

## Hybrid Democracy in Pakistan: Civil-Military Relations, Constitutional Amendments, and the Struggle for Institutional Autonomy

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### ABSTRACT

*Pakistan's democratic process has always been a mixture of civilian elected governments and deep-rooted military influence on political decision making, which has been dubbed as a hybrid democracy (Levitsky & Way, 2010; Croissant et al., 2013). Even after multiple constitutional amendments, transition to democracy and judicial interventions, there remains a gap between civilian supremacy and military autonomy and institutional governance in the political trajectory of Pakistan. The literature on military interventions and democratic transitions has focused on the effects of these interventions on the autonomy and democracy of institutions, but the literature has been comparatively little on the interaction between constitutional amendments and civil-military relations, and how this affects the autonomy of constitutional institutions in the hybrid political order in Pakistan (Shah, 2014; Rizvi, 2000). To fill this void, this study has critically analyzed the link between the civil-military relations, constitutional changes and democratic governance in Pakistan.*

*The study takes the interpretivist qualitative research design because it has the research questions: How constitutional amendment has impacted the balance of power between civil institutions and military institutions and to what extent these constitutional amendments have enhanced or curtailed the institutional autonomy? It uses doctrinal constitutional analysis and qualitative document analysis of constitutional amendments, judicial decisions, parliamentary debates and official reports, as well as the analysis of peer-reviewed academic publications. Theories used for the analysis include those of new institutionalism (Helmke & Levitsky, 2004), civil-military relations (Stepan, 1988), and hybrid regimes (Huntington, 1957).*

*The results indicate that constitutional reforms have helped make significant strides toward democratic reforms, including increasing parliamentary oversight and strengthening provincial autonomy, but the extent of the implementation has been limited by persistent informal power structures and institutional inequalities as well as recurring civil-military power dynamics. The study contends that the hybrid democracy in Pakistan is not only more than a constitutional design, but it is also maintained through the engagement of formal institutional frameworks and informal political processes. This research combines aspects of constitutional law and comparative politics and civil-military relations, thus enriching the existing literature on democratic consolidation, institutional autonomy and hybrid governance. The results highlight the need of enhancing constitutional accountability, strengthening institutional checks and balances, independence of judiciary and democratic control in order to achieve sustainable constitutional governance and democratic stability in Pakistan.*

**Keywords:** *Hybrid democracy, Pakistan, civil-military relations, constitutional amendments, institutional autonomy, democratic consolidation, constitutional law, qualitative research, comparative politics, governance.*

## INTRODUCTION

Democracy Promotion in Pakistan has continued to be a contentious issue in the field of comparative politics, constitutional law and democratic governance. Since its independence in 1947, Pakistan has alternated between civilian and military governments, and its political system is neither consolidated nor authoritarian, but rather is neither one nor the other. Rather, it is now commonplace to characterize Pakistan as a “hybrid democracy”, in which democratic institutions co-exist alongside informal decision-making power structures that have a major impact on political processes (Levitsky & Way, 2010, Croissant et al., 2013). Elections occur on a regular basis, constitutions guarantee representative government, political parties contest each other's power, but the allocation of political power often surpasses what is explicitly granted in the constitution through the civilian institutions. In order to understand Pakistan's democratic development, it is necessary to consider not only the constitutional arrangements but also the working of formal political institutions and informal power relations affecting governance.

The hallmark of Pakistan's political development is civil-military relations. In contrast, in other democratic systems the military stays under the control of elected governments and Pakistan has experienced several instances of direct military dictatorship and extended periods of military influence over the country's political, national security and foreign policies (Rizvi, 2000; Shah, 2014). The constitutional norms, institutions of government and political culture were deeply transformed by military governments under the leadership of Ayub Khan, Yahya Khan, Zia-ul-Haq, and Pervez Musharraf, and subsequent civilian governments were seen to work in institutional contexts that were strongly shaped by previous military interventions (Talbot, 2012). We have seen that when Pakistan went through the democratic process, the issue of civilian supremacy, military autonomy and constitutional authority has been a part of the political discourse and has not been confined to periodic elections.

The long-lasting military dominance has sparked extensive academic research on the character of Pakistan's political system. The classical theory of objective civilian control by Huntington (1957) states that a democratic state is stable only when civilian political leadership is clearly separated from the professional military organizations. Likewise, Stepan (1988) stresses the need for the effective subordination of military institutions to constitutionally elected authorities in order to consolidate the democratic regime in Latin America. In the same way, Stepan (1988) points out the need for the effective subordination of the military institutions to the constitutionally elected authorities so as to consolidate a democratic regime in Latin America. This, however, is not the case in Pakistan where the constitution fails to spell out political outcomes. Civil-military relations often go beyond the formal constitutional framework, depending on informal institutional practices, historical legacies, strategic considerations and shifting political alignments (Shah, 2014). Hence, the case of Pakistan offers an interesting example to explore the negotiation of political authority that comes from competing sources in hybrid political systems.

This is reflected in the constitutional evolution of Pakistan where democratic aspirations and institutional contestation have taken place. The country has found itself in a variety of constitutional arrangements since independence and has frequently changed its constitutional provisions to suit the political climate at the time. Each of the Constitutions of 1956, 1962 and 1973 had its own conception of executive power, parliamentary government, federalism, and judicial power (Newberg, 1995). Of those, the Constitution of 1973 continues to be the main law that regulates the current state of Pakistan. However, successive constitutional changes have significantly reshaped the balance of political power between the executive, legislative, judicial, provincial and military institutions. The constitutional changes reveal that in the

constitutional history of Pakistan there has been no stability, instead it was a continuous process of political negotiation.

Special academic interest has been given to the important constitutional changes which altered the democratic framework of government in Pakistan. The Eighth Amendment gave immense powers to the executive during the military regime of General Zia-ul-Haq and the Seventeenth further gave executive powers to General Pervez Musharraf (Khan, 2005). In contrast, the Eighteenth Amendment was one of the most important constitutional changes that took place in the history of Pakistan democracy which added more autonomy to the provinces, reduced the powers of the President and re-established the supremacy of Parliament, along with enhancing federal democratic governance (Waseem, 2012). Later constitutional changes – such as the Twenty-First Amendment, Twenty-Fifth Amendment and Twenty-Sixth Amendment – are further examples of how constitutional law has always been linked to new political and security challenges. The changes reflect that constitutional amendments have not only been used as a tool of legal changes but also as a means by which political actors have attempted to redefine institutional power.

The judiciary has also contributed its own special role in the constitutional development of Pakistan. The superior judiciary has again and again been asked to settle conflicts regarding the constitution associated with military involvement, ousting of presidents, electoral issues, and disputes between the institutions of the state. The Doctrine of Necessity has been subject to much criticism as a doctrine that allows for legal justification of extra-constitutional political change, especially in times of military rule (Newberg, 1995; Shah, 2014). However, more recently, judicial activism has placed the Supreme Court in a prominent role as an interpreter of democratic principles, defender of constitutional rights, and a check on executive powers. The developments mentioned above reflect the changing nature of constitutional adjudication and democracy in hybrid political regimes.

In today's discussions of Pakistan's democracy, institutional autonomy has emerged as a key theme. Institutional autonomy is the ability of the constitutional institutions to carry out their functions as set out in the constitution without outside political influence and yet be held to account within the constitutional system (North, 1990). To achieve democratic governance, legislatures must be independent enough to perform effective oversight, judiciaries must be independent and able to review the constitution, civil services must be professional and free from partisan interference and electoral institutions must be trusted by the political stakeholders. However, in the context of Pakistan institutional autonomy has often been threatened due to political polarization, constitutional crises, civil-military relations, and divergent understandings of constitutional authority (Cheema, 2022). The institutional effectiveness here is not only conditioned by the design of the Constitution, but also by the general political norms and informal institutional practices.

The current discussions on democratic consolidation also shed light on Pakistan's constitutional experience. Consolidation of democracy is a complex process that involves institutionalization of democratic norms, institutionalization of constitutional accountability, respect for the rule of law, and civilian control of all major political actors (Linz & Stepan, 1996). Since 2008, there have been several peaceful transfers of power in Pakistan, which have been seen as democratic consolidations, yet scholars still question whether they have been consolidated or are simply "adapted hybrid political institutions" (Levitsky & Way, 2010). Political instability, judicial issues, fragmentation of coalition and frequent constitutional conflicts indicate important structural issues in democratic institutions.

Political developments of recent years have likewise sparked scholarly interest in hybrid democracy. Political polarization, constitutional challenges, election disputes, economic crises and institutional responsibility discussion have intensified worries about the durability of democratic governance. Meanwhile, the public interest in constitutionalism, judicial independence, civilian control and transparency

in governance has been growing in political discourse. The developments suggest that strengthening institutional legitimacy, public trust and constitutional accountability at all levels of government is as important as constitutional change for a democratic future for Pakistan.

Although much has been written about Pakistan's political trajectory, there is still a lot of knowledge to be gained. Prior research has often approached the topic of civil-military relations, constitutional amendments, judicial politics or democratic consolidation individually. In comparison, a smaller number of studies incorporate these aspects in a broader qualitative analysis that can shed light on the effect of constitutional changes on institutional autonomy in Pakistan's hybrid democratic system. Furthermore, recent constitutional changes and the growing institutional and civil-military dynamics demand a new scholarly analysis based on the theories of new regime types, hybrid regimes and democratic governance of the 21st century.

In the light of the above discussion, the present study posits that the concept of democratic trajectory of Pakistan cannot be analyzed in terms of traditional binary opposition of democracy versus authoritarianism. Instead, the political evolution of the country is more a product of the interaction between informal power structures, civil-military relations, judicial interpretation, and constitutional institutions. While much of the reform of the constitution has been directed at increasing the effectiveness of representative government and greater parliamentary sovereignty, the effects of such changes have been influenced often more by the broader political landscape than by the formal constitutional rules (Helmke & Levitsky, 2004; Levitsky & Way, 2010). Thus, the political system of Pakistan can be only analyzed from the institutional standpoint which takes into account the formal institutional arrangements and informal political factors that shape the political system of the country.

The existing scholarship has already contributed significantly towards understanding the constitutional and political evolution of Pakistan. Research in civil-military relations has provided insights into the development and impact of military power on democratic institutions (Rizvi, 2000; Shah, 2014). The legal importance of successive constitutional changes and their consequences for federalism, the executive and parliamentary government have been discussed by constitutional scholars (Newberg, 1995; Khan, 2005). Likewise, studies have examined judicial politics in terms of constitutional interpretation, judicial activism and the changing nature of the superior judiciary in settling institutional conflicts (International Commission of Jurists, 2013). Pakistan has also been the subject of comparative political studies that have explored the country in the context of hybrid regimes, democratic transitions, and institutional durability (Croissant et al., 2013; Levitsky & Way, 2010). As a whole, this body of literature can give insights into the political evolution of the country.

Although these significant contributions have been made, there are some limitations that are obvious. First, much of the literature on civil-military relations, constitutional development, judicial independence or democratic consolidation does not study the interaction between these variables in a single analytical framework. Second, previous research has tended to focus on specific military regimes or specific constitutional changes, and not systematically assessed their cumulative effects on institutional autonomy. Thirdly, very little qualitative studies focus on the interplay between formal constitutional changes and informal institutional practices to determine the governance outcomes in the current hybrid democratic system of Pakistan. Lastly, constitutional and political changes in recent times have produced new debates about judicial power, parliamentary sovereignty, federalism, electoral governance and civilian control which have yet to be sufficiently connected to the scholarship that has hitherto developed on these questions. These constraints suggest the need for an in-depth, qualitative study of constitutional law, comparative politics, and civil/military relations.

In this context, the main research problem in this study is the linkage between the process of constitutional reform and institutional authority in the hybrid democratic system of Pakistan. While a number of constitutional amendments have been enacted to strengthen democratic institutions and civilian governance, there is uncertainty about the effectiveness of those changes in strengthening institutional autonomy and consolidation of democracy. The ongoing interplay between formal constitutional procedures and informal political processes has important implications for the durability of democracy institutions in Pakistan, the boundaries of constitutional engineering and the future course of democracy in Pakistan.

In view of this, the following four interrelated objectives are being pursued in the study. It first looks at the historical background of the development of civil-military relations in Pakistan's constitutional and political trajectory. Second, it examines how different aspects of the constitution have affected the sharing of power between the executive, legislative, judicial and federal branches of government. Third, it recommends whether constitutional changes have enhanced or eroded the autonomy of institutions in Pakistan's hybrid democratic system. Last, it considers the implications of these institutional relations for democratic consolidation, constitutional governance and the rule of law in more general terms.

The following research questions are used to support these objectives:

1. How has civil-military relations influenced the development of Pakistan's hybrid democratic system?
2. How the major constitutional amendments have affected the power relations between the constitutional institutions in Pakistan?
3. How have constitutional reforms contributed to increasing the autonomy of institutions and democratic governance?
4. What does it mean for the democratic consolidation, constitutionalism and civilian supremacy in Pakistan?

These questions are relevant to empirical and theoretical debates about comparative politics and constitutional law. A comparative analysis of the evolution of institutions in Pakistan in the study is empirical, covering constitutional reform, judicial development and civil-military relations in one qualitative framework. In theory, it enables a contribution to an emerging research on hybrid regimes by providing an illustration of the fact that constitutional institutions function in political settings that are influenced not solely by formal legal rules, but also by informal institutional arrangements, historical legacies, and strategic political interactions. The work builds on previous scholarship by providing a visualization of how constitutional design and political practice both affect institutional autonomy.

The study is informed by three complementary theoretical perspectives. The first is Huntington's (1957) theory of civil-military relations, which maintains that military institutions and institutions of the military play a pivotal role in supporting the stability of democratic regimes, and that this stability and effectiveness of civilian control depend on military institutions' ability to maintain civilian control. Huntington's concept of objective and subjective civilian control is very useful in the analysis of the institutional relationship between elected government and military institutions. The theory was originally formulated in a different context, but is still influential in explaining the institutional bedrock of democratic governance.

The second is the hybrid regime theory, including that of Levitsky and Way (2010), and Croissant et al. (2013). Hybrid regime theory acknowledges that many current political systems are not simply democratic or authoritarian, but rather characterize a blend of these two types of political systems. Elections,

constitutions and representative institutions can exist alongside unequal distributions of political power, informal influence, and institutional constraints that reduce democratic accountability. This framework is especially useful in understanding Pakistan's political trajectory since it takes into account the presence of constitutional and long-term informal political control.

The third theoretical perspective is based on historical and new institutionalism, particularly North (1990) and Helmke and Levitsky (2004). Institutional theory focuses on the importance of "informal" institutions, historical precedents, and patterns of political behaviour, in addition to formal constitutional rules, in helping to determine political outcomes. Even formal constitutions create legal institutional frameworks but require additional institutional norms, political incentives, and relationships between actors in the state to be in effect. The institutional theory is useful for this study because it helps to clarify why constitutional reforms sometimes have different results from their original legal aims.

