

Counter-Terrorism and Islamic Justice: A Critical Examination of Pakistan's Anti-Terrorism Legislation

Dr. Abdullah Shakir

abdullahshakir@live.com

Advocate High Court Islamabad Pakistan, School of Islamic Banking and Finance, International Institute of Islamic Economics, International Islamic University, Islamabad Sector H-10

Corresponding Author: * Dr. Abdullah Shakir abdullahshakir@live.com

Received: 16-08-2025

Revised: 26-09-2025

Accepted: 21-10-2025

Published: 20-11-2025

ABSTRACT

This study offers a critical legal insight on Pakistan's Anti-Terrorism Act, 1997 (ATA) and its relevance to the principles of Islamic justice. Though the ATA was aimed to protect the security of the state and maintain public order, its enforcement, owing to vague definitions, procedural variances, and the lowering of evidentiary standards, significantly breaches the moral and legal principles of Sharī'ah. Citing the Islamic principles of ḥirābah and the 'adl, amānah and the key principle of al-ḥudūd tudra' bi'l-shubuhāt, the author examines how Pakistan's counter-terrorism legislation continues to observe, or violate, the ethical and procedural Islamic principles of justice. Due to the precise exceptional legal powers of the state and the administrative ease, the pursuit of security has far outweighed the pursuit of justice, resulting crisis of legitimacy. This lack of justice clearly demonstrates the necessity of Sharī'ah based legal reform. The counter-terrorism legislation in Pakistan will only be able to achieve a balance of justice on the scale of moral accountability, within a framework that embraces evidentiary standards and the preservation of human dignity on basis of Shari'ah doctrine kamat al nafs (human dignity). The study provides new scholarly ground for scholars, policymakers, and legal professionals while harmonizing national security with Shariah ethics and argues that, ultimately, true security can never be achieved without justice being compromised.

Keywords: Anti-Terrorism Act 1997, Islamic justice, Sharī'ah compliance, counter-terrorism, legal reform, due process

INTRODUCTION

For decades, terrorism has influenced the political discourse in Pakistan, impacting the priorities of various institutions and the lasting imprint of politics on the legal framework of the nation. The range of security threats prompted the state to implement several extraordinary legal and administrative frameworks, foremost of which is the Anti-Terrorism Act, 1997 (ATA), which sought to be the primary tool to safeguard public order and national security. This legislation has, over the years, become the single most amended and strengthened piece of legal frameworks, expanding the powers of the investigation, prosecution, and adjudication of terrorism offenses in Pakistan. The ATA has, to a large extent, manifest the most critical and relentless Pakistan's legal and moral identity crisis: the tension of the apparent security focuses and the corresponding principles of justice under Islamic law and the constitution of the nation.

Being an Islamic Republic, Pakistan has unique expectations to meet within its legal system. It is the duty of the state not only to provide for the welfare of the people, but also to ensure that all legislation, especially laws on national security, is consistent with the Sharī'ah procedural and substantive laws. Islamic legal traditions maintain the principles of 'adl, and barā'at al-dhimmah, and the important principle of al-ḥudūd tudra' bi'l-shubuhāt which states that certainty in the punishment avoids the punishment. This means that due process of law is required, evidence must be made available, and the dignity of the individual must be preserved, particularly for the innocent, even in matters of public safety. This is, however, not the case in practice with the ATA, as the special courts, broad definitions that

constitute the offence, lenient rules of evidence, and the power of detention all illustrate an absence of these principles.

Due to this, the imbalance of providing security and delivering justice is not just a loss of theory, but a loss of practice in the lives of the people, and the system of justice in Pakistan. When the system of justice is perceived as unjust, the system loses the social compact. This in turn begets social cohesion loss, distrust, and worsening episodes of grievance and extremism.

The counter-terrorism literature on Pakistan is growing, yet considerable scholarly gaps remain. Much of the literature focuses on bank the ATA and its amendments through secular constitutionalist or international human rights perspectives, emphasizing procedural efficiency, conviction and prosecution rates, and the adherence to the framework of civil liberties. Much of the existing critique does not adequately reflect on Pakistan's religious framework, nor does it account for the implications of Sharī'ah on legal and moral evaluations. This neglect is especially troubling in light of the longstanding traditions of Islamic jurisprudence and the literature on the influence of Islamic norms on contemporary counter-terrorism and justice reform.

