceptions Index 2023." Accessed February 15, 2025. <https://www.transparency.org/en/cpi/2023>

<sup>11</sup>. Abu Dawood, Sulaiman ibn al-Ash'ath. *Al-Sunan*, Beirut: Dar al-Kutub al-Ilmiyyah, 2009, Hadith:3580

<sup>12</sup>. Bukhari, Muhammad ibn Ismail. *Sahih al-Bukhari*. Riyadh: Darussalam, 1997, Hadith:7193

**5.3. Economic Inequality:** Despite being an agricultural and resource-rich country Pakistan faces severe income disparity. Elite capture of resources, regressive taxation policies and inadequate redistribution mechanisms exacerbate the wealth gap. Islamic economic principles emphasize equitable distribution, with institutions such as *zakat* and *waqf* aimed at reducing inequality. However, poor implementation of these mechanisms limits their impact on economic justice.<sup>13</sup>

**5.4. Gender Justice and Rights of Women:** While Islamic teachings emphasize the dignity and rights of women, contemporary governance in Pakistan often fails to protect women from violence and discrimination. The Quran mandates:

*"And they (women) have rights similar to those (of men) over them in kindness."*<sup>14</sup>

However, issues such as honor killings, domestic violence, and restricted economic opportunities highlight discrepancies in governance. Legal protections for women are often weakly enforced, leaving them vulnerable to systemic injustices.

## 6. Recommendations for Sharia-Based Governance Reforms

Here are recommended some governance reforms based on Sharia:

### 6.1. Strengthening Anti-Corruption Mechanisms:

Corruption undermines governance and erodes public trust. Sharia-based governance necessitates strict accountability measures rooted in the Islamic principle of *hisbah*, where oversight bodies act independently to ensure ethical conduct. Implementing digital transparency tools, such as blockchain-based tracking for government transactions and whistleblower protection programs, can help curb corruption. Additionally, the integration of Islamic ethics into civil service training programs can cultivate a culture of integrity.

### 6.2. Judicial Reforms and Swift Justice:

Islamic jurisprudence emphasizes timely and fair justice. Pakistan's judicial system requires reforms to reduce case backlogs, promote Alternative Dispute Resolution (ADR) mechanisms, and establish Sharia-compliant legal processes. The implementation of Islamic arbitration councils at local levels can facilitate swift resolution of civil disputes. Furthermore, leveraging technology to digitize case management can improve judicial efficiency and transparency.

<sup>13</sup>. Chapra, M. Umer. *Islam and the Economic Challenge*. Leicester: Islamic Foundation, 1992, p. 87

<sup>14</sup>. Al Baqarah, 2:228

### **6.3. Economic Redistribution and Social Welfare:**

To reduce economic inequality, Pakistan must reinforce its zakat and waqf institutions. A structured national zakat fund should be established to ensure effective collection and fair distribution to those in need. Encouraging private sector participation in waqf-based social initiatives can enhance financial sustainability for health, education and employment programs. Additionally, promoting Islamic microfinance can provide small-scale entrepreneurs access to interest-free credit, fostering economic self-reliance.

### **6.4. Women's Rights and Gender Equity:**

Islamic teachings advocate for the dignity and rights of women. Pakistan's governance framework must strengthen the enforcement of laws against gender-based violence, honor killings and workplace discrimination. The introduction of Sharia-compliant inheritance awareness programs can ensure women's rightful access to property. Encouraging women's participation in economic and political spheres aligns with the Islamic concept of equitable social contribution.

### **6.5. Public Participation and Shura-Based Governance:**

The Quran mandates consultation (shura) in governance. Pakistan should institutionalize consultative governance by strengthening local government bodies, ensuring community participation in policymaking, and fostering civic engagement through digital governance platforms. Establishing national and provincial Sharia advisory councils can provide religiously guided policymaking to align governance with Islamic principles.

### **6.6. Education and Ethical Leadership Development:**

To cultivate ethical leadership, Islamic governance principles should be integrated into national education curriculums. Leadership training programs based on Prophetic governance models can instill values of justice, humility and service. Universities and research institutions should promote studies on Islamic governance models to build a cadre of future leaders committed to ethical public service.

By implementing these Sharia-based governance reforms, Pakistan can create a system that upholds justice, accountability and social welfare, ultimately fostering a fair and equitable society in accordance with Islamic principles.

## **7. Conclusion:**

Governance in Pakistan faces significant challenges in implementing social justice as outlined in Sharia. The persistence of corruption, judicial inefficiency, economic disparity and gender injustice continues to hinder the establishment of a just and

equitable society. While Pakistan's constitutional framework acknowledges the principles of Islam, practical implementation remains weak, leading to systemic governance failures. Addressing these issues requires a holistic and structured approach rooted in Sharia-based principles of accountability, fairness and public welfare.

A comprehensive governance reform, integrating Islamic ethical principles with modern administrative practices, is essential to overcoming these obstacles. Strengthening anti-corruption mechanisms, ensuring judicial efficiency and implementing robust economic redistribution policies will contribute to the realization of social justice. Furthermore, promoting gender equity, enhancing public participation through shura-based governance and developing ethical leadership will help align governance practices with the ideals of Islamic justice.

By embracing governance model grounded in Sharia, Pakistan can foster an inclusive and equitable society that upholds justice and human dignity. This requires both political will and societal commitment to reforming institutions and policies in accordance with Islamic teachings. Ultimately, a Sharia-compliant governance system will not only bridge the gap between theory and practice but also contribute to Pakistan's long-term stability, prosperity and moral integrity.