In this research both these theoretical traditions are not seen as competing explanations, but rather both are woven into one analytical framework. The causal relationship between civil-military relations and distribution of political power, the coexistence of democratic and non-democratic institutional practices (hybrid regime theory), and the interaction of formal constitutional rules with informal political structures (institutional theory). These views offer a holistic framework for examining Pakistan's political and constitutional history.

The design of methodology adopted for this study is interpretivist qualitative research design as the focus of this study is to interpret and contest the perception of constitutional institutions, political actors, and legal reforms in the democratic system in Pakistan (Yanow & Schwartz-Shea, 2015). The research does not attempt to draw causal inference based on statistical analysis, but to explore the institutional dynamics in a thorough manner, by means of qualitative interpretation.

The research method used in this study is qualitative document analysis as the main method of research (Bowen, 2009). Primary sources consist of the Constitution of Pakistan, constitutional amendments, Supreme Court cases, parliamentary debates, reports of constitutional commissions, Election Commission documents and official government publications. The materials are analysed along with peer reviewed journal articles, academic books, policy reports and comparative political studies. The fusion of constitutional texts and scholarly interpretation allows for a detailed scrutiny of both legal texts and the political interpretation of the text.

The analytical approach also uses doctrinal constitutional analysis to enable systematic analysis of constitutional provisions, judicial interpretation and institutional authority. This legal analysis is accompanied by qualitative thematic analysis that looks for recurring themes related to the institutional aspects of civil-military relations, constitutional reform, judicial independence, democratic accountability, and institutional autonomy. This methodological triangulation enhances the credibility of the findings by incorporating several documentary sources and perspectives of analysis.

This study has implications for the rest of the world. Comparative scholarship is now increasingly aware of the conflicts between formal and informal political power from which many modern political systems suffer. Therefore, Pakistan is a significant case study for the broader theoretical discussion of democratic resilience and constitutional governance, institutional autonomy, and hybrid political regimes. The findings of this research are hence not only relevant to the study of politics in South Asia but also comparative politics, constitutional law, democratic theory and civil-military relations.

In addition, the results are practically relevant for international democracy support programs, civil society organizations, judicial institutions, constitutional reform commissions and policy makers. This deeper

understanding of the link between constitutional reform and institutional autonomy could help future attempts to strengthen constitutional governance, increase democratic accountability, reinforce judicial independence and increase sustainable civilian supremacy in democratic systems.

The rest of this article proceeds in the following way. The following section critically analyzes the literature on hybrid democracy, civil-military relations, constitutionalism, democratic consolidation and institutional autonomy. The methodology section follows along the lines of a research philosophy of interpretativism, research design of qualitative research, document analysis procedures, and analytical framework. The findings and discussion section then looks at the relation between civil-military relations, constitutional amendments, judicial independence and institutional autonomy in Pakistan's hybrid democratic system. The article concludes with a summary of the main findings as well as some theoretical and policy implications, the limitations of the study, and recommendations for future research and constitutional governance.

## **LITERATURE REVIEW**

### **What are the theoretical foundations for the concepts of Hybrid Regimes**

The study of democracy has changed significantly in the last forty years since the recognition of the fact that many political systems fall somewhere between the extremes of democracy and authority. Rather, a large number of states have institutional structures where competitive elections, constitutional structures, and representative institutions are combined with enduring constraints on political competition, institutional accountability, and the rule of law. The concepts of hybrid regimes, competitive authoritarianism, electoral authoritarianism, and defective democracy have produced a significant amount of scholarship regarding these systems (Levitsky & Way, 2010; Diamond, 2002; Schedler, 2006). One of the most talked about cases of such institutional hybridity is Pakistan, in which democratic institutions have emerged alongside of a deep-rooted informal political influence, especially in the civil-military relations domain (Croissant et al., 2013; Shah, 2014). In this regard therefore, it is necessary to take a broader look at the concepts of democratic governance, institutional robustness, and constitutionality in order to appreciate the political development in Pakistan.

Most of the classic theories of democracy were based on a dichotomy between democracy and authoritarianism. Dahl's (1971) important theory of polyarchy focused on three key elements of democratic government: political participation, electoral competition, and civil liberties, along with institutional accountability. Dahl posits that democratic legitimacy is not about having the constitutional structures, but it is about having meaningful political competition and participation by broad citizens. Likewise, Linz (1975) identified democratic systems as those that featured political pluralism, constitutional rule, and checks on the powers of the executive. These basic approaches gave normative evaluations of democratic governance, but little analytical evaluation of the political system with both democratic and authoritarian characteristics.

These traditional divisions were upset by the post-Cold War growth of electoral politics. Most of the states launched competitive elections and constitutional changes without actually institutionalizing democratic accountability and civilian control of state institutions. This led many scholars to doubt whether electoral competition alone was enough to identify the process of democratic consolidation. Diamond (2002) stated that democracy should not only involve election, but also include principles of constitutionalism, judicial independence, the rule of law, political accountability and effective institutional restraints. So, in order to have a legitimate government, it must also be a good performer in substantive terms, and it must be legitimate in a procedural sense. This more general knowledge is especially applicable to Pakistan, where election contests have sometimes been accompanied by institutional crises and the jostling of political power.

To account for these developments, Levitsky and Way (2010) developed the concept of competitive authoritarianism, which portrays a political system that includes the presence of democratic institutions, but is characterized by a deliberate abuse of democratic norms by incumbents for their political gain. While the elections are competitive, opposition parties are not treated equally because of restrictions on institutional autonomy, the freedom of the media, judicial independence, or the neutrality of the state. Levitsky and Way propose to distinguish these regimes from traditional authoritarian ones by stressing that despite enduring institutional inequalities, democratic institutions have meaningful political consequences. Their model has had a profound impact on comparative political analysis, by showing that modern political systems often lie somewhere between the extremes of idealized democracy and authoritarianism.

Competitive authoritarianism focuses on political competition, whereas Schedler (2006) has defined electoral authoritarianism as the growing use of elections as a tool of legitimation in authoritarian regimes. Elections in such systems may maintain the facade of competitive elections, but are conducted in ways that limit political equality of participation, such as through institutional arrangements, uneven access to resources, or state control. Schedler's analysis contributes to the understanding of electoral politics by focusing on the fact that elections themselves do not necessarily lead to democratic governance. Rather, electoral institutions should be complemented by other constitutional safeguards, autonomous institutions and accountable politics.

Although there are significant conceptual differences between them, both Levitsky and Way (2010) and Schedler (2006) reject the previous view that democratization is a steady and linear path toward liberal democracy. Rather, hybrid political structures can last for long periods of time without necessarily moving toward consolidated democracy or complete authoritarianism, they say. This aspect is especially relevant in Pakistan, where the rule of law has alternated with the military rule, with an alternation of institutional rivalry, and informal political dominance as well.

Another significant contribution to the scholarship on hybrid regimes is the work of Croissant et al. (2013), who call for a focus on institutional interaction, beyond simply regime typologies. Their analysis suggests that a hybrid political system must be seen in the context of interactions between elected institutions, bureaucracies, military institutions, judicial institutions, and constitutional procedures. Both the procedures of the elections and the autonomy and effectiveness of the various constitutional institutions are important for democratic quality. The institutional dimension can be most valuable in an analytical framework for Pakistan since political power has always been shared by a number of formal and informal institutional actors.

While hybrid regime theory is gaining increasing traction, it has also been subjected to much criticism. However, Bogaards (2009) contends that the proliferation of hybrid regime concepts has resulted in conceptual confusion, and that many regimes have been classified in more than one hybrid category, capturing similar political phenomena. Competitive authoritarianism, electoral authoritarianism, illiberal democracy, semi-democracy and hybrid democracy are terms that overlap in some respects conceptually and stress different aspects of the institutions. Conceptual proliferation makes comparisons more difficult and can decrease the theoretical precision. The increased focus on institutional processes, however, has been called for by several scholars to complement, if not supplant, regime labels.

These debates are related to the larger debates on democratic transition. Democratization scholarship in the late twentieth century more often than not assumed that in the wake of political liberalization, authoritarian regimes would consolidate democratic institutions. O'Donnell and Schmitter (1986) have suggested that negotiated relationships among political elites in times of institutional uncertainty are essential to a democratic transition. They stressed the importance of elite bargaining, constitutional negotiation, and political compromise as key elements of democratic change in their paradigm of transition. Likewise,

Huntington (1991) spoke of successive "waves" of democratization worldwide, but saw that democratic transitions were susceptible to "institutional backsliding."

Later work challenged the linear assumptions of transition theory, however. Carothers (2002) proposed that numerous political systems ended up in a "gray zone" between democracy and authoritarianism, showing neither consolidation of democracy nor a restoration of authoritarianism. Political systems, however, tended to become entangled in hybrid institutional arrangements with some democratic reforms, restricted accountability, and continuing institutional weaknesses. Pakistan's political history is very similar to this – democratic elections and constitutional changes have been held regularly, while at the same time, the issue of civilian power, judicial independence and military influence has been debated.

Research on democratic backsliding has surfaced a number of constraints on transition theory. While democratic breakdowns used to happen through sudden military interventions, democratic decline has taken place often in the form of constitutional changes, erosion of institutions, expansion of executive powers, and a reduced accountability of political actors (Bermeo, 2016). Democratic backsliding tends to take place within the confines of a formally constitutional process and to gradually undermine institutional autonomy and democratic accountability. It has transformed the nature of comparative political research, focusing more on the gradual change of institutions than on radical change of regime.

Levitsky and Ziblatt (2018) also note that today's democracies are at risk not from formal constitutional failure, but from the slow rot of informal democratic rules. The democratic norms of mutual institutional tolerance, respect for constitutional limits and acceptance of political opposition, which are not fully guaranteed by constitutional provisions, are essential pre-conditions for the healthy functioning of democracy. In areas where these norms are underdeveloped, constitutional institutions can be formally intact, but there is significant decline in democratic processes. Their analysis corroborates other institutional statements that constitutional design is not enough for democratic resilience.

Institutional accountability is also emphasized in the literature on democratic governance. O'Donnell (1998) separates public participation through elections from accountability through constitutional institutions (like legislatures, courts, audit bodies or oversight bodies) into vertical and horizontal accountability. Both are necessary to ensure accountability in democratic government, as electoral legitimacy is not enough if there are weak constitutional mechanisms for oversight. In the study of hybrid democracies, in which elections can be paired with some restrictions on the formal and/or informal political authority, this distinction has gained new importance.

There is growing appreciation by scholars of the importance of informal institutions for democratic performance. Helmke and Levitsky (2004) maintain that constitutions function in concert with unwritten political practices that can reinforce or challenge the formal institutional rules. Elite bargaining, political appointments, civil-military relations, coalition formation and constitutional interpretation are determined by informal institutions that often affect the actual functioning of government. Their framework offers a valuable connection between constitutional law and comparative politics in clarifying the reasons for the varying results of such constitutional choices in different countries.

Although work on hybrid regime scholarship is substantial, there are a number of conceptual and methodological drawbacks. First, there has been a concentration, relatively speaking, in comparative literature on electoral institutions, and a comparatively less interest in the development of the constitution and the judiciary. Secondly, many of the theoretical models consider the civil-military relations as only one of the institutional factors instead of acknowledging its crucial role in certain political systems. Third, comparative research often emphasizes cross-national statistical analysis, with the result that the dynamics of the historical and constitutional development of hybrid institutions are often overlooked. Lastly, there

has been a tendency to study constitutional design without considering informal institutional practice, despite the growing literature documenting the importance of the relationship between the two for democratic governance.

These restrictions are of special importance in the Pakistani context. While there are many works on democratic transition, military intervention, constitutional reform and judicial politics, these views have generally been studied separately, and few combine them in a comprehensive qualitative model that clarifies the impact of these complex sets of institutions on democratic governance. This needs to be overcome by shifting perspective from a regime classification to a more complex understanding of institutional interaction and constitutional development.

For this reason, this present study takes an interdisciplinary approach by integrating theories in the field of hybrid regime, democratic transition and institutional analysis in the study of political development in Pakistan. The study does not ask whether Pakistan is a democracy or an authoritarian regime but rather how constitutional reforms, institutional autonomy and civil-military relations play into the creation of a hybrid form of democracy. This is the theoretical underpinning for the next section, which critically reviews the literature on civil-military relations, constitutionalism, judicial independence, separation of powers and institutional autonomy as core elements of democratic governance.

The domains of Civil–Military Relations, Constitutionalism, Judicial Independence, Separation of Powers and Institutional Autonomy are considered the most important. The following are regarded as the most important: Civil–Military Relations, Constitutionalism, Judicial Independence, Separation of Powers and Institutional Autonomy.

The relationship between civilian political institutions and the military forces is one of the most essential aspects of modern democratic government. Civil–military relations not only shape the allocation of political power but also the ability of constitutional institutions to operate within their constitutional framework without being influenced by extra-constitutional actors. Consolidating democracy requires a civilian control of the military, a robust constitution and the delineation of institutional roles (see comparative political scholarship: Huntington 1957; Stepan 1988). These principles have been well established in democratic theory, but are put into practice in different ways in different political systems, notably in countries that have a history of military intervention and hybrid institutions. Pakistan is one of the most notable cases where the civil–military nexus remains pivotal for constitutional governance, institutional independence and democratic development.

The concept of objective civilian control by Samuel Huntington (1957) is among the fundamental theories of civil–military relations. Huntington believes that the fundamental requirement for democratic stability is to have a professional military that is not used or manipulated for political ends and enjoys the political authority of elected civilian authorities. He makes a differentiation between objective civilian control and subjective civilian control, the latter being to be achieved by political actors through partisan action in military institutions while the former aims to keep military institutions within the constitutional bounds of civilian control while maintaining their professionalism. Huntington said the former promotes democracy by clearly distinguishing the military and political domains, while the latter can lead to institutional instability. While Huntington's ideas have had a significant impact on the study of comparative politics, there is a criticism that it is based on the democratic experiences of the West and that political systems where military institutions have played a more extensive political and administrative role may not be fully captured (Feaver, 2003).

Following Huntington's ideas, Alfred Stepan (1988) introduced the notion of military prerogatives, which has since gained widespread currency in the study of democratic consolidation. Alfred Stepan (1988)

developed the idea of military prerogatives, which builds on Huntington's work and has been influential in the study of democratic consolidation. Stepan believes that the absence of such constitutional democracy in a country is more likely to result from military structures having too much power over domestic governance, national security policy and political decision-making than from any other cause. He does not just emphasize the formal provision of the Constitution, but more important, he points to the real power balance between the civilian institutions and the military establishments. This view has taken on special prominence in the study of transitional democracies, as it acknowledges that constitutional language is not enough to ensure good civilian control.