In light of these gaps, the current research engages the principles of Islamic justice in relation to the ATA. It doctrinally approaches the interpretative jurisprudence to identify the most pertinent concerns, including the definition of terrorism, the adjudication of defendants' rights, unfairness gaps, and the evidentiary thresholds.

This evaluative analysis explains the ways in which the provisions of the ATA diverge fundamentally from Sharī'ah, both in the ethics of law and the procedures of law.

This article sets forth a proposal in an attempt to lay down the groundwork that delineates that the protective measures placed in Pakistan to ensure its stability can only be embedded through Sharī'ah-compliant reformation of counter-terrorism legal frameworks, asserted by the principles of moral accountability, evidentiary integrity, and the dignity of the human person. Thus, the article aims to offer and contribute to the overarching discourse on the balance of justice and security in the contemporary world, especially for Islamic states, and on reforming responses to a significant internal problem.

LITERATURE REVIEW

Counter-terrorism studies have developed extensive and diverse scholarly terrain. However, little work has been done, particularly in the context of Pakistan, on the interaction of contemporary security practices and Islamic law. The scholarly output can be delineated into however three overlapping but rarely fully synthesized areas, first, writings on counter-terrorism law from a secular human rights perspective, second, literature on Pakistan's specific legal and security context and, third, the wider Islamic law and politics literature on justice, violence, and state governance.

Post 9/11, the interplay of national security and the protection of due process and human rights has become a focal point of scholarly work in international law. Groundbreaking studies, drawing on ideas like the "state of exception" (Agamben, 2005), have traced how the global "war on terror" has justified marginalizing state's fundamental rights through the legitimization of exceptional legal regimes. These studies shed light on the global trend of legalized violence and its fallout on the rule of law. Most of these studies, however, remain within the bounds of Western liberal frameworks and pay little attention to the global South, especially the Sharī'ah law, that continues to underpin legal and policy frameworks in contemporary Muslim societies.

Another perspective within literature is focused on Pakistan's counter-terrorism framework. Jurists and others have thoroughly researched the Anti-Terrorism Act, 1997 (ATA) and its various amendments,

along with the discussed military courts' introduction (see, for, instance, Fair, 2014, Iqbal, 2019). This line of literature highlights the procedural gaps, historically low conviction rates, and recurrent clashes with guarantees enshrined within the 1973 Constitution of the Islamic Republic of Pakistan. While essential to comprehend the legal aspect of Pakistan's position, these writings primarily function within a secular constitutional approach, whereby Islamic character of the country remains fundamental albeit marginal to legal aspects and reform.

Khaled Abou El Fadl, among others, has acclaimed the Islamic values of justice and mercy, thus critiquing the unjust extremism. In important texts, Mohammad Hashim Kamali has developed the core ideas including, among others, *siyasah shar'iyah* and the *maqāṣid al-sharī'ah*, thus defining state power in Islam and its limits. Many harmful organizations, including the Organization of Islamic Cooperation (1999) has openly called and still does for Islam-denouncing terrorism. In any discourse and for all its ethical and theoretical depth, his work lacks fundamental specificity, an analysis, and critique of a country's national security laws, chapter by chapter, and in detail.

There is an evident scholarly void at the intersection of these streams. The legal defenses of counter-terrorism laws in Pakistan through the normative Islamic jurisprudence lens remain infrequently and inadequately documented. There is also a surprising lack of critical literature that examines the Anti-Terrorism Act in the context of Islamic criminal law and constitutional law. To bridge this gap, Islamic legal literature needs to be positioned from the periphery into the core of critical legal literature. Centering this discipline enables analysts to provide meaningful and ethically sound evaluations of legal frameworks and reforms that incorporate the nuances of Islamic morals and constitutional reforms of Pakistan.

Theoretical and Juristic Framework

To formulate a just analysis of counter-terrorism laws in Pakistan, one needs to understand the Islamic principles of justice first. Islamic law, or *Sharī'ah*, is complex, multifaceted, dynamic, and opposed to stagnation. It comes from divine and secular sources, and it is the product of jurisprudential discourse that spans centuries. Islamic law is made and adapted to the socio-historical environment. Islamic law is complex and multifaceted. It consists of divine commandments and humanly made laws that span centuries. It is dynamic and not stagnant. It is the product of jurisprudential discourse that spans centuries and made and adapted to socio-historical environments of the people.

Justice is the first and most important principle of Islam. It is the basis of all laws, and the other principles of Islamic law revolve around it, i.e., mercy and compassion seeks to extend and impose a humane and ethical obligation on individuals above and beyond the legal obligation of the state. The principle of equity (*qist*) and justice (*'adl*) must work in harmony to avoid discrimination, oppression, and coercion (Hallaq, 2009; Al-Shafī'i, 2000). This is reiterated in the following verse of the Qur'an, "يَا أَيُّهَا الَّذِينَ آمَنُوا "كُونُوا قَوَّامِينَ لِلَّهِ شُهَدَاءَ بِالْقِسْطِ وَلَوْ عَلَىٰ أَنْفُسِكُمْ أَوِ الْوَالِدِينَ وَالْأَقْرَبِينَ" (Qur'an 4:135). It is a command to people to maintain justice, irrespective of self-interests and political circumstances.

These ethical directives underscore the importance of procedural safeguards, particularly the presumption of innocence (*barā'at al-dhimmah*). Islam posits that any individual charged with an offence should be treated as though they are innocent until proven guilty, and the prosecution is required to present conclusive and credible evidence (*bayyinah*) before any form of punishment is issued (Kamali, 2008). The Prophet's teaching that, "The burden of proof lies on the accuser, and the oath on the one who denies," exemplifies the safeguards against miscarriages of justice and the trust that the legal system places on procedural integrity. The legal maxim *al-ḥudūd tudra' bi'l-shubuhāt*, meaning "penal sanctions are averted by doubt", reflects a preference for mercy and compassion over harsh punishment that is applied in the presence of doubt (Hallaq, 2009; Al-Mawardi, 2005).

The further pillar of punishment is proportionality. Whether applied in *qisās* (retaliatory justice) or *ta'zīr* (discretionary sanction), Islamic law provides that punishment must be commensurate to the offense and must protect the dignity of the person. Justice, here, should not be equated with law enforcement in excess; rather, it is with moral restraint, compassion, and the protective custody of the accused and the innocent.

The Islamic law highlights that upholding justice and maintaining security is not an individual duty, rather it is a collective responsibility, including that of the state. This responsibility is defined under the *maqāsid al-sharī'ah*, which intends the upholding of the religion, life, intellect, lineage, and property, of which life preservation, *ḥifẓ al-nafs*, is most important. Thus, in a more significant extension, Islam advocates the upholding of justice in relation to the preservation of life and under the *ḥifẓ al-nafs* principle (sacred preservation of life) (Al-Sarakhsi, 1996; Kamali, 2008). In this perspective, security and *ḥifẓ al-nafs*, is not an absolute value; rather, it is a tool for the attainment of divine justice. (Hallaq, 2009).

Under *siyāsah shar'īyyah*, which refers to Shari'ah-based governance, rulers are allowed to use their discretion to protect public interest and to maintain social order only as long as this discretion does not violate the divine commandments (Al-Mawardi, 2005; Kamali, 2008). Although, the ruler has to abide by certain self-imposed ethical limitations, which would discourage the exercise of discretion that causes harm, (*lā ḍarar wa lā ḍirār*) accountability (*mas'ūliyyah*) over the exercise of power, transparency of power, which should neither be abused excessively (oppression) nor tyrannically (oppression).

Classical jurisprudence also draws bright lines between legitimate warfare, occurring from an entitled person, and violent crime (*ḥirābah*), which represents indiscriminate traumatic violence towards civilians. Within the Qur'an, *ḥirābah* shows requisites of severe punishment: "The recompense of those who wage war against Allah and His Messenger and strive to spread corruption in the land is that they be killed or crucified..." (Qur'an 5:33). Such clarifications leave no room for misinterpretation: terrorism is unequivocally prohibited in Islam (Kamali, 2008; Hallaq, 2009; Al-Sarakhsi, 1996).