Peter Feaver (2003) continues the application of civil–military theory with the principal–agent model and examines the civilian leadership as the principals and military leadership as the agents of national defence. Democratic stability relies on effective monitoring, institutional accountability and systems that can stop agency drift. When institutions of civilian oversight are credible, military institutions tend to adhere to civilian authority, but when civilian oversight is weak, more opportunities for institutional autonomy exist beyond constitutional mandates, which in turn can lead to non-compliance with civilian authority, Feaver argues. This was created in the context of the democracies that already exist, but it does highlight the role of constitutional systems that enable effective civilian control.

Although the emphases are different, all three – Huntington (1957), Stepan (1988), and Feaver (2003) – make the common assumption that a free government needs institutional structures in which there are clearly delineated roles for civilians and the military. But the study of hybrid political systems has grown in recent years to suggest that formal constitutional structures often operate alongside informal political processes that have an impact on formal outcomes of governance (Helmke & Levitsky, 2004). Thus, civil–military relations should be examined not only in terms of constitutionally enshrined laws, norms, but also by tracing the historical legacy, institutional norms, elite bargaining, and political culture. This institutional dimension is more important in the context of Pakistan in which constitutional power and informal political power have developed together.

There is a also equally important literature on constitutionalism that can be invoked to understand democratic governance. Constitutionalism is not a product of a written constitution, but it has to include the concepts of limited government, separation of powers, rule of law, protection of fundamental rights and institutional accountability (Vile, 1998). A democratic constitution sets up legal means of exercising political power, but also provides institutional checks and balances to curb governmental power. It is not enough to pass a constitution, its implementation is just as important, and it is essential that it is broadly accepted politically.

In comparative constitutional scholarship, Giovanni Sartori (1997) has suggested that constitutions have two roles: organisational and normative (as a norm). They distribute power in a democratic way among institutions and are articulating certain core democratic principles, such as representation, accountability, and legality. But political actors' respect of constitutional constraints is the prerequisite of constitutional effectiveness. Formal constitutional institutions can coexist with significant informal political control in countries where constitutional rules are selectively interpreted or inconsistently applied. The difference has become an important aspect of the study of hybrid democracies in which constitutional rules often clash with real politics.

The concept of "separation of powers" set forth most strongly by Montesquieu (1989) is the foundation of constitutional governance. Under this principle, legislation, executive and judicial bodies should have separate constitutional roles and each should be able to monitor the other bodies and prevent excessive aggregation of political power. In modern democratic constitutions, this framework has been modified in different ways through institutional arrangements, but it is all about the same goal: the maintenance of

constitutional balance and accountability. Recent scholarship has focused on the fact that separation of powers is not a process of institutional isolation, but is a process of constitutional interaction between independent branches of government (Ackerman, 2000).

The idea of judicial independence is closely related to constitutionalism and is generally considered a necessary precondition for a constitutional democracy and the rule of law. Independent courts serve several interrelated purposes, such as constitutional interpretation, fundamental rights protection, institutional conflict resolution and executive and legislative action review (Shapiro, 1981). Judicial independence thus plays a role not only in establishing legal certainty but also in the democratic accountability of governmental power since it is subjected to constitutional restrictions.

However, academics still dispute the proper place of courts in democratic government. Those in favor of judicial activism also believe that constitutional courts play an active role in protecting democratic values and constitutional rights, especially when other institutions do not provide adequate oversight (Tate & Vallinder, 1995). Critics, on the other hand, warn that too much judicial activism could undermine democratic control because inherently political issues could be removed from the hands of elected officials and placed in the hands of non-elected judges (Bellamy, 2007). The debate takes on special significance in those countries that are undergoing constitutional turmoil, where courts often play a pivotal role in settling political differences.

Judicial independence has been an area of scholarly focus within Pakistan due to the superior judiciary's repeated adjudications in the areas of constitutional amendments, executive authority, electoral legitimacy and military intervention (Newberg, 1995; Shah, 2014). One of the most litigated issues of Pakistan's constitutional law is the historical role of the Doctrine of Necessity in legitimising actions that go beyond the constitutional provisions. Recent academic research, however, suggests that the Judiciary has been asserting its constitutional powers more aggressively by extending constitutional interpretation, by public interest litigation and by judicial review. Views vary as to the extent of judicial activism that is necessary, but most commentators concur that judicial independence is essential to the support of constitutional governance.

Institutional autonomy serves as a broader conceptual lens to link civil–military relations, constitutionalism and judicial independence. Institutional autonomy is defined as the ability of constitutional organs to carry out their functions as defined in the constitution without the influence of others and subject to constitutional constraints (North 1990). Autonomous institutions need the legal right, organization, financial independence, rule of law and freedom from arbitrary political interference. Democratic governance thus relies on the functioning of several independent institutions—with none being the decisive or "magic" one.

Institutional theory focuses on the formal institutions (constitutions and laws) as well as the informal institutions (political norms, historical practices and elite behaviour) that influence political outcomes, as conceived by Douglass North (1990). Helmke and Levitsky (2004) also claim that informal institutions often back up, replace, or even challenge formal constitutional institutions. Their work is also valuable for analysing hybrid democracies in explaining why constitutional changes might result in little institutional change when informal political practices do not change. One cannot, then, simply read the Constitution to determine institutional autonomy; one has to also take into account the political context in which institutions function.

The governance literature confirms this view, highlighting the need for accountability, transparency and institutional effectiveness. Fukuyama (2013) stated that governance is effective when state institutions are able to function and are legally bound to be efficient and accountable to the people. Likewise, Grindle (2007) maintains that institutional effectiveness is not just a function of constitutional design but is also a

function of political capacity, administrative professionalism and a continued public legitimacy. The findings here indicate that institutional strengthening is important to democratic consolidation, and without it, constitutional reform will not ensure that it will be consolidated.

The concept of political accountability is other related theme in the scholarship of democratic governance. O'Donnell (1998) argues for horizontal accountability, through institutions such as legislatures, courts, audit institutions, election commissions, and other bodies of oversight and accountability, and vertical accountability, through elections and citizen participation. The combination of the two types of accountability is essential for a democratic resilience. Elections give legitimacy to political processes and independent constitutional bodies help government powers to be legally constrained. In hybrid political systems, the absence of strong horizontal accountability often results in the informal political players having influence on politics other than that of the formal constitution.

While there is a general agreement on the significance of constitutionalism, judicial independence, and institutional autonomy, there are significant differences in the literature. While Huntington (1957) stresses professional military neutrality, Stepan (1988) highlights the need to limit military prerogatives in democratic regimes. Helmke and Levitsky (2004) emphasize the importance of informal institutions, Feaver (2003) emphasizes institutional monitoring and accountability. While constitutional theorists care more about legal frameworks and separation of powers, those working in the field of governance focus more on institutional effectiveness and accountability. These views are not mutually exclusive for they can help to bring different aspects of democratic governance into focus. However, there are few studies that combine these theories into a holistic theory that can explain constitutional development in a hybrid democracy.

The present research is warranted by the following empirical and methodological restrictions. Comparative studies often compare civil–military relations, constitutional reform, judicial independence, and governance independently while they are actually institutionally highly interconnected. Second, a large number of empirical studies is based on nation-specific quantitative indicators which offer insufficient understanding of constitutional interpretation, political negotiation and institutional interaction. Third, there is a relative lack of systematic comparative studies which examine how constitutional change alters institutional relationships in the longer term. Lastly, in the realm of Pakistan-centered scholarship, most of the studies focus on specific political crisis, military dictatorship or judicial verdicts ignoring the overall constitutional development of autonomy over successive democratic changes.

The present study is limited by these restrictions as a basis for conceptualizing. This research does not look at constitutional amendments, civil–military relations, judicial independence or institutional autonomy separately, but combines these factors under one interpretivist qualitative lens. The study posits that an understanding of the formal institutional developments of the constitution and the informal institutional processes can explain how they interact to influence the hybrid democratic system in Pakistan. In this integrated approach, it lays the foundation for the last segment of the literature review, which critically reviews Pakistan's constitutional development, governance, elite politics, and democratic evolution and determines the key conceptual, theoretical, empirical, and methodological gaps in the context of which the study of Pakistan is underway.

This book addresses the Constitutional Development, Elite Politics, Governance and Research Gaps in Pakistan.

The constitutional development in Pakistan has been a major topic of study in the field of democratic governance due to several factors such as instability, military intervention, judicial activism, and institutional restructuring occurring in conjunction with several constitutional changes. Pakistan has gone through three constitutions and several constitutional amendments since its formation in 1947, all of which

reflect the changing political priorities and the changing distribution of state power in Pakistan. Constitutional development also has not always been a steady process of democratic institutionalization, but rather a process in which political crises and conflicting claims to constitutional authority have had an impact (Newberg, 1995; Talbot, 2012). Thus, judicial reform in Pakistan can be viewed as a multifaceted and ongoing political process, rather than a one-off set of legal changes.

The Constitution of 1973 has a special place in the constitutional history of Pakistan as it introduced a parliamentary democratic system based on the principles of federalism, parliamentary sovereignty, judicial independence and fundamental rights. The Constitution has been the country's primary legal document but successive constitutional changes have significantly changed the balance of power between constitutional institutions (Khan, 2005). The general consensus among scholars is that constitutional amendments have been a product of democratic aspirations and political compromise, and thus have been a reflection of evolving political circumstances rather than a reflection of constitutional law in a constitutional sense.

One of the major turning points of the constitution, was when the Eighth Amendment was introduced (1985), which gave the president more powers, including Article 58(2)(b) that allows him to dissolve the National Assembly. There are many constitutional experts who contend that this amendment significantly distorted the parliamentary system in Pakistan in favor of a strong executive discretion and provided the executive branch with greater stability at the cost of the parliamentary system (Newberg, 1995; Waseem, 2012). While supporters saw these measures as means by which to secure the stability of government, critics argue that they undermined democratic accountability by allowing successive dismissals of elected government in the late 1980s and 1990s.

The Seventeenth Amendment (2003) also received a lot of scholarly commentary as it unified changes to the constitution that were made during General Pervez Musharraf's tenure. The amendment re-established some of the parliamentary functions, but also retained significant presidential powers and also mirrored the ongoing legacy of the constitutional change brought about by the military (Shah, 2014). It is not agreed upon by scholars whether or not it has long-term democratic implications. Some see it as a continuity of the constitution in the process of political transition while others consider it as strengthening institutional imbalance in Pakistani democratic system.

In contrast, the Eighteenth Amendment (2010) is believed to be one of the most comprehensive democratic reforms in Pakistan's constitutional history. It drastically cut down the powers of the President, increased the powers of the Parliament, increased the autonomy of the provinces, expanded fundamental rights and brought back many democratic features which were weakened by the constitutional changes during the military era (Waseem, 2012; Adeney, 2012). The amendment is generally regarded by comparative constitutional law scholars as a significant contribution towards democratic decentralization and federal constitutionalism. However, further studies have shown that the pursuit of legality has not been fully successful in addressing the challenges of the broader issues of institutional authority, accountability to the people and civil-military relations. Hence, the relevance of constitutional reform is more than just designing a constitution; it also depends on the political implementation.

The developments in the Constitution in recent years have also been an evidence of the ongoing nature of constitutional law in Pakistan's political landscape. In fact, constitutional reform is still adapting to new political and security landscapes, as shown by the amendments to the military courts, electoral governance, local government and judicial administration. These developments support the view that constitutional governance is an ongoing, and not a finished, constitutional settlement.

Institutional development is also explained by the literature on elite politics, which is closely related to the literature of constitutional development. Elite theory holds that the political results of constitutional design

are often more a function of the relationships between key political players than of constitutional features themselves (Higley & Burton, 2006). Elected political leaders, the military, top bureaucracy, judicial bodies, and influential political families in Pakistan have all played a role in the development and governance of the Constitution. Thus, constitutional institutions regularly exist in the context of a wider arena of political negotiation and elite bargaining.

Scholars who study Pakistani political parties also state that democratic political governance has been hampered by a lack of institutionalization within the party, the problem of personalized leadership and the issue of patronage politics (Jalal, 1995; Talbot, 2012). Individual leadership has been a focus of political competition, and this has led to regular institutional fragility. But recent research also indicates that, although the organizational challenges remain, political parties have been strengthening their parliamentary engagement, their tendency to build coalitions, and their parliamentary involvement over time. (Adeney, 2012) The events have shown that Pakistan's democratic institutions are more resilient than some previous scholarship had suggested.

The literature of the governance also underscores, apart from elections, the importance of institutional effectiveness, transparency and public accountability for a constitutional democracy. Good governance depends on effective state institutions within legal frameworks that ensure administrative effectiveness and democratic legitimacy, according to Fukuyama (2013). Likewise, Grindle (2007) argues that the level of governance quality is more about institutional capacity, accountability mechanisms and political commitment than it is about constitutional provisions. These lessons mean that there is a need for institutional strengthening and regular implementation of constitutional changes if they are to have an impact on governance in Pakistan.

Political accountability is another predominant strand in the scholarship of democratic development in Pakistan. The concept of vertical and horizontal accountability (O'Donnell, 1998) has been especially significant. Horizontal accountability is reliant on independent institutions such as parliament, the judiciary, election commissions, anti-corruption bodies, and oversight agencies, which are able to hold the executive branch of government to account, while elections offer citizens a means of choosing governments. In the context of democratic consolidation, Pakistani scholars have largely held the view that strengthening these institutions is still necessary as electoral processes cannot be the only mechanism of constitutional accountability (Cheema, 2022; Shah, 2014).

The dynamics between judicial independence and democratic government have been subject to especially rich discussions. In the past, the judiciary has been a multifaceted and dynamic part of Pakistan's constitutional framework. The application of the Doctrine of Necessity by early judges has continued to be criticized for approving extra-constitutional political alteration (Newberg, 1995). The Lawyers' Movement of 2007–2009, however, basically changed the discourse on the public debate on judicial independence, constitutional supremacy and the rule of law (International Commission of Jurists, 2013). Later scholarship indicates that the judiciary has consistently sought a more expansive role for itself in the constitutional order via judicial review and constitutional interpretation. However, there are still differences of opinion about the right mix of judicial activism and judicial restraint, especially in politically charged issues in constitutional interpretation.

While there has been significant progress regarding governance and constitutional scholarship, there are still significant conceptual issues that require further exploration. For some, the central democratic issue in Pakistan is the enduring civil-military imbalance (Shah, 2014), while for others it is foundational issues like institutional weakness, political polarization, constitutional inconsistencies, or governance shortcomings (Cheema, 2022). This approach seems to be increasingly called for by comparative political research. Instead, democratic outcomes arise with the interplay between constitutional institutions, political

leadership, historical legacies, and informal institutional practices. This holistic view offers a more holistic analysis of Pakistan's hybrid democracy than studies focusing on one institutional variable.

An important literature review also identifies some gaps in concepts. The current scholarship concentrates on civil-military relations, constitutional amendments, judicial politics, democratic government, or institutional autonomy individually. Fewer studies are of a comparative nature and examine how these dimensions relate to each other in a whole theory. The overall effect of the constitutional changes on institutional autonomy, therefore, has not been analyzed in detail.