On the other hand, the principles of Islamic justice and security must also consider the four areas of imposition and appropriation: the risk a society poses, and the risk the state poses to the individual as a whole. Any approach to counter terrorism must protect this balance; otherwise, the necessary principles will continue to reinforce what they counter. These principles will therefore form the basis of the Pakistan anti-terrorism law evaluation.

Pakistan's Counter Terrorism Regime: A Legal Overview

Emerging from systemic legislative, constitutional, and institutional innovations is the growing and intricate framework of counter terrorism in Pakistan. While this intricate framework captures the organismic and dynamic efforts of the state to secure the nation, it also captures the fundamental and unbearable conflict that the state has to face: the far-reaching powers of the state and a citizen's right to individual autonomy and constitutional freedoms, as provided in the 1973 Constitution of Pakistan, Articles 8-28.

Understanding this regime is fundamental to any meaningful engagement with its congruence to the demands of justice in general and Shari'ah in particular.

The Anti-Terrorism Act, 1997, or ATA, is the primary statute within this legal structure. This law was initially proposed as an emergency statute for the rapid and targeted prosecution of terrorism offenses (Zafar, 2016). The ATA has become the most amended law in Pakistan due to the global and domestic threats, particularly regular threats after the 9/11 attacks. Each amendment expanded the definition of "terrorist act," the prosecutorial and investigative powers of the ATA, and the scope of state security agencies' powers. The legislative overreach was complemented by the establishment of the National Counter Terrorism Authority (NACTA) and the NACTA Act, 2013, which unified intelligence and

aligned the national strategy to counter terrorism (Abbas, 2014). The Protection of Pakistan Act (PoPA), 2014, even though stated to be temporary, strongly submitted the legal violence of state emergency powers of preventive detention and excessive shifting of burden of proof onto the presumed accused. Although PoPA lapsed formally, the ATA incorporated most of its extreme provisions, creating an overwhelming legal regime where the security of the state is prioritized over due process and other procedural legal rights (Khan, 2015).

What makes this regime unique is the integration of different judicial structures, as characterized in the ATA. This is the first time specialized courts were created to meet the requirement of conducting trial adjudication. These courts have, however, faced overwhelming pressures, both institutional and political, that could compromise their independence, and, furthermore, they have become inundated with excessive caseloads. Allowing military courts to try civilians accused of terrorism, especially after the national tragedy of the 2014 Peshawar school massacre, is legally and morally indefensible. The 21st Constitutional Amendment explicitly stated that such legislation was in response to the Peshawar tragedy. It is important to note that such military courts revert to different and far more punitive procedures than civilian courts; the rights of the accused are limited, there is no right to appeal, and courts can utilize evidence that is generally inadmissible in civilian courts. This continuous resort to military courts, especially when there is a lack of any reasonable justification, is a gross infringement of the accused's right to due process and is a deeply worrying trend in judicial fairness in Pakistan (Rizvi, 2017).

The constitutional interpretation of the ATA and the resulting implications on the counter- terrorism laws will certainly bring forth more case law in this legal area, and in this instance, it is to be welcomed. This is precisely the scenario that was created in the case of *Mehram Ali v. Federation of Pakistan*, where the constitution of the ATA was valid, albeit with cautions on overreaching and misuse. Courts have over the years expansively defined the term "terrorism" to encompass other acts designed to manipulate fear and disorder, thus bestowing law enforcement and prosecution an extraordinary discretionary latitude. The expectation of legally sanctioned power abuse under the ATA aggravates the countervailing tension of individual freedom, order, and security (Haque, 2016).

The central problem remains the ethical and legal issue of how to justify the extraordinary state of the affairs against the fundamental rights to life, humane treatment, freedom from arbitrary detention, and the fairness of the trial. The state may say that the extraordinary powers are justified on the grounds of survival, but even from that perspective, it needs to be rationally and morally justified, especially when it comes to the Islamic view of the state, which emphasizes the due process of law, the protection of the innocent, and the retributive justice principle of proportionality. Ideally, the criticisms of administrative strength should be offset by the performance of the counter-terrorism regime. However, the counter-terrorism regime fails to perform relatively to the criticisms, which raises questions about its legitimacy, its fit with the Shari'ah, and its efficacy on the terrorism issue.

Critical Analysis

Taking into consideration the basic tenets of Islamic justice, an in-depth juristic review of Pakistan's counter-terrorism regime reveals several unique and ethical structural deficiencies within the system. The Anti-Terrorism Act, 1997 (ATA), along with the subsequent enactments aimed at addressing and managing reasonable dangers to public safety, continues to employ procedural exceptions to the detriment of fundamental principles of the Shari'ah. The resulting model shows that the demands of security and justice were not reconciled, and the state has compromised the moral and legal principles to which it is bound both constitutionally and religiously (Kamali, 1999; Al-Ghazali, Yusuf, 2007).

The principle of *tahdid al-jarimah* is foundational to Islamic criminal law. It states that crimes and punishments must be defined clearly, which protects individuals from arbitrary and political prosecution

(Kamali, 1999). The Anti-Terrorism Act, however, considerably broadens and then offers a vague definition of a "terrorist act" to include violent criminal actions and a range of discourse or public assembly. Such a broad and vague legal definition of a "terrorist act" provides legal uncertainty, excessive discretionary power to the police, and conflates real criminal actions and dissent that is constitutionally protected. This lack of certainty destroys the principle of legal certainty ('ilm al-qānūn), which is a core principle of Islamic law, as well as a general international law principle (Hallaq, 2009; Sarfraz, 2018).

Islamic law considers due process and the right to a defense and an unbiased and equitable hearing to be the building blocks of justice. Under the Anti-Terrorism Act, the expectation that most cases be resolved within a week under the "speedy trial" conditions, undermines justice in place of administrative expediency. The provisions for "preventive detention" must be dropped, as it punishes without conviction, violating the Shari'ah presumption of innocence. Such unquestioned rapidity cannot be without appreciation of Shari'ah justice, especially the Qur'an 4:58 admonitions to "judge with justice... even against yourselves," where the focus is on the justice of the law.

The most surprising development is the placing of military courts over civilians charged with terrorism. The principles of siyāsah shar'iyyah and public policy (maṣlaḥah) do support temporary suspension of a public policy; however, this is within the tight bounds of controlled public disbursements. The operational framework of military courts of silence, curtailed appeals, and relaxed laws on evidence (i.e. pleas and punishments) dictate a suspension of Shari'ah law accountability and proportionality principles/kamali 2005.

The integrity and trustworthiness of evidence equally pose a litmus test of Islamic procedural honor. In addition to forbidding coercion and abuse of torture on the accused, Shari'ah law also requires voluntary confessions (iqrār), unconstrained testimony (shahādah), and solid clear evidence (bayyinah). While not free to demonstrate their abuse, coerced confessions, testimony, and evidence, and the violence of abuse in the first place lie in the realm of extreme infractions of these obligations. A legal system that permits, or is silent on the issue, abuse in the form of zulm (oppression) loses its legitimacy, and trust from the system is eroded.

The practice of state authority in Islam is an amānah (sacred trust) with a clear expectation of mas'ūliyyah. Within Shari'ah, state authority abuse should be avoided at all costs. State provisions of secret detention, systemic immunity, unchecked state power, and arbitrary detention of citizens is in direct opposition to the spirit of mas'ūliyyah and all Shari'ah provisions that call for transparency in abusive opaque power structures. Such measures foster and accommodate state abuse of power (Kamali, 2005; Hallaq, 2009).

This suggests that until corrected, the current structure of Pakistan's counter-terrorism regime could border on the unjust in light of Islamic law and principles. If the balance is not re-set, the quest for security will become an illegitimate goal, an instrument of injustice, something that neither the religion of Islam nor the theory of the constitution would support.

Comparative Perspectives

Balancing effective measures in counter-terrorism with the principles of justice in Islam is not limited to Pakistan's context. Several states within the geopolitical Muslim world encounter the same challenges. Pakistan can look at different frameworks and approaches to take legal and moral lessons from within comparative studies of Muslim-majority jurisdictions and transnational Islamic discourses (OIC, 2017).