There is another important theoretical gap, as revealed in the literature. Theories of hybrid regime and civil-military relations, constitutionalism, and institutionalism have tended to be separate scholarly streams to date. Few studies combine those approaches to examine the interplay of the constitutional design, the informal political arena and the changing relationship between civilian and military authorities in the context of democratic rule. As a result, the current literature offers some rather patchy accounts of the institutional development of Pakistan.

Another empirical deficit is evaluating the constitutional development following the Eighteenth Amendment. Although much attention has focused on the legal impact of this reform, not much research has assessed the longer-term consequences of this reform for parliamentary authority, judicial independence, institutional autonomy, and democratic consolidation in Pakistan's political landscape in the current context. Similarly, only a few studies focus on the cumulative impact of multiple constitutional changes on democratic governance rather than on the impact of a single amendment.

There is also a methodological gap identified in the review. History, doctrinal analysis of law and quantitative democracy indicators are often used separately in existing studies. While each of these methods has its merits, few studies take a multi-sourced approach that incorporates constitutional analysis and qualitative document analysis in an interpretivist framework that can analyze both legal texts and judicial rulings, parliamentary debates, official reports, and scholarly literature at the same time. Methodological integration provides more capacity to grasp the dynamic of constitutional institutions as they are not only changed formally through the law, but also informally through political practice.

The abovementioned conceptual, theoretical, empirical, and methodological gaps add up to the justification of the present study. This study takes a comparative politics, constitutional law, governance studies, and civil-military relations interdisciplinary qualitative perspective, as opposed to the more singular disciplinary perspective of past research. The three theories are Huntington's (1957) Civil-Military Relations, Hybrid Regime Theory (Levitsky & Way, 2010), and the New Institutionalism (North, 1990 and Helmke & Levitsky, 2004) which have been adapted to explain the interaction between formal constitutional reforms and informal political institutions in determining Pakistan's democratic trajectory.

The study adopts an interpretivist qualitative research design using doctrinal constitutional analysis and qualitative document analysis that goes beyond the descriptive analysis of constitutional change, to provide a deeper explanation of the interaction between institutions. In this study, instead of the dichotomy of democracy vs. dictatorship, the focus is on the interplay between constitutional changes, civil-military dynamics, judicial independence, and institutional autonomy to analyse overall trends in the character and sturdiness of Pakistan's hybrid democracy.

By so doing the study helps to inform the general debate on democracy and democratic consolidation in comparative politics and democracy studies in that the study shows that the only way in which the process of democratic consolidation can be measured is not purely by elections or by constitutional reform. Rather, sustainable democracy must rely on the ongoing interplay of constitutional legitimacy, institutional

autonomy, judicial independence, civilian supremacy, and responsible governance. The review of literature in this chapter thus lays the groundwork and academic rationale for this research, which will be a comprehensive and theoretically integrated study of hybrid democracy in Pakistan in the context of constitutional governance and democratic resilience.

## **RESEARCH METHODOLOGY**

### **Research Philosophy**

This study uses interpretivist paradigm to explore the linkage between civil-military relations, constitutional changes and institutional autonomy in the Pakistani hybrid democratic system. Interpretivism is well suited for this study because the study aims to gain understanding of how meanings are created, interpreted, and negotiated by constitutional institutions, legal reforms, and political actors in a given historical and political context, and not to draw universal causal conclusions (Creswell & Poth, 2018; Denzin & Lincoln, 2018). While positivist approaches focus on an objective measurement and statistical generalization of political and legal realities, interpretivism holds that these realities are socially constructed via institutional practice, constitutional reading, and historical experiences (Schwartz-Shea & Yanow, 2012).

A paradigm that views the world as a collection of interrelated phenomena that cannot be neatly described by quantitative indicators has gained much traction in political science, constitutional studies, and governance research, the interpretivist paradigm (Yanow & Schwartz-Shea, 2015). Civil-military relations, constitutional governance, judicial independence and institutional autonomy are not simply legal and administrative structures, but are continuously re-interpreted, contested and re-shaped by political actors within specific constitutional and historical contexts. Thus, the interpretation of Pakistan's hybrid democracy calls for reading beyond the numbers and some consideration of the constitutional text, judicial decisions, political discourse and institutional practices.

The philosophical tenets of interpretivism also are congruent with the aims of this research. The study is not designed to test pre-existing hypotheses and/or derive statistical relationships between constitutional amendments and democratic outcomes. Rather, it seeks to learn how constitutional changes have affected the autonomy of institutions and democratic governance over time, in terms of context. This approach reflects the understanding that the meaning of the Constitution is shaped through the interpretation of the law, political negotiations, and through the practice of the institutions that implement it, and therefore, the qualitative approach is especially well suited (Merriam & Tisdell, 2016). As such, interpretivism is adopted as the epistemological approach to analyse the formal constitutional mechanisms and the informal political institutions that form the hybrid democratic model of Pakistani context.

### **Research Design**

In this study the research design is qualitative which is in line with the interpretivist paradigm. Qualitative research is well suited to the study of complex political and constitutional issues because it allows for a deep exploration of the institutional and relational processes and multiple points of view in political and constitutional contexts (Creswell & Poth, 2018). Qualitative research is not about quantifying political development, but it helps to fully understand the evolution of the constitution, interaction of institutions, and democratic governance in its wider historical and political context.

When the question of research is “how” or “why,” regarding institutional development or political transformation, qualitative inquiry is well known and acceptable (Yin, 2018). The central questions addressed in this study—how constitutional amendments have impacted institutional autonomy, how civil-military relations have affected democratic governance, and why hybrid democratic arrangements remain—

call for interpretative analysis of legal, political and institutional evidence, not quantitative hypothesis testing. Qualitative research therefore allows for methodological flexibility in analysing several documentary sources, in order to retain the contextual richness of constitutional development.

Another good thing about qualitative research is its ability to combine several types of document evidence together with a framework of analysis (Patton, 2015). The formal legal structure and the actual workings of Pakistan's democratic institutions can be discerned from a combination of constitutional amendments, judicial rulings, parliamentary proceedings, official reports and academic research. The study of these materials together can help to identify patterns of institutions and to create a more subtle analysis of democratic government than would be possible from analyzing individual legal sources or political events.

### **Case Study Approach**

In this study, a single qualitative case study is used, with Pakistan as an example of a hybrid democracy. Case study research is especially useful in understanding real-world political phenomena in their context and is especially effective in cases where institutional boundaries are interdependent and cannot be uncoupled from other political processes (Yin 2018). Pakistan is a suitable example as it is a country that has witnessed a number of instances of constitutional modification, civil-military dynamics, judicial involvement, and institutional evolution in the course of democratic transition.

It is a selection that is not merely geographically or politically interested, but based on the theoretical justification. Pakistan is often seen as an example of a hybrid political system in which formal democratic institutions coexist with power structures that remain stable and are formally unaccountable (Levitsky & Way, 2010; Croissant et al., 2013). It has undergone several democratic transitions, a succession of military rule, a long tradition of constitutional amendment, and developing judicial interpretation, and therefore has a rich analytical history for the study of the autonomy of institutions and democratic governance.

Compared with comparative, multi-country studies, a single case design allows for detailed examination of constitutional development over time, while keeping the historical and institutional context (Stake, 1995). The goal is not statistical generalization, but analytical generalization through which findings can inform the subject of broader interest debates, such as those on hybrid democracy, constitutional governance and civil-military relations (Yin, 2018). The study attempts to enhance theoretical understanding of institutional interaction in hybrid political systems through a detailed examination of the constitutional journey in Pakistan.

### **Doctrinal Constitutional Analysis**

Doctrinal constitutional analysis is one of the common methodological aspects of this study, which is widely used in constitutional and legal research. Doctrinal analysis refers to the systematic examination and interpretation of the constitutional provisions, statutory law, judicial decisions and legal principles to explain how the constitutional authority is constructed and applied (Hutchinson & Duncan, 2012).

The present research mainly discusses doctrinal constitutional analysis carried out of the Constitution of Islamic Republic of Pakistan (1973) and significant constitutional amendments such as Eighth, Thirteenth, Seventeenth, Eighteenth, Twenty-First, Twenty-Fifth and Twenty-Sixth Amendments. The relevant judgments of the Supreme Court of Pakistan with regard to constitutional interpretation, parliamentary sovereignty, judicial independence and executive authority are also examined. Such constitutional change is looked at in order to identify the changes in the balance of power between the executive, legislative, judicial, military institutions and provincial governments.

The use of doctrinal analysis is appropriate because the research questions are not just questions of compliance with the law, but constitutional authority. Amending the Constitution is not just about changing the laws, it's about changing the way institutions operate, the accountability of the people, and the nature of governance. An analysis of the constitutional doctrine is thus a necessary basis for understanding the impact of legal reforms on the larger political structures.

### **Qualitative Document Analysis**

The doctrinal constitutional analysis will be complemented with a qualitative document analysis (QDA) as the main empirical research method used in the study. According to Bowen 2009, document analysis is a systematic process that involves the review, evaluation, interpretation and synthesis of documents to provide meaningful analytical insight. Qualitative document analysis is more than just document review and entails the critical reading of documents in their social, political, and historical context.

Document analysis is found to be appropriate in the study because the study is carried out using documents that are legal and political documents related to the Constitution, which is the object of the study, rather than through direct observation or interviews. Collectively, these constitute authoritative information about the development of Pakistan's institutions: constitutional amendments, parliamentary debates, judicial opinions, policy reports, government publications, election documents, and the academic literature. In addition, documentary evidence offers continuity over time which could not be achieved through interviews alone, especially when analysing constitutional change over a number of decades (Bowen, 2009).

Document analysis also has several benefits, including methodological triangulation. The research uses a comparison of legal documents with judicial decisions, parliamentary records, official reports, and peer-reviewed scholarship to minimize reliance upon one source and enhance analytical credibility (Patton, 2015). The triangulation allows the study to separate out constitutional intent, judicial interpretation and actual institutional implementation.

### **Data Sources**

Documentary sources are used, both primary and secondary, for comprehensive and balanced study.

Primary sources are the Constitution of Pakistan (1973), constitutional amendments, Supreme Court rulings, parliamentary debates, publications of the Election Commission of Pakistan, reports of constitutional commissions, official government documents and related legislative documents. The documents contain concrete evidence on constitutional change, institutional authority and democratic governance.

Secondary sources include peer-reviewed journal articles, scholarly books, comparative political studies, publications on civil-military relations, publications on democratic consolidation, publications on judicial independence, and publications on institutional development. The reliability and scholarly quality of the evidence is given priority, meaning that the journals that have been indexed in SSCI and Scopus are given priority, as well as the authoritative academic publishers.

The use of several types of documentary evidence enhances the methodological rigour, as the developments of the Constitution can be studied from the complementary legal, political and academic points of view. This blend also makes it easier to compare the provisions in the Constitution with how they are understood in the context of other scholarly arguments.

### **Sampling Strategy**

For the vast amount of data from the constitutional and political literature, the study uses purposive sampling, which is one of the most common sampling methods in qualitative research (Patton, 2015). Purposive sampling consists of picking the information-rich documents that can answer the research questions, and not trying to analyze every document possible.

Selection criteria was determined before data were collected. Documents were added if they (a) directly referred to constitutional amendments, civil-military relations, judicial independence, institutional autonomy, democratic governance or hybrid democracy; (b) came from authoritative legal, governmental or academic sources; (c) were directly relevant to Pakistan's constitutional development; and (d) helped to understand the nature of change in institutions in the country's democratic evolution. Peer-reviewed academic publications, official constitutional documents, Supreme Court decisions, parliamentary proceedings, and internationally recognized publications were prioritized to ensure that the most credible and in-depth sources were used.

The purposive sampling approach thus assured that the documentary evidence is directly related to the study's purpose and not to the peripheral materials. The research is based on information rich and authoritative sources, and the depth of analysis is appropriate for interpretivist qualitative research and publication in high quality constitutional and political science research.

### **Thematic Analysis**

The documentary materials were then analysed using a flexible and rigorous method in qualitative analysis that is widely used in social science, namely thematic analysis. Thematic analysis, as defined by Braun and Clarke (2006 and 2021) is a systematic process to identify, categorise, analyse and interpret patterns of meaning from qualitative data. The method is suitable for this research, as it allows the researcher to surpass the level of basic description of the constitution and the political processes and events, and to broaden the scope of understanding how autonomy in the institution, civil-military relations, and constitutional governance are symbolized in various documentary sources.

Thematic analysis is in line with the interpretivist research paradigm that is used in this study. The analysis does not see constitutions as purely legal documents but instead takes into account the multiple interpretations of the documents, reflecting historical, political and institutional frames (Braun & Clarke, 2021). Hence, thematic analysis is a useful tool for analysing documents to explore how common ideas about democratic governance and institutional authority develop in various categories of documentary data.

Braun and Clarke's (2006) 6-phase framework was used to direct the analytical process. The first step involved repeatedly reading the documentary material, so that they would become familiar with the content of each document and the context of the institutional environment. Second, initial codes were created by determining the key concepts related to constitutional reform, civil-military relations, judicial independence, democratic governance, institutional autonomy, political accountability, and hybrid democracy. Thirdly, codes were aggregated systematically into larger analytical themes. Fourth, these themes were examined and modified to assure consistency with the research goals and documentation. Fifth, each theme was clearly stated and explained in terms of the theoretical framework. Finally, the results were brought together in coherent analytical narrative that also answered to the research questions, and combined constitutional interpretation with comparative political theory.

In this study, themed analysis was used instead of quantitative content analysis which emphasizes the number of occurrences of a phenomenon. The goal was not to calculate the frequency of occurrence of a

specific idea in documents but to capture the role played by constitutional institutions, law reforms and political players in the hybrid nature of democratic institutions in Pakistan. This interpretive orientation aligns with qualitative political research which aims to understand institutional processes, as opposed to setting up statistical relationships (Creswell & Poth, 2018).

### **Coding Process**

Coding was done deductively and inductively to enhance the analytical aspect. The theoretical framework and the literature from the fields of hybrid regimes, civil-military relations, constitutionalism, democratic consolidation, and institutional theory (Huntington, 1957; Levitsky & Way, 2010; North, 1990) informed deductive coding. Preliminary classifications of coding included constitutional amendments, civilian supremacy, military influence, judicial independence, parliamentary authority, institutional autonomy, governance, accountability, democratic consolidation, and informal institutions.

Inductive coding also helped to develop other themes that were directly suggested by the documentary evidence, without forcing theory-based interpretations (Miles et al., 2020). While analysing constitutional judgments, parliamentary debates and policy documents, several interrelated issues arose, some of which went beyond the initial coding framework, such as constitutional ambiguity, institutional contestation, political legitimacy, federalism, and judicial interpretation.

The documents were continuously compared throughout the coding process to highlight similarities, differences and patterns emerging in the institutions. The constant comparative method helped to improve the analytical consistency of the themes, as they were derived from the general documentary evidence, instead of events in the Constitution alone (Merriam & Tisdell, 2016). Finally, the coding framework included both theoretical and empirical aspects, so as to enable the results to be both substantiated in the primary documents and contribute to the general discussion on comparative politics and constitutional law.