Looking at Egypt, we encounter the security-first model. For decades, the militant Islamist threat prompted the Egyptian authorities to employ emergency regulations, military courts, and unchecked executive power with a singular focus of threat-neutralization (El-Gamal, 2006). These approaches can bring about a short-term sense of 'stability'; however, the long-term impacts such as the erosion of due

process and civil liberties can bring consequences of destabilization that have attracted significant criticism, both from within and outside the country (Kamali, 2008). From the Islamic juristic perspective, the potential of adverse impacts of unbalanced parameters of an overemphasis on *siāsah shar‘iyyah* regarding the preservation of life *ḥifẓ al-naḥs*, to the detriment of the other principles of the *Shari‘ah*, is great. The absence of justice and equity within Islamic governance is a particularly problematic type of imbalance. It is an imbalance that many legal Islamic scholars have complained about, especially regarding the absence of justice that can undermine the very essence of the state (Fealy & White, 2008).

Malaysia demonstrates interesting combinations of different legal traditions together with modern styles of governance. One of the best illustrations of this is the case of the Security Offences (Special Measures) Act 2012 (SOSMA). The Act allows for preventive detention but there are ongoing provisions for the detention to allow for judicial review and for the detention to be discussed in Parliament (Omar, 2012). In Malaysia, civil society actors and legislators seem to don a constitutional counter-terrorism mantle and argue for the Constitution to be viewed as a balanced Islamic document in the spirit of equity, accountability, and proportionality (Kamali, 2008). Such a comprehensive disposition reflects the importance of doctrinal constraints, alert civil society, and the willingness to manage security in a flexible manner (OIC, 2017).

Indonesia may provide the most complete, and most progressive, case in this regard. As the largest Muslim democracy, Indonesia displays a unique combination of active law enforcement while also having extensive extremist rehabilitation and deradicalization policies in place (Fealy & White, 2008). The investments to restore and counter extremist narratives are framed by rehabilitative law, and state-sponsored reintegration policies. This all rests on the primary objectives of the *maqasid al-shari‘ah* (higher goals of Islamic law), which, among other objectives, aims to preserve life (*ḥifẓ al-naḥs*) and the intellect (*ḥifẓ al-‘aql*). This is accomplished by eliminating, if only in part, the immediate and underlying causes of terrorism. Indonesia illustrates how a state may provide balance between security and justice. This is an example of the Islamically inspired compassion and reform principles which Islamic law seeks to integrate (Kamali, 2008).

The Organization of Islamic Cooperation (OIC) continues to maintain its regional influence and its broader global balancing influence. Following the 2005 OIC Ministerial meeting and the subsequent Amman Declaration, the Organization began to place a legal paradigm shift on member states, and began to place a more active and robust international legal focus on member states. The OIC Convention on Combating International Terrorism recognizes the unlawful attacks on civilians and identifies unlawful terror and lawful resistance (as described in Islamic law). This affirms the legal balance that can be achieved within the framework of Islamic law.

The Amman Message and similar instruments reiterate that mainstream Islam, and by extension Muslims, reject extremism while cementing the ethical and legal frontiers between the state and non-state actors (The Amman Message, 2005).

The experiences are a proof that *Shari‘ah*-compliant counter-terrorism is possible, and more so, the state has a legal and ethical obligation to do so. A state is able to craft and implement a comprehensive system that enhances security, procedural and distributive justice, and achieves the purposes of Islamic law (Kamali, 2008; Fealy & White, 2008; OIC, 2017). For Pakistan there are not only negative lessons but also constructive reform outlines.

Toward a Shari‘ah-Compliant Counter-Terrorism Framework

The previous analysis indicates the need for a comprehensive realignment which incorporates the ethical and legal foundations of the nation constituting the basis of the effort to combat terrorism. Sustainable and effective counter terrorism will not be the result of a simple increase in the coercive means employed.

It will stem from a rational and principled reform framework that reinstates the lost moral authority of the state, which will not only strengthen the state's legitimacy and resilience, but also its capacity to respond to the challenges posed by evolving threats to be security (Kamali, 2008; Hallaq, 2009).