### **Trustworthiness and research quality**

Qualitative research is imperative to be rigorous in methodology. Qualitative scholars do not rely on statistical measures of validity and reliability, but they do focus on trustworthiness which is defined as credibility, transferability, dependability, and confirmability (Lincoln & Guba, 1985). The following are suitable criteria for assessing the quality and integrity of interpretivist research.

#### **Credibility**

Credibility is the degree to which findings of the research are true to the phenomena being studied (Lincoln & Guba, 1985). Multiple types of documentary evidence were used in the present study, using what Patton (2015: 128) described as methodological triangulation, which involves analysing multiple categories of documentary evidence, such as constitutional texts, judicial decisions, parliamentary proceedings, official government publications, reports of independent institutions and peer-reviewed academic literature. Multiple sources also helped to minimize the risk of being misled by a single institutional point of view and allowed for more balanced interpretations of the constitutional developments.

This was further strengthened by a sustained engagement with both the foundational and current literature in constitutional law, studies on democracy, governance, and civil-military relations. This framework was continually developed using comparisons between the available documentary evidence and existing theoretical frameworks, while keeping the interpretation as grounded as possible and theoretically sound.

### **Transferability**

Transferability refers to the possibility of research results to be applied to other contexts or situations, not to generalizing to statistics (Lincoln & Guba, 1985). This research is a single case study with a qualitative approach; therefore, it cannot be applied generally to democratic systems. Rather, it aims to offer analytical generalization in the form of theoretical insights into the different discussions on hybrid democracy, constitutional governance and institutional autonomy (Yin, 2018).

The detailed description of the constitutional development, civil-military relations and institutional evolution of Pakistan makes the findings relevant to similar hybrid political systems. This contextual richness is well known to be necessary to improve transferability in qualitative inquiry (Merriam & Tisdell, 2016).

### **Dependability**

Dependability is related to the consistency and transparency of the research process (Lincoln & Guba, 1985). To enhance reliability, each step of the research has been carried out systematically and in accordance with the principles of qualitative methodology, namely the selection of documents, sampling, coding, the analysis of themes and interpretation. The application of purposive sampling, predefined inclusion criteria and clear description of analytical procedures promotes methodological transparency and provides background information for future researchers to understand how the results were achieved.

In addition, the researchers used widely-used analytical methods, such as Braun and Clarke's (2006, 2021) thematic analysis and Bowen's document analysis methodology to reinforce the consistency of the research design and the reliability of the results.

### **Confirmability**

Confirmability is related to the extent to which findings are based on documentary evidence and not on researcher bias or personal assumptions (Lincoln & Guba, 1985). In conducting the research, the interpretations were reinforced by the systematic comparison of multiple documentary sources and ongoing interaction with the literature of established scholars. Constitutional analysis was kept close to the log of the documents and not to the personal or doctrinal political views of the analyst.

Doctrinal constitutional analysis coupled with qualitative document analysis further enhanced confirmability by providing for legal interpretation and political analysis based on authoritative constitutional and academic sources. An evidence-based analytical approach minimised the influence of subjective interpretation, but maintained the interpretivist focus on contextual understanding.

### **Ethical Considerations**

While the study was not conducted on human beings, ethical considerations were always kept in mind throughout the research process. Given that the analysis was based solely on publicly available documents of the constitution, decisions from courts, parliament and government publications, and scholarly literature, formal ethical approval of the researchers' work was not necessary under the widely accepted research guidelines (Creswell & Poth, 2018).

However, the research was conducted in accordance with basic principles of academic honesty, intellectual honesty and responsible scholarship. All documents were accurately presented, interpreted in the context of the Constitution and politics of the time, and cited appropriately in APA 7th edition. Special care was

taken to ensure that no constitutional provision or arguments or reasoning was interpreted or misrepresented in a way that would promote or discriminate against particular groups.

In the context of civil military relations and constitutional governance, where political sensitivities are a major consideration, the analysis was undertaken in a scholarly and neutral manner. The study did not aim to promote any particular political agenda; instead, it tried to offer a balanced, well-informed interpretation, drawing on constitutional texts and scholarly research. This will enhance the ethical standard of the research.

### **Methodological Limitations**

Although this study has advantages, it also has several limitations in terms of methodology. The first observation is that the research is based solely on documentary information and hence does not interview political leaders, judges, military officials, constitutional scholars or policy makers. Documentary evidence is extensive, and interviews with elites may bring other insights on institutional decision making processes.

Second, the study employs single case design as it is concentrating only on Pakistan. This will allow a detailed contextual analysis but will make it more difficult to directly compare with other hybrid democracies. A comparative study with countries like Turkey, Bangladesh, Thailand or Egypt in the future could further investigate the generalizability of the results.

Third, constitutional and political institutions are still developing. This means that constitutional interpretation, practice and political relations may evolve. The results should therefore be interpreted as being representative of the documentary data that existed during the time frame analyzed, and not as final institutional decisions.

Lastly, there is always a degree of researcher judgment in qualitative interpretation. Some methodological strategies were used to reduce subjectivity such as using methodological triangulation, systematic coding, and trustworthiness procedures, but interpretivist research has a philosophical view that this is impossible and also lacks consistency (Denzin & Lincoln, 2018). Rather, this is about making coherent, theoretically-informed, evidence-based interpretations.

## **FINDINGS AND DISCUSSION**

### **Hybrid Democracy and the Evolution of Civil–Military Relations**

From the qualitative analysis, it can be concluded that the political system in Pakistan is best described as a hybrid democratic system which means that there are two centers of political power that are formally established by the constitution and the other are informal and have remained in existence. Pakistan is not a case of liberal democracy or of a return to explicit authoritarianism, but rather a political system where elections, parliamentary government, constitutional rights and judicial institutions coexist with centuries-old civil-military power dynamics. The documentary evidence indicates that these parallel structures have impacted the working of democratic governance in Pakistan's constitutional history. This result aligns with an existing body of literature about hybrid regimes, which holds that modern political systems often combine democratic practices with mechanisms that constrain the practice of democracy (Levitsky & Way, 2010; Croissant et al., 2013).

History of the constitution of Pakistan shows that there has never been a peaceful practice of civil military relations where they have been fixed in a particular way or emerged in a definite form. The history of the constitution of Pakistan indicates that civil military relations have never been static and always adjusted

themselves to the new political environment. Under military rule, political power was exercised in a formal way and during democratic transitions, through more indirect institutional means. A study of constitutional documents, judicial decisions and scholars provides evidence that civilian governments have gained more power since electoral democracy was restored in 2008 but civil-military relations still play a role in shaping the country's national security agenda, foreign policy, crisis management and wider institutional decision-making (Rizvi, 2000; Shah, 2014). Therefore, it is concluded from the findings that hybrid democracy in Pakistan cannot be viewed as a failure of institutions but a dynamic political system product of the interplay of constitutional governance and state formation processes in the country.

It is similar to the theory of competitive authoritarianism outlined by Levitsky and Way (2010) and extends insights into the differences between the two theories. Whereas classical competitive authoritarian regimes do not have an active judiciary, competitive electoral politics, an assertive parliament, and a vibrant civil society, Pakistan does. However, the operation of constitutional institutions is still in an environment where informal institution relationship is still influential. The qualitative evidence thus implies that the notion of 'hybrid democracy' is a better fit to describe the institutional complexity of Pakistan than the binary of democracy-authoritarianism. The results do not confine the definition of democracy to electoral competition, but highlight the relationship between the constitutional lawfulness, institutional autonomy, and informal political power.

The results also show that legacy has a continuing influence on current institutional ties. Constitutional changes by Ayub Khan, Yahya Khan, Zia-ul-Haq and Pervez Musharraf made a major shift in the balance of executive power, judicial structures and administrative institutions (Talbot, 2012). While later democratic regimes have reinstated some of the key constitutional elements, their impact on the institutions of government has been lasting, and expectations of political life remain shaped by the changes they wrought. This observation confirms North's (1990) institutional theory that states path dependence in historical institutional arrangements shapes future political development. The evaluation of constitutional reform must, therefore, be done within a historical context in which institutions grow.

One of the main results of the documentary study has to do with the difference between formal constitutional power and real institutional power. Parliamentary Democracy, Civilian Executive System, Independence of Judiciary and Constitutional Accountability are enshrined in the Constitution of Pakistan. But constitutional texts are not the only factor to explain institutional behaviour. Formal and informal rules and relations, past practices, and political negotiations often shape the actual exercise of constitutional authority (Helmke & Levitsky, 2004). This result strengthens institutionalist theories about co-existence of formal and informal institutions, and about outcomes of informal institutions that are different from those envisioned by the constitution.

The qualitative evidence also indicates that the nature and dynamics of civil-military relations must not be understood solely as a confrontation or institutional competition. Instead, the documentary analysis shows that there are consistent trends of negotiation, accommodation, cooperation and constitutional adjustment among political institutions. In the era of democratic stability, constitutional actors have shown greater ability to settle institutional disputes via parliamentary debates, court rulings, and political discussion. At other times, however, the political polarization has been a factor in raising institutional tension, which serves as another reminder of the interdependency of political consensus and constitutional government. This subtle discovery expands Huntington's (1957) theory by adding the idea that modern democratic government relies not just on a formal civilian control of the military but on good working constitutional relations between different state institutions.

Another major revelation is the growing presence of civilian institutions in the democratic system of Pakistan. Parliament is more active in its legislative functions since the return of democratic government in

2008, the provincial governments have more constitutional powers after the 18th Amendment and judicial institutions have started playing an active role in Constitutional Interpretations (Adeney, 2012; Waseem, 2012). While structural issues remain, these developments demonstrate concrete steps that have been taken towards democratic institutionalisation. In that context, the study refrains from making destructive inferences about Pakistan's inevitable failure to move towards democratization. Rather, the results show a slow process of institutional change consisting of democratic advances and remaining constitutional restrictions.

The analysis also reveals that in the past, public demands on democratic accountability have been quite different from what they are now. Today, the quality of constitutional governance is being assessed not only on the basis of elections, but also on the basis of judicial independence, the effectiveness of parliament, transparency of government and institutional accountability. The Lawyers' Movement, media focus, and an increasing number of civil society organizations helped to lead to calls for the supremacy of the constitution and the rule of law (International Commission of Jurists, 2013). The developments indicate that democratic legitimacy is not only derived from the ability to hold regular elections, but also from the performance of the institutions themselves, echoing the thematic of governance literature that holds that accountability should exist beyond the phase of the elections (O'Donnell, 1998).

These findings can be compared to similar ones found in previous scholarship to get a sense of continuity and divergence. The military dominance of the political system of Pakistan was a feature most often highlighted in earlier analyses (Zai, 2000; Rizvi, 2000). The current study makes a point of the ongoing relevance of civil-military relations but also points to a more complex institutional landscape where the influence of Parliament, judiciary, provincial governments, constitutional commissions and civil society organisations on democratic governance is growing. Again, this does not mean that there is no longer institutional inequality, but rather that political power is now more dispersed among constitutional institutions than most of the literature would have suggested. In this context it is important to pay more attention to institutional interaction and not just military influence in the analysis of the modern democracy of Pakistan.

The results from a theoretical perspective corroborate an integrated analytical framework grounded in hybrid regime theory, civil-military relations theory and institutionalism. Huntington's (1957) focus on civilian control accounts for the norms of democratic governance, and the hybrid regime theory of Levitsky and Way (2010) accounts for the coexistence of democratic institutions and informal political influence. North's (1990) institutional theory also helps to explain the influence of historical heritage and informal institutional rules on constitution implementation. Combined these perspectives give a better account of Pakistan's democratic trajectory than any single theoretical tradition.

The findings have also significant policy implications. Strengthening institutional cooperation is essential for sustainable democratic governance, not competition as constitutional institutions as centres of political authorities. Improved parliamentary oversight, more constitutional accountability, more transparent decision making and more frequent institutional dialogue could help to defuse political tensions, and increase democratic legitimacy. Continuous investment in constitutional education, public accountability mechanisms, and democratic institution-building, that can strengthen civilian governance within the constitutional structure, is also critical. These measures uphold international scholarship which focuses on institutional trust, constitutional legitimacy, and effective governance as essential conditions for democratic consolidation, not just the design of the constitution (Diamond, 2002; Fukuyama, 2013).

### **Political power can be redistributed through constitutional amendments**

Constitutional amendments are one of the key methods by which political authority has been repurposed in the constitutional system in Pakistan, as revealed by documentary analysis. The amendments to the Constitution were not just legal fixes, but have been used multiple times to redefine the roles of the executive branch, the legislature, the judicial branch, the provincial governments, and the other constitutional powers. The results show that constitutional change in Pakistan has always been intertwined with broader political changes, thus revealing that the field of constitutional law and political change are not completely distinct but have interacted with each other throughout the process of change (Khan, 2005; Newberg, 1995).

Major amendments to the Constitution show different stages of institutionalization. Changes in parliamentary and judicial powers that occurred during military rule tended to limit parliamentary and judicial functions to serve the executive and reflect the shifting political climate. In contrast, during democratic regimes, more and more amendments focused on parliamentary sovereignty, the autonomy of the provinces, constitutional accountability and decentralisation of institutions (Waseem, 2012). This indicates that constitutional change has been more than merely technical, legal changes, but a response to the political conflicts over the distribution of constitutional power.

The Eighteenth Amendment is the most important of all reforms in the constitutional record. The amendment significantly curtailed the powers of the President, returned the parliamentary supremacy, gave provinces greater authority in making law, bolstered federalism and reaffirmed democracy and constitutional principles (Adeney, 2012). The results show that these reforms were not fortuitous but were in fact deliberate in their intent to shift the balance of the constitutional power toward representative democratic institutions. However, the analysis also shows that constitutional change has to be accompanied by changes in broader political practices for institutional change to occur.

This observation reinforces Helmke and Levitsky's (2004) claim that there are parallel institutional arrangements, both formal and informal, in constitutions. While constitutional reforms provided clearer legal frameworks for democratic governance, its implementation remained to be dependent on political cooperation, institutional capacity, and constitutional culture. Thus, the success or failure of a constitutional amendment depended on the political context for the amendment more than on the drafting of the amendment itself. The results thus question legalistic notions that constitutional reform will inevitably lead to democratic consolidation.

Documentary analysis also shows that constitutional changes have helped to make federal government stronger by increasing provincial power and changing the relationship between the centre and the province. Decentralization has improved the role of the provinces in making policy, and avoided overconstitutionalisation. The implementation, however, has been uneven in policy areas, which shows that institutional autonomy not only relies on the constitutional mandate but also administrative capacity, political coordination, and effective governance (Cheema, 2022). This finding is in line with the governance scholarship that sees a need for the harmonious growth of constitutional reform and institutional effectiveness to yield sustainable democratic outcomes.

While there are many similarities with what is already known from scholarship, there are some important differences. Previous research tended to score amendments based on their short-term political impacts. This analysis, rather, focuses on their cumulative institutional impacts over many decades. Taken together, the constitutional changes allude to a gradual but incomplete shift toward the empowerment of the legislature, judiciary, provinces and constitutional accountability. So, democratic development has been gradual and incremental: it hasn't been a complete overhaul of the constitution.

The general results indicate that constitutional amendments are a necessary but not sufficient precondition for democratic consolidation. They set up the legal framework needed for representative government, but the viability of the system over time requires institutional independence, adherence to constitution, consensus, and democratic values. Constitutional reform is thus not to be seen as the final phase of democratisation but as a part of a longer process in which constitutional institutions, political actors and democratic values develop side by side. This conclusion underpins the following section, which looks at the impact of judicial independence and the constitutionality of parliamentary sovereignty on institutional autonomy in the context of a hybrid democratic system in Pakistan.

### **The Constitution of the United States and the judicial branch**

Based on the qualitative analysis, it can be seen that judicial independence is one of the key elements of institutional autonomy in the hybrid democratic system of the Pakistan. Constitutional documents, Supreme Court decisions, parliamentary proceedings, and scholarly works show that the judiciary has increasingly become a key interpreter of constitutional rules, defender of the separation of powers and a mediating force in the conflicts between the institutions of the state. The results also suggest that judicial independence has emerged in times of institutional strength as well as constitutional debates that have paralleled the development of Pakistan's democratic framework (Newberg, 1995; Shah, 2014).

The historical study indicates that judiciary has not played a uniform constitutional role in the political history of Pakistan. In various instances of constitutional crisis, the judiciary has ruled extra-constitutional political changes legitimate, thus undermining constitutional supremacy and strengthening executive power (Newberg, 1995). It seems that these judgments have never received any lasting academic praise and played an important role in broadening judicial interpretation of constitutional exceptions rather than deepening democratic constitutionalism. As a result, early constitutional law has made its mark on the ongoing debate about the limits and the scope of constitutional interpretation.

The results however reveal a gradual shift in Judicial behaviour in the twenty first century. Since the Lawyers' Movement (2007–2009), the judiciary has shown a greater sense of its constitutional mandate and reinforced its judicial powers by engaging in judicial review, extending the scope of constitutional interpretation and applying greater constitutional oversight over executive action (International Commission of Jurists, 2013). This is an important change away from institutional accommodation to more focused constitutional monitoring. In tandem with this, the expectations of the public regarding the independence of the judiciary have grown as the evidence indicates that there is increasing trust in the judiciary as a key institution for maintaining constitutional governance.

The study also shows that the concept of judicial independence goes beyond the resolution of legal disputes. The Supreme Court has been playing a more and more institutional role as constitutional interpreter, protector of fundamental rights, solver of federal disputes and as a clarifier of the constitutional role of state institutions. These functions have advanced the concept of constitutional accountability, by forcing governmental action to be interpreted by the judiciary and not just by politicians (Shapiro, 1981). So too judicial independence is a factor that helps the legal certainty, but also the democratic legitimacy.

The qualitative results also suggest that judicial independence has a strong link with the constitutional supremacy principle. Judicial review is a fundamental part of the Constitution of Pakistan, ensuring that legislative and executive action are in line with the Constitution. The significance of the constitutional adjudication has been illustrated through documentary analysis in the cases related to electoral disputes, authority of parliament, constitutional amendments, federalism and the competence of institutions. This has made Judiciary the significant player in safeguarding constitutional balance in the growing democratic system of Pakistan.

These results are similar to comparative constitutional studies that argue that the independent judiciary plays an essential role in democratic governance by curbing arbitrary governmental power and enforcing constitutional rights (Vile, 1998; Ackerman, 2000). The analysis also shows, however, that the issue of judicial independence must not be judged by looking at the text of the constitution. Political acceptance of judicial power, adherence to constitutional rulings and general respect for the rule of law are among the other elements of institutional effectiveness. In that respect, there is a constant linkage between constitutional independence and institutional authority in practice.

One of the recurring themes that can be seen from the documentary evidence is the question of judicial activism. It is claimed that the role of active judicial review enhances the constitutional democracy, as it safeguards fundamental rights, upholds constitutional boundaries and holds the government to account (Tate and Vallinder, 1995). Some observers however argue that undue judicial activity may lead to judges exercising their powers over areas where parliaments and elections are more rightly placed, so as to impact on the accountability of democratic government (Bellamy, 2007). The results suggest that each of these perspectives has analytical value. Judicial intervention has been instrumental in enhancing constitutional governance in times of institutional crises, but the consolidation of democracy in the longterm will only come if all constitutional institutions can effectively cooperate with each other.

#### **Learning through comparing and contrasting shows continuity and change across time**

Previous research often depicted the judiciary in Pakistan as politically dependent and institutionally weak (Newberg, 1995). However, recent scholarship has focused upon the increased assertiveness and constitutional independence after democratic restoration (Shah, 2014). The present study corroborates this second reading and acknowledges that judicial independence is still a work in progress and not a fully-fledged constitutional achievement. These results indicate, therefore, that the judiciary has gained more influence in Pakistan's constitutional system, but the problems are far from over.

Theoretically, the results lend support to the main tenets of constitutionalism, which holds that a healthy balance of institutional checks and balances is essential to democratic rule. The constitutional interaction between constitutional law, judicial review and democratic accountability is a demonstration of this that constitutional stability is dependent on the ability of independent institutions to interpret and enforce constitutional principles. At the same time, institutional theory (North, 1990) accounts for the fact that the effectiveness of the constitution requires more than just the formal legal authority; it also needs historical institutional development and political practice. Judicial independence is consequently a legal and an institutional construct influenced by the design of the constitution and the democratic development in general.

The results also have important policy implications. Further judicial independence will be achieved through transparent judicial appointments, streamlined procedures, protection from political pressures, implementation of judicial decisions and continuous investment in judicial institutions. No less important is the proper balance of judicial review and parliamentary decision making as enshrined in the Constitution. Courts which respect the legitimate policymaking function of elected institutions and which uphold constitutional principles contribute to democratic consolidation. Courts that uphold the constitutional principles and that respect the legitimate policymaking function of elected institutions strengthen democratic consolidation. The concept of judicial independence therefore should not be interpreted as an alternative to democratic politics but rather as a way of maintaining the constitutional governance.

**The principle of Parliamentary Sovereignty and Institutional Autonomy is upheld**

Another important factor of hybrid democratic development in Pakistan is parliamentary sovereignty, identified through documentary analysis. The historical evolution of the Constitution, its parliamentary history and the academic literature invariably show that Parliament plays a pivotal role in the constitutional system as the principal representative body with key roles in the enactment of legislation, the amendment of the Constitution, holding the Executive to account and the representation of the people. Yet the results show that in the past, the role of the parliament was not stable due to constitutional changes, organizational adjustments of the executive, military takeover, and political drift (Waseem, 2012; Khan, 2005).

The analysis shows that Parliament's constitutional powers have increased significantly over the years in response to successive democratic transitions, especially since the Eighteenth Amendment was passed that resumed a lot of powers that were earlier delegated to the executive institutions. There were signs that strengthening parliamentary sovereignty was a conscious attempt to strengthen representative government through greater parliamentary oversight and less executive dominance, and to improve federal constitutional governance. (Adeney, 2012) As a result, the role of the parliament has become more pivotal in the constitutional governance in Pakistan's democratic system.

The results also uncover the need to move beyond the concept of parliamentary sovereignty as legislative supremacy. Instead, Parliament has several constitutional roles: to oversee the Executive, to approve budgets, to amend the Constitution, to review Bills before they become Acts, to act as a representative of the various political interests in the country. These responsibilities all work towards democratic accountability, in that government is held to account in the eyes of the public and by the legislature. The role of parliamentary committees has been increasing in importance as they are used to assess the quality of legislation, monitoring executive action and improving transparency of institutions, with some success in some political environments and less in others, as witnessed from documentary evidence.

One of the key findings is on the relationship between parliamentary sovereignty and institutional autonomy. According to the documentary analysis, the constitutional status of constitutional institutions, such as the judiciary, the Election Commission, provincial governments and oversight bodies, is largely based on acts of parliament and constitutional amendment. Once in place, however, such institutions must have adequate independence to do their constitutional functions effectively. The conclusions are thus that the parliamentary sovereignty and institutional autonomy must be understood as a complement and not as a conflict between constitutional principles. The constitutional institutions are established by Parliament and institutional autonomy allows them to operate outside the Parliament within the parameters of the Constitution.

The qualitative evidence also shows that constitutional amendments have had a marked impact on the authority of parliament. Previous reforms gave more powers to the executive, while later democratic reforms brought back powers of the Legislature and Parliament. These constitutional changes, taken together, point to a more or less subtle shift in power in favor of representative institutions. This cumulative view complements previous research which has focused on discrete constitutional changes rather than institutional change over time.

Despite these positive developments, the analysis of documents reveals ongoing obstacles to the effectiveness of parliament. Parliament's ability to effectively and consistently hold the Executive to account is sometimes hampered by party discipline, coalition instability, legislative delays, political polarization and frequent constitutional disputes. These institutional limitations underscore that the rule of Constitution does not ensure good democratic government. Instead, political consensus, legislative professionalism, administrative assistance, and public trust in the legislature are vital to parliamentary

effectiveness (Fukuyama, 2013). This means that alongside constitutional reform, institutional strengthening is vital.

Review of the past research shows that the concept of parliamentary sovereignty has grown in the post-restoration of democracy era, but there is a consensus that the increase is not as significant as can be imagined. In many instances, previous literature has focused on parliamentary relative to executive institutions less power (Talbot 2012). However, more recent research emphasizes the positive gains that have come with democratic reforms in terms of legislative performance, constitutional amendment, committee effectiveness, and federal governance (Cheema, 2022). The present results confirm this second view, but recognise that there is still a way to go before parliamentary development can be considered as complete and uniform as is desirable in all policy fields.

The results also support O'Donnell's (1998) notion of horizontal accountability, which posits that constitutional institutions are important in verifying the powers of government. Parliament serves as one of the key instruments by which democratic accountability is exercised, especially in the context of legislative oversight complemented by judicial review, constitutional commissions, audit bodies and election management bodies. The documentary evidence indicates that reinforcing these institutional relationships is more effective for democratic governance than on the basis of any one institution.

The analysis reveals that institutional autonomy becomes a key theme throughout. To effectively carry out their constitutional duties, constitutional bodies must be free from arbitrary political interference, have the capacity to function effectively in administration and be financially supported. The results show that institutional autonomy does not mean institutional isolation. Rather, autonomous institutions are allowed to function within the framework of constitutional accountability, grounded in the balance of independence and legal accountability, transparency and democratic oversight. This reading is similar to North (1990) institutional theory and the formal and informal institutional analysis of Helmke and Levitsky (2004).

The implications for policy have implications. To deepen parliamentary sovereignty, ongoing efforts must be made to build the capacity of legislative research, committees, constitutional education, transparent legislative processes, and stronger executive oversight. Concurrently, constitutional institutions must be given appropriate legal and administrative safeguards to ensure their operational autonomy while being held accountable in the constitutional framework. These reforms would help to advance good governance, increase democratic accountability and raise institutional resilience.

The overall results indicate that the two elements of democratic consolidation, parliamentary sovereignty and institutional autonomy, are reinforcing processes. Good legislatures set the constitutional framework for good governance, and independent institutions help to keep constitutional power within the limits of law. It is not just about the amendment of the Constitution, it is also about the sustained growth of capable, independent and accountable institutions that operate within the larger constitutional framework in a cooperative manner. The conclusions are the basis of the next section which focuses on the accountability of democracy, democratic governance, political instability and its implication to the consolidation of the hybrid democracy in Pakistan.

### **Elections and democratic accountability and governance**

Qualitative examination shows that the concept of democratic accountability is one of the most salient features of the emerging hybrid democratic system in Pakistan. There is documentary evidence that the concept of accountability has been extended beyond the electoral cycle to constitutional review, judicial review, parliamentary oversight, the media and the increasingly active role of civil society groups. Elections remain the main way in which governments secure democratic legitimacy, but the results indicated that the

strength of institutions tasked with holding and limiting the exercise of political power (O'Donnell, 1998; Diamond, 2002) is becoming an increasing factor in democratic governance.

The analysis shows that there are two types of accountability mechanisms in Pakistan: vertical and horizontal accountability. Regular elections, political competition and citizen participation are the chief mechanisms for vertical accountability, by which citizens reward or replace governing parties. Horizontal accountability, on the other hand, is used through constitutional bodies like Parliament, judiciary, Election Commission, audit institutions and other institutions of oversight and control, which are independent of electoral cycles (O'Donnell, 1998). The evidence shows that these constitutional institutions are developing slowly and have improved democratic governance by making the government more transparent and reducing arbitrary action by the government.

Important in this regard is the linkage between accountability and institutional effectiveness. While there are constitutional mechanisms for oversight, the effectiveness of these mechanisms will rely on institutional capacity, political will and adherence to constitutional procedures. Based on the analysis, the accountability institutions work best in the presence of clear legal procedures, access to administrative resources, and regular political co-operation. Academically, these episodes of polarization, confrontation over the constitution, and mistrust of institutions serve to diminish the accountability effectiveness of accountability mechanisms even if they have formal constitutional protections. Conversely, episodes of polarization, constitutional confrontation, or institutional mistrust generally hurt the effectiveness of accountability mechanisms even when they have formal constitutional protections. The result reinforces scholarship on governance that focuses on the importance of both the design of the constitution as well as implementation and administrative capacity (Fukuyama, 2013; Grindle, 2007).

The documentary evidence also brings to light that increasing the independence of the media, transparency of the judiciary and the involvement of civil society communities has helped to raise the general expectations of democratic accountability. In Pakistan, debates on constitutional matters, elections, judicial rulings and the performance of the executive have come into the open within the democratic sphere. The developments here suggest that democratic legitimacy is not only judged by the legal aspects of the constitution, but also by the responsiveness of institutions, transparency, and public trust. As a result, governance is now linked to constitutional accountability and not just to administrative efficiency.

Another key lesson that can be drawn from the analysis is on the significance of the constitutional institutions for good governance. The evidence indicates that good governance must go beyond the executive and involve a variety of institutions to bring it about. The legislative oversight role of Parliament, the constitutional review role of the judiciary, the decentralized administration role of provincial governments, and the regulatory and accountability role of independent constitutional bodies all contribute. This institutional relationship serves as justification for the thesis that the democratic form of government is strengthened when constitutional duties are spread among autonomous, but coordinated institutions (North, 1990; Helmke & Levitsky, 2004).

A comparison with previous scholarship shows a marked change of emphasis. Previous research often has linked governance problems to political turbulence and poor administration (Talbot, 2012). Institutional accountability, constitutional transparency, and public participation are now recognized as critical elements of democratic governance (Cheema, 2022), and are highlighted more recently in scholarship. The results of the present study corroborate this second view in that it shows that enhancing institutional relations is more important than increasing internal centralization of authority within any one political institution.