The first step of any future reform agenda must be a comprehensive, maqāsid-oriented review of the Anti-Terrorism Act, 1997. Each provision of the ATA must be evaluated against the most important maqāsid of the Sharī'ah, in particular the protection of life (*ḥifẓ al-nafs*) and the protection of the intellect (*ḥifẓ al-'aql*) (Al-Shatibi, 1999; Kamali, 1997). Laws that cause a climate of fear, restrict the freedom of thought, and marginalize entire populations cannot meet these maqāsid and, in fact, may result in a loss of national cohesion and trust. This review, therefore, must compel legislators to define the vague and overly broad concepts of terrorism so that the legal system may be re-focused on *hirabah* (guerilla warfare) rather than on dissent, peaceful protests, and legitimate expressions of opposition (Samarrai, 2000; Kamali, 1999). This shift will enable the state to deal with actual, violent extremism while respecting the civil rights of citizens.

The inclusion of the maqāsid approach will aid in recuperating the fundamental facets of procedural justice in addition to proportionality. The re-establishment of the principles of *adl al-qadā* and *haqq al-difā'* becomes non-negotiable as the foci pivots on the removal of military jurisdiction over civilians. Moreover, this will involve the consolidation of the functional independence and effectiveness of the Anti-Terrorism Courts. Evidentiary standards should be elevated and aligned with Sharī'ah's requirements pertaining to proof (*bayyinah*), exclusion of coerced testimony, and the maintenance of the absolute prohibition of torture and oppression (Hallaq, 2009; Kamali, 2008). Sentences must be just, refusal of retributive justice, expects oppression and the greater public good to be served (Kamali, 2008). These changes will enhance the power of the state, not undermine it, by making its convictions sound and respected.

The objective is to represent true synergy between Islamic values and the constitutional guarantees of Pakistan. The dignity, liberty, and equality commitments of the Constitution are not entirely borrowed from secular values. It is the contemporary expression of fundamental Islamic values (Kamali, 2008). Describing the reform agenda aimed at the aligning the ATA with both Sharī'ah and the Constitution is positive. It provides a narrative of harmonization which, in the social context, is constructive and authentic. When, in the perceived social context, fundamental counter-terrorism measures are perceived as equitable, and consistent with the higher Islamic values, the social contract strengthens, and the nation remains intact, and is a true resilient to violence and extremism. In the civilizational continuum, the social contract, in the fundamental Islamic context, relates to counter-terrorism. The abuse, exploitation, and violation of a social contract pivot to violence, extremism, and disruption.

The oasis of true, and lasting security will not be in a heavier agenda of counter-terrorism, and obfuscating justice, but in the consistent and principled enforcement of it.

CONCLUSION

Pakistan's counter-terrorism framework remains keen on establishing a great security system but operates under great tension with ethical concerns and procedural aspects of Sharī'ah-based Justice. The Anti-Terrorism Act of 1997 and the inclusion of military courts Vergas the rapid state response system to violent extremism and the expansion of state powers. However, the primordial legal system's aversion to definitional clarity, procedural initiatives, and pliable standards of proof both on the scope of evidence and within preventive detention gives a system the Brooklyn of due process and the Justice, dignity, and accountability hinges on the claws of Sharī'ah.

The long-standing security Islamic legal ethical system and the volatile geopolitical environment of the world in which Pakistan has to operate leads the study to suggest the following sham and pole the

Shari'ah rests in the axis of terrorism it is a national security goal. The sculpted definition of terrorism and the Shari'ah are necessitated in preserving the judicial independence of the courts. The justification of terror security is rooted in moral and constitutional, under which it is restored destroys the perspective of coercion.

This study has placed Islamic law and constitutional theory at the center of counter-terrorism literature and moved beyond the typical secular and procedural analysis. Insights from other Muslim-majority contexts help underscore the importance of and ethical urgency for reform.

Substantive justice is essential for enduring peace. Legislation that safeguards societal values while also protecting individual autonomy and dignity fosters public trust and social cohesion, essential elements for countering extremism. The incorporation of Islamic legal principles and the affirmation of constitutional rights including the rights of legal defense encapsulated in the proposed counter-terrorism legislation empowers Pakistan to develop a morally defensible and operationally effective counter-terrorism security architecture. This proves that the state can and must collaborate with Islamic justice to maintain a safe and fair society. The quest for justice must continue to anchor scholarly and policy work on security going forward, solidifying the need to focus.