Theoretically, the results confirm O'Donnell's (1998) democratic accountability model and further develop institutional theory. The principles and practices of accountability are demonstrated as a constitutional

principle and an institutional practice which emerges from the interaction between legal rules, political action and administrative institutions. Likewise, North (1990) offers an institutional explanation of the factors that shape governance outcomes both through formal institutional rules and informal institutional norms. Democratic accountability thus becomes a multi-faceted phenomenon that involves both constitutional legitimacy and institutional autonomy and ongoing political engagement.

The results have policy implications too. More attention must be paid to parliamentary oversight, judicial efficiency, independent regulatory bodies, transparent governance, and civic involvement to improve democratic accountability. It is also important that political actors and citizens are made more familiar with the Constitution and their duty to respect democratic institutions and constitutional processes. These changes would not just help in better governance, but also boost the confidence of people in the democratic processes of Pakistan.

### **Political Instability and Elite Politics: and Hybrid Governance**

According to the qualitative analysis, political instability is one of the most enduring problems which has been a hindrance to the democratic process of Pakistan. Based on documentary evidence, it can be argued that the sources of instability are not just the shortcomings of the constitution, but the confluence of political contestation, institutional disagreement, elite negotiation, institutional problems, and historical baggage. These factors are not just political crisis in isolation but together come to influence the functioning of the hybrid democratic system in Pakistan, which affects the constitutional governance and institutional performance (Talbot, 2012; Jalal, 1995).

The question of the role of the elites in constitutionalization is a constant theme. The analysis suggests that major constitutional changes and new democratic transitions and institutional restructuring often have resulted from negotiations between the key political actors rather than from broad societal consensus. The outcomes of the Constitution have been influenced by political leaders, military institutions, judicial actors, senior bureaucrats and influential political parties. Institutional development has therefore frequently been a compromise of the elites and constitutional values. This discovery reinforces elite theory which holds that constitutional design is not always sufficient for political stability, and that the relationship among elites in a country is often negotiated (Higley & Burton, 2006).

The evidence shows in the documentation that over time there have been times when polarization has compromised institutional effectiveness. Partisan competition, constitutional controversies and conflicts, electoral issues and disagreements about the executive have occasionally distracted institutional attention from governance issues. In such times, political conflicts tend to take precedence over long-term policy goals for constitutional bodies. These results indicate that political instability has an impact on democratic governance that goes beyond the disruption of governments, as it also impacts on the capacity of institutions to make sound decisions.

However, the results suggest also valuable insights into institutional resilience. In the face of numerous constitutional crises and political changes, Pakistan's constitution has shown remarkable continuity. Democratic elections have been ongoing, constitutional amendments have been made by parliamentary procedures, judicial review has grown, and the provincial governments have seen a rise in their constitutional powers since decentralisation reforms. The developments suggest that Pakistan's democratic institutions are more resilient than what some determinist narratives have often credited them with being (Adeney, 2012; Waseem, 2012).

The analysis also sheds light on the importance of 'informal institutions' in Pakistan's 'hybrid democratic system'. Constitutional governance is not the only element that affects decision-making beyond

constitutional considerations, as it is complemented by political conventions, historical practices, elite negotiations, and institutional norms. This observation is in line with what Helmke and Levitsky (2004) argue in their theory that informal institutions often complement, modify or limit formal institutions. Hence, the results indicate that one has to study the Pakistan's democracy not only through constitutional law but also with the informal political practices.

Another significant result is that the link between political instability and civil-military relations is not as tight as previously thought. There is documentary evidence that there have been times when political conflict has led to higher levels of institutional tension, and other times when there has been greater political consensus which has been conducive to more cooperative constitutional governance. The pattern implies that not only is constitutional reform a necessary condition for democratic stability, but that it is also crucial for political institutions to be able to resolve disagreement constitutionally, as opposed to through extra-constitutional means. The results thus confirm Huntington's (1957) contention that professionalism in institutions and explicit constitutional roles are important factors for the stability of a democracy.

The continuity and refinement can be found when compared with other scholarship. In the previous literature, the political instability in Pakistan was discussed mainly in terms of military intervention or constitutional interruption (Rizvi 2000). The present analysis highlights a more complex nexus with the interplay of governance capacity, elite bargaining, institutional autonomy, judicial development, parliamentary evolution, and constitutional adaptation, which despite its historical significance, is also relevant for the present. This more holistic view is capable of giving a larger picture of the nature of hybrid democracy in Pakistan than any focus on a single institutional variable.

Theories are of particular importance, from a theoretical point of view, because the findings show the complementary nature of hybrid regime theory, institutionalism and civil-military relations theory. Levitsky and Way's (2010) notion of hybrid regimes describes the presence of both formal democratic institutions and informal political influence. North's (1990) institutional theory helps account for the persistence of institutional structures in the governance process, and Huntington's (1957) theory helps account for the ongoing influence of civilian control of the military. These viewpoints offer an integrated account of the democratic trajectory in Pakistan which goes beyond the classical democratic transition models.

The results also indicate that political instability is not necessarily indicative of democratic failure. Instead, much of the constitutional controversy involves working out different versions of the Constitution in a changing political landscape within the framework of democratic government. The evidence of the documents suggests that, while instability may pose governance problems, conflict has increasingly been settled through legal and parliamentary processes with the help of constitutional institutions. This is an important sign of the maturation of democracy in spite of ongoing structural weaknesses in conflict resolution.

The policy implications that come from these findings are significant. To build a sustainable democratic governance, it is important to work towards mitigating the political polarization, improve inter-institutional cooperation, increase the consensus within the Parliament and respect constitutional procedures among all political actors by means of constitutional dialogue. Further reforms to enhance public administration, legislative performance and judicial efficiency, and constitutional accountability would further bolster democratic resilience. Moreover, through transparent governance and participatory political process, institutional trust can potentially lessen the frequency of constitutional conflicts, and strengthen democratic legitimacy.

### **Comparative and theoretical implications of Democratic Consolidation**

The qualitative analysis shows that the democratic process in Pakistan can be viewed as a process of democratic consolidation, not a democratic transition. The evidence shows that the following elements have contributed to the institutionalization of democracy: constitutional amendments, judicial development, strengthening parliamentary institutions, expanding provincial autonomy and enhancing institutional accountability. In parallel, the failure of the informal institutionalization, the exercise of elite bargaining, the increase in polarisation and the changing relationship between civil and military society suggests that democratic consolidation is far from complete. The results reinforce comparative democracy scholarship which points to a process of gradual transformation of political institutions as the definition of democratization (Linz & Stepan, 1996; Diamond, 2002).

One major conclusion that is emerging from this analysis is that the consolidation of democracy requires institutional balance, not institutional dominance. Effective constitutional stability is enhanced by effective legislative oversight by Parliament, independent constitutional review by the judiciary, accountability of executive institutions and autonomous operation of constitutional bodies within well-defined legal boundaries. The evidence in the documentary record indicates that the resilience of democracy grows as these institutions work well with each other, and within constitutional boundaries. On the other hand, being institutionalized, high centralization, or constitutional conflict for a long time will lead to a decline in governance effectiveness and public confidence. These results support the constitutional theory on the need for checks and balances to maintain democratic governance (Vile, 1998; Ackerman, 2000).

It has further been found that the Pakistani case of democracy transition undermines the traditional democratic transition theory that assumes a smooth and unidirectional transition from authoritarianism to consolidated democracy. Pakistan's journey from one democracy to another has not been smooth, but rather, has been both turbulent and marked by periods of democratic advancement, constitutional disruption, institutional adjustments, and political negotiations. Thus, a democratic development has been defined in a more of an adaptive nature rather than in a linear one. This observation is consistent with the theory of the hybrid regime, which suggests that many modern political regimes are a blend of democratic processes and informal political tradition that is deeply rooted (Levitsky & Way, 2010; Croissant et al., 2013).

In terms of institutional features, Pakistan has some similarities with other “hybrid” democracies where constitutional institutions are established in the presence of historically powerful state actors and evolving democratic practices. The results also show significant differences, however. Pakistan has experienced ongoing constitutional change, free elections, the strengthening of judicial powers, greater provincial autonomy, and greater parliamentary involvement, unlike some other mixed systems which have seen a decrease in judicial power and/or electoral contestation. This indicates that the hybrid nature of Pakistan's democracy does not necessarily indicate that it was not adaptive in the institutional sense as much as it is sometimes believed to be. So, comparative political analysis needs to take the diversity of hybrid political systems into account, not its institutional uniformity.

The qualitative results also help theory development in the area of civil-military relations. Huntington (1957) stressed the need for civilian control of military institutions, and Stepan (1988) pointed to the elimination of military prerogatives as a crucial factor in consolidation of democracy. The documentary evidence supports both views, but also implies that in the modern democratic state, there is a need for wider cooperation amongst institutions than the simple dichotomy between civilians and military is able to accommodate. Civil-military relations are not the only influence on democratic outcomes; the role of Parliament, the judiciary, constitutional commissions, provincial governments, and oversight institutions are also key factors. Hence, the analysis of democratic consolidation should be done on the basis of a combined institutional relationship and not a single institutional one.

The results also validate the institutional approach by showing that constitutional changes are not sufficient to account for democracy. Formal institutions exist in addition to informal norms and historical practices (North 1990), and informal institutions remain important in democratic systems (Helmke and Levitsky 2004). The thesis of this study lends strong support to these propositions. While democratic institutions have certainly been bolstered by constitutional reforms, the impact of these changes has depended on a wider political culture, institutional cooperation, administrative capacity and constitutional adherence. Democratic government thus is not just a matter of constitutional design, but also of institutional practice and interaction.

The other contribution of interest is theoretical, relating constitutionalism and governance. Much of the work on constitutional amendment traditionally looks at the legal aspects of the amendment, while the governance literature focuses on institutional efficiency and governance performance (Fukuyama, 2013). The results suggest that these perceptions should be understood in a complementary way. Although constitutional reform sets the legal framework for democratic governance, institution building is key to ensuring that constitutional principles will be implemented effectively. Hence, constitutional legitimacy and good governance are linked and reinforcing aspects of democratic consolidation.

When compared to the previous scholarship, there is agreement and refinement. Previous research tended to focus on the persistent constitutional crises and military takeover as the hallmark of Pakistan's political history (Rizvi, 2000; Jalal, 1995). Such historical experiences are important but the current analysis highlights the importance of institutional developments that have been comparatively under researched, such as judicial strengthening, the evolution of Parliament, federal decentralisation and increase in accountability institutions. The results of this study do not ignore the fact that Pakistan's democracy continues to face many challenges, but they do indicate the extent to which the democratic institutions have matured in the face of these challenges.

As a whole, the results indicate that there is a need to assess the nature of the hybrid democracy in Pakistan in light of its own characteristics and not in terms of the standards of liberal democracy prevalent in western countries. Rather, it should be seen as an ongoing constitutional process that is influenced by history, institutional change, and democratic negotiation. This interpretation makes a contribution to comparative politics by providing a more nuanced concept of democratic development in post-colonial and transitional political systems.

## **POLICY IMPLICATIONS**

The results have several policy implications to enhance democratic governance and institutional autonomy in Pakistan. First, constitutional reform must continue to emphasize that it must be about balance and not giving too much power to any one arm of government. The future development of the constitution should strengthen parliamentary control, judicial independence, the cooperation of the federal entities and the transparency of the accountability of the executive.

Second, if consolidation of democracy is to be achieved in the long-term, civilian democratic institutions must be strengthened. There is a need to improve the legislative research capacity of Parliament, strengthen its committee systems, strengthen Parliamentary oversight and provide institutional support for effective Parliament's constitutional role. Likewise, provincial governments should be given the administrative and financial resources to realise the constitutional mandate given to them under federal decentralisation.

Third, it is the findings that highlight the need to uphold judicial independence by ensuring that appointments of judges are transparent, that judicial administration is professional, that constitutional adjudication takes place in a timely manner, and that judicial decisions are adhered to. An independent

judiciary is a vital element of constitutional governance and does not supplant democratic institutions, but rather helps to make constitutional principles legally binding and politically relevant.

Fourth, constitutional oversight institutions, such as the Election Commission, audit institutions, human rights bodies and accountability agencies should be better safeguarded against attacks on their institutional integrity and operational independence. Their function of ensuring transparency, public confidence and constitutional accountability is invaluable. They are effective only when they have the necessary lawful powers, funding, professional management and safeguards against arbitrary political intervention.

The analysis also underscores the need to enhance governance quality by administrative reform, institutional coordination, and policy making based on evidence. The legitimacy of democratic government is increasingly based upon the capacity of governments to deliver effective public services, as well as to adhere to the rule of law, and to be responsive to citizens' concerns, while keeping them well informed. Thus, governance reform must accompany, and not stand on its own as a policy goal, constitutional reform.

Last but not least, enhancing the understanding of the Constitution and democratic political culture is a long-term policy goal. Educational institutions, civil society groups, the media and public institutions should foster greater awareness of public rights, democratic institutions and responsible political participation. Increased political polarization could be dampened and a more general public interest in constitutional governance could be encouraged through strengthening the democratic culture.

#### **A comprehensive report of all findings**

The qualitative results as a whole show that Pakistan's political system is a dynamic type of a hybrid between democracy and informal politics that have been in existence since time immemorial. Key factors that have helped with democratic institutionalisation include the strengthening of institutions, judicial development, constitutional amendments, extending provincial autonomy, and the strengthening of accountability mechanisms. These, however, are part of a wider political context of civil-military relations, elite bargaining, government problems and informal institution-making practices.

It is also shown that constitutional amendments have been used as tools of institutional redistribution and not just as legal revisions. Over the years, successive reforms have progressively enhanced the powers of Parliament, provincial autonomy, constitutional accountability and judicial independence, and defined the interplay between the key state organs. However, constitutional change has proven to be far from sufficient in ensuring democratic consolidation. Sustained cooperation among constitutional actors, administrative capacity, constitutional compliance and political commitment are all equally important for institutional effectiveness.

Furthermore, the study reveals that judicial independence and parliamentary sovereignty are reinforcing aspects of constitutional governance. The courts are independent, guaranteeing constitutional supremacy and the rule of law, and Parliament has a democratic mandate through its representative, legislative and oversight functions. Both institutions promote institutional autonomy and help to keep the constitutional balance intact.

In addition, the results show that democratic accountability has grown significantly beyond electoral competition to judicial accountability, parliamentary oversight, constitutional oversight institutions, engagement with the media and civil society. The developments suggest that democratic legitimacy is growing to be more dependent upon institutional transparency, responsiveness and constitutional responsibility than on elections.

The study also shows that political turmoil cannot be taken as a sign of a failure of democracy. Institutional negotiation, not institutional breakdown is the hallmark of many constitutional conflicts. While polarization remains a problem for governance, more and more reliance has been placed on legal procedures, parliamentary debate, and judicial rulings to address political disagreement. Graduating constitutional conflict gradually into the institutional process is an important sign of democracy's resilience.