REFERENCES

- Abbas, H. (2014). *Pakistan's Counterterrorism Strategy and the NACTA Act*. Oxford University Press.
- Abou El Fadl, K. (2001). *Speaking in God's Name: Islamic Law, Authority and Women*. Oneworld Publications.
- Agamben, G. (2005). *State of Exception* (K. Attell, Trans.). University of Chicago Press.
- Al-Ghazali, A. H. (n.d.). *Al-Mustasfa min 'Ilm al-Usul*.
- Al-Mawardi, A. H. (2000). *Al-Ahkam al-Sultaniyyah: The Ordinances of Government*. Garnet Publishing.
- Al-Mawardi, A. H. (2005). *Al-Ahkam al-Sultaniyyah*. Garnet Publishing.
- Al-Qaradawi, Y. (2001). *The Lawful and the Prohibited in Islam*. Islamic Book Trust.
- Al-Sarakhsi, A. (1996). *Al-Mabsut* (Vol. 2). Dar al-Fikr.
- Al-Shafi'i, M. (2000). *Al-Risala*. Islamic Texts Society.
- Al-Shatibi, I. (1999). *Al-Muwafaqat fi Usul al-Shari'ah: The Reconciliation in the Principles of Islamic Law*. Dar al-Kutub al-Ilmiyyah.
- El-Gamal, M. A. (2006). *Islamic Finance: Law, Economics, and Practice*. Cambridge University Press.
- Fair, C. C. (2014). *Fighting to the End: The Pakistan Army's Way of War*. Oxford University Press.
- Fealy, G., & White, S. (2008). *Expressing Islam: Religious Life and Politics in Indonesia*. Institute of Southeast Asian Studies.
- Hallaq, W. B. (2009). *Shari'a: Theory, Practice, Transformations*. Cambridge University Press.
- Haque, M. (2016). *Judicial Oversight in Pakistan's Counter-Terrorism Framework*. Legal Horizons.
- Iqbal, H. (2019). The Anti-Terrorism Act and the Erosion of Due Process in Pakistan: A Constitutional Analysis. *Pakistan Law Review*, 68(3), 45–78.

- Jahangir, A. (2018). *The Judiciary and the Politics of Power in Pakistan*. Oxford University Press.
- Kamali, M. H. (1997). *Principles of Islamic Jurisprudence*. Islamic Texts Society.
- Kamali, M. H. (1999). The Dilemma of Muslim Minorities and the Rule of Law. *International Journal of Law, Policy and the Family*, 13(2), 127–147.
- Kamali, M. H. (2005). *Shari‘ah Law: An Introduction*. Oneworld Publications.
- Kamali, M. H. (2008). *Shari‘ah Law: An Introduction* (Rev. ed.). Oneworld Publications.
- Khan, F. (2015). Military Courts in Pakistan: Efficiency versus Legitimacy. *Pakistan Journal of Criminology*, 7(2), 45–61.
- Omar, M. (2012). Security Offences and Judicial Oversight in Malaysia. *Malaysian Law Review*, 11(3), 45–68.
- Organization of Islamic Cooperation (OIC). (2017). *Guidelines for Counter-Terrorism Legislation in Member States*.
- Organization of Islamic Cooperation. (1999). *Convention of the Organization of the Islamic Conference on Combating International Terrorism*. OIC.
- Rizvi, S. A. (2017). *Judicial Interpretations of Anti-Terror Laws in Pakistan*. Vanguard Publications.
- Sadeq, A. M. (2007). *Criminal Justice in Islam*. Routledge.
- Samarrai, M. Y. I. (2000). *Islamic Criminal Justice*. International Institute of Islamic Thought.
- Sarfraz, S. (2018). Terrorism and Law in Pakistan: A Critical Analysis. *Lahore Law Review*, 24(2), 115–138.
- Siddiq, A. (2007). *Military Inc.: Inside Pakistan’s Military Economy*. Oxford University Press.
- The Amman Message. (2005). *Declaration on the Nature of Islamic Authority and Condemnation of Takfir*.
- The Qur’an, 4:135; 5:33.
- Yusuf, M. (2007). Islamic Criminal Law and Modern Applications. *Journal of Islamic Law*, 12(1), 45–78.
- Zafar, A. (2016). The Anti-Terrorism Act, 1997: Procedural Innovations and Constitutional Implications. *South Asian Law Review*, 8(1), 23–41.