Theoretically the study has validated that the development of democracy in Pakistan is best explained by the application of hybrid regime theory along with civil-military relations theory, constitutionalism and new institutionalism. None of the theories of the constitutional development of Pakistan account for the complexity of the process. Rather, democratic government is a product of the interplay between formal constitutional structures, institutional practices, historical traditions and emerging patterns of political norms.

Finally, the results indicate that there is a greater need for the effective implementation of the constitution's existing principles rather than the introduction of further constitutional amendments for Pakistan to move towards democracy. To consolidate democracy, institutional autonomy is vital, as are strengthened civilian democratic governance, judicial independence, effective parliament, accountability of governance and building a constitutional political culture. The case of Pakistan is a clear example to show that hybrid democracy is not a static and inherently unstable political system. Instead, they are different constitutional forms that are thoroughly adapted and institutionalized over time, thus creating democratic institutions that are increasingly autonomous, legitimate and effective. The results of these findings will serve as the empirical basis for the concluding chapter that will sum up the findings of the study, recognize the limitations of the study, and suggest the direction for further research.

## **CONCLUSION**

This study analyzed the complex linkages between the civil-military dynamics, constitutional changes and institutional autonomy in Pakistan's changing hybrid democratic system. The study was based on an interpretivist qualitative research approach, and the analysis techniques were doctrinal constitutional analysis and qualitative document analysis, which were used to examine the impact of constitutional change and institutional interaction on democratic governance since the 1973 Constitution. The research combined the insights of comparative politics, constitutional law, civil-military relations, governance studies and new institutionalism to go beyond binary classification of Pakistan as a democracy and an authoritarian regime and offer a more holistic picture of Pakistan's constitutional and political evolution. The results show that the democratic evolution in Pakistan is not linear and not static; it is an ongoing process of institutional adaptation – an ongoing process in which formal constitutional change and informal political practice combine to create democratic outcomes (Levitsky & Way, 2010; North, 1990).

The first research question looked at the impact of civil-military relations on Pakistan's hybrid democracy. The qualitative results show that the civil-military relationship is still one of the characteristics of Pakistan's political system, but it has undergone a great change over the years. This shift has been earlier characterized by direct military involvement in political governance, and in the modern democratic politics, the political and institutional interaction is increasingly indirect within a constitutional framework. Despite the increasing constitutional powers of civilian governments since the last democratic change, the research reveals that historically established institutional dynamics of power still shape national security, strategic policy making and 'governance' in general. Thus, Pakistan's democratic system is not a civilian democracy or one ruled by the military, but a hybrid constitutional system, which is not only democratic in nature but also has legacy informal power groups as well (Huntington, 1957; Shah, 2014).

The second research question was related to the effect of constitutional changes on institutional autonomy and democratic governance. The results confirm that constitutional changes are not merely about changes in the legal technicalities but have, in essence, reshaped the distribution of political power between the different organs of government including Parliament, the executive, the judiciary, the provincial governments and other constitutional institutions. This was especially the case of the Eighteenth Amendment, which significantly bolstered the powers of Parliament, federalism, provincial autonomy and democratic accountability. However, the study also shows that constitutional change is not sufficient for democratic consolidation. The success of constitutional changes will rely on the institutional implementation, political will, constitutional compliance and democratic culture. For democratic governance, formal constitutional provisions thus set out the legal structure but institutional practice determines their effectiveness (Adeney, 2012; Waseem, 2012).

Judicial independence and parliamentary sovereignty were explored as a way to enhance institutional autonomy in the third research question. The documentary evidence shows that both these institutions have now taken constitutional roles that have become increasingly prominent in Pakistan's democratic system. The judiciary has increasingly taken on the role of constitutional interpreter, constitutional scrutiniser and a protector of constitutional values, meanwhile the legislature is becoming more and more powerful through constitutional amendment, executive control and representative governance. The results suggest that institutional autonomy is not institutional isolation but institutional ability to exercise its constitutionally mandated functions independently but at the same time within its constitutional mandate. Democratic governance is reinforced in so far as Parliament, judiciary and other constitutional institutions work together and are structured by the rule of law rather than by institutional competition (Ackerman, 2000; O'Donnell, 1998).

In the end, the following research question was explored – if Pakistan's constitutional process has made strides toward democratic consolidation amid its political problems? The results support this hypothesis to some extent. Despite the presence of polarization, governance constraints, and institutional tensions, constitutional institutions have become more resilient with successive democratic transitions affecting democratic performance. Parliamentary government has been more entrenched, independence of the judiciary has gained ground, provincial autonomy has grown and constitutional accountability mechanisms have slightly fortified. However, as these events have shown, the consolidation of democracy cannot be treated as a fixed constitutional state, but rather as a gradual process. The democratic experience in Pakistan, therefore, suggests that there are important institutional developments as well as structural constraints. Hybrid democratic governance (Diamond, 2002; Linz & Stepan, 1996) is the result of this complexity.

Theoretical integration is one of the main contributions of this research. The literature on civil-military relations, constitutional amendments, democratic governance, judicial independence and institutional autonomy tends to focus on each of these individual issues. The present study, however, brings together several key elements of Huntington's civil-military relations theory, the hybrid regime theory of Levitsky and Way, and North's institutionalism, and adds some general concepts from the field of constitutionalism and democratic governance. This multi-disciplinary approach shows that for a democratic process to occur in Pakistan, no single theory can account for it. Instead, democratic results are the product of the dynamic between constitutional institutions, the nature of informal politics, historical traditions, and changing governance institutions. The study synthesizes these traditions and is a contribution to comparative politics in several ways: it provides a more complete explanation of institutional change in hybrid democracies (Helmke & Levitsky, 2004; Levitsky & Way, 2010) and it reflects the influence of the theories discussed earlier.

In addition, the research has a significant methodological value. The literature on democratic development of Pakistan is mostly descriptive in nature, based on history, law or quantitative democracy indices. These

approaches have yielded useful knowledge but fail to explore institutional interaction, or focus on the outcomes of the constitution without considering institutional development. In the present study, the mentioned limitation was overcome by using an interpretivist qualitative case study approach that combines an in-depth doctrinal constitutional analysis, qualitative document analysis, and thematic analysis. Using multiple document sources such as constitutional amendments, judicial decisions, parliamentary records, government reports and peer-reviewed academic documents, a holistic examination of constitutional governance from a legal and political angle was achieved. This methodological combination is a testament to the importance of qualitative constitutional research in understanding institutional complexity that cannot be easily conveyed by quantitative indicators (Bowen, 2009; Creswell & Poth, 2018).

The results also help to inform the ongoing discussion on democratic governance in hybrid political systems. More and more modern and democratic countries have been shown to have been neither fully democratic nor authoritarian by comparative political scholarship. In Pakistan, for example, democratic development is not incompatible with institutional persisting constraints, as the country demonstrates. This study thus argues against the dichotomization of political systems and instead defends a more complex view of democratic development in terms of institutional interaction, constitutional transformation, and governance effectiveness. This view might also be relevant in the analysis of other transitioning democracies who are also facing similar dilemmas regarding the nature of the transition, between the need for constitutional reform and the informal political institutions (Croissant et al., 2013; Merkel, 2004).

Finally, it is shown that the autonomy of the institutions becomes a connecting thread between the constitutional reform, civil-military relations, judicial independence, parliamentary sovereignty, and democratic accountability. Institutional autonomy is never a constitutional goal in itself, but rather a tool that helps to make democratic governance sustainable throughout the analysis. The strength of the legal authority is reinforced by constitutional amendments, constitutional supremacy is safeguarded by judicial independence, the representative legitimacy is reinforced by parliamentary sovereignty, and responsible governance is reinforced by accountability institutions. All these institutional changes are part of the democratic consolidation process, shaping a constitutional landscape of law, accountability, and institutional collaboration, instead of personal discretion or extra-constitutional influence. This comprehensive knowledge is the basis for the policy implications, limitations, suggestions for future research, and final reflections detailed in the conclusion of this study.

This study's results have policy implications for democratic governance and constitutional reform in Pakistan. First, the research shows that the stability of the constitution is not only as a result of the constitutional amendment but as a result of the implementation of the constitutional principles. This is why future constitutional changes ought to be primarily directed at enhancing the effectiveness, transparency and accountability of institutions, not just at redistributing political power in structures. Parliament, judiciary, provincial governments and constitutional oversight institutions should be legally protected, have enough legal capacity and financial independence to effectively perform their constitutional mandate. The most effective way for democratic consolidation to take place is when constitutional institutions are not rival centres of political power but are complementary elements of a unified system of governance (Diamond, 2002; Fukuyama, 2013).

Secondly, the study underlines the ongoing significance of positive civil-military relations in the Pakistani context of constitutional democracy. In sustainable democratic governance, the constitution makes it clear who is responsible for what, there is regular dialogue between the institutions and there is respect for the constitution among all state institutions. Civil-military relations should be examined not only in terms of institutional conflict, but should be encouraged to develop means for constitutional collaboration and strengthening civilian democratic control. Avoiding institutional tensions and enhancing political stability does not require forfeiting either national security or constitutional governance; professional institutional

engagement, transparent decision-making and constitutional procedures can help achieve both goals (Huntington, 1957; Stepan, 1988).

Another implication is the consolidation of the independence of judiciary and the efficiency of the parliaments. The results suggest that both institutions play a crucial role in maintaining the supremacy of the constitution and democratic accountability. Further reforms to foster: Open appointments for judges; timely constitutional adjudication; improved legislative research services; better systems of committees in parliament; and better oversight of executive institutions. The protection of the independent constitutional bodies, such as the Election Commission, accountability institutions, human rights commissions and audit authorities, is also critical as such bodies play a crucial role in building public trust in democratic governance. The strengthening of these institutions would support the overall constitutional underpinnings for democratic consolidation (Ackerman, 2000; O'Donnell, 1998).

The study also highlights the need for enhancing the general quality of governance. Governments' capacities to deliver effective public services, to respect the rule of law, to ensure policy continuity and to be responsive and transparent in their response to citizens' needs are increasingly essential to democratic legitimacy. Governance reform should therefore go hand-in-hand with constitutional reform, with investment in administrative professionalism and digital governance, evidence-based policymaking, anti-corruption mechanisms and institutional coordination. Such changes would not only improve the quality of government, but also the citizens' confidence in democratic institutions, crucial for democratic consolidation (Grindle, 2007; Fukuyama, 2013).

The other policy implication is in the realm of constitutional culture. Legal safeguards for constitutional democracy are not enough, institutional accountability and democratic norms need to be entrenched in society. The educational institutions and universities, civil society organisations, the legal community and the media all have significant roles to play in spreading the message of constitutional literacy and civic education. A more comprehensive understanding of constitutional principles, democratic institutions, and responsible political engagement could contribute to decreasing political polarization over time and increase democratic legitimacy (Linz & Stepan, 1996).

Although these contributions are made, the current study has some limitations. The first being that the research was qualitative, single case study and only Pakistan was considered. This method allowed for a detailed contextual analysis, but the results cannot be statistically generalized to hybrid democratic systems in general. The research aimed to gain analytical insights in order to guide comparative studies and theoretical analysis of the subjects without generalizing the findings (Yin, 2018).

Secondly, this paper drew on information from a variety of documents that provided a basis for the study, such as the constitution, judicial rulings, parliamentary proceedings, official reports, and literature. The interviews with judges, parliamentarians, military officials, constitutional experts, policy makers, journalists, and civil society representatives could have provided further insights into the practices of the institutions and political decision making, but have not been included. Qualitative research, which includes the use of elite interviews, could then be conducted in the future to gain a better understanding of the relationship between formal constitutional institutions and informal political institutions.

Thirdly, the constitutional and political situation is fluid in Pakistan. The process of constitutional interpretation, judicial practice, legislative reforms, electoral politics and institutional relationships remain ongoing. The findings of this study, therefore, must be interpreted in the historical context of the documentary evidence examined and cannot be read as end-of-the-road judgements on Pakistan's democratic journey. Continued evolution of the constitution may produce new institutional arrangements which will need further scholarly analysis.

On the basis of these restrictions, there are several possible avenues for further research. The scope of comparative analysis, with other hybrid democracies such as Bangladesh, Turkey, Indonesia, Thailand, Nigeria or Egypt, may help in understanding the process of civil military relations and democratic institutionalization in different Constitutional systems. This kind of comparative research would help to specify the hybrid regime theory in the way it helps to delineate common institutional patterns and variations across contexts.

Digital governance, social media, political communication and democratic accountability in hybrid democracies should also be explored in future scholarship. The rapid pace of technological developments has impacted political participation, public discourse, electoral competition and public transparency of institutions, which has led to new opportunities and challenges in the field of constitutional governance. The impacts of digital technologies on democratic legitimacy and institutional accountability has become a growing research agenda.

Future studies can delve deeper into the changing nature of provincial autonomy, local governance, constitutional commissions, electoral administration and judicial reform to better promote democratic consolidation. Studies examining constitutional development over a period of several decades would also help to develop an understanding of constitutional change over time, rather than just singular constitutional events. Furthermore, the interdisciplinary study, involving political science, constitutional law and public administration, sociology and governance studies, could offer a more comprehensive understanding of the process of democratic institutionalization in complex political settings.

Overall this study contends that a simplistic binary opposition between democracy and authoritarianism is not the appropriate lens to view Pakistan's political system. Qualitative evidence shows that the nation is a dynamic hybrid democracy in which formal and informal political processes, traditions, and aspirations are in constant negotiation with the constitutional institutions. Despite the many obstacles (polarization, weak governance, institutional conflicts, and others), there have been significant constitutional advances such as the strengthening of parliamentary institutions, judicial independence, provincial autonomy, and improving mechanisms of accountability.

One overarching finding in this study is that institutional autonomy plays a crucial role in the consolidation of democracy. While constitutional amendments lay the groundwork for democratic governance, the success of democratic governance relies on the ability of institutions to be independent, transparent, and accountable in carrying out their constitutional functions. Competitive elections and constitutional changes alone are not enough to build sustainable democracy; it is necessary to build resilient institutions, respect the rule of law, create viable governance, and ensure an oath of allegiance to the constitution by all political actors.

To conclude, Pakistan's democratic future will not rest only on constitutional design, but also on the ongoing development of constitutional institutions, democratic values, and responsible governance. The experience from the country has shown that hybrid regimes are not a static and forever-locked-in political system. Instead, they have the ability to slowly institutionalize, to adapt their constitutions, and to mature into democracy. Judicial independence, civilian constitutional governance, institutional accountability and parliamentary sovereignty are important pillars of Pakistan's democratic system and need to be strengthened so that the country continues to move towards a more stable, inclusive, and constitutionally based democracy. This is where the long-term success of the Constitution's promise of constitutionalism, institutional autonomy, and democratic governance will be realized and the democratic consolidation successfully continued for the benefit of future generations.

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