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Global Norms and Constitutional Law in Indonesia and Pakistan

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Abstract:
The interaction between international legal norms and national constitutional law has become increasingly complex, particularly in countries with strong ideological and religious foundations. This study aims to analyze the process of legal adaptation of global norms within the constitutional systems of Indonesia and Pakistan and to identify the social, political, and religious factors that influence their legitimacy and effectiveness. This study employs a comparative legal analysis, focusing on constitutional provisions, statutory regulations, and relevant legal doctrines in Indonesia and Pakistan. The findings reveal that Indonesia adopts a dialogical–inclusive model, in which universal human rights values are contextualized through Pancasila and the principle of Divinity as normative filters, whereas Pakistan adopts a defensive–theological model that positions Sharia as the ultimate boundary of legal supremacy over global norms. Social, political, cultural, and religious values play a significant role in determining the degree of legitimacy and the practical effectiveness of international norms within each domestic context. This study concludes that the effectiveness of implementing international norms largely depends on a state's ability to balance global commitments with the authenticity of its local values.

Keywords:
constitutional law; global norms; international law; legal adaptation; socio legal.

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Introduction

International norms encounter constitutional limits rooted in national identity, religious authority, and political legitimacy.[1] This tension raises critical questions regarding the extent to which global norms can be internalized without undermining constitutional sovereignty. Rather than a purely juridical process, the adaptation of international norms involves socio-political negotiation and normative translation, in which global standards are selectively reinterpreted to align with domestic constitutional values.[2] The adaptation of international law to national legal systems varies significantly depending on each country's social structure, ideological foundations, and legal history. States with colonial legacies, plural legal systems, or strong religious values often face dilemmas between the universalism of global norms and the particularity of local contexts. Resistance tends to emerge when international norms are

[1] Seema Gul, Riaz Ahmad, and Dr. Sami Ur Rahman, "Constitutional Dualities: Reconciling Islamic Normativity with Common Law Principles in Hybrid Legal Systems," *Indus Journal of Social Sciences* 3, no. 2 (May 2025): 674–93, https://doi.org/10.59075/ijss.v3i2.1501.
[2] Jack Snyder, "Vernacularizing Human Rights: A Review Essay," *Journal of Human Rights* 24, no. 2 (March 2025): 271–75, https://doi.org/10.1080/14754835.2025.2456828.

perceived as conflicting with religious principles or customary values that form the basis of national legal legitimacy.[3] Consequently, the process of legal adaptation is rarely linear; rather, it constitutes a negotiated outcome shaped by interactions among state institutions, civil society actors, and religious authorities.[4] Indonesia and Pakistan offer a particularly instructive comparison in examining the tension between global legal norms and domestic constitutional values.

The selection of Pakistan is not based solely on its post-colonial background or Muslim-majority population, but on its constitutional architecture that explicitly institutionalizes Islamic law as a source of legal authority alongside international legal commitments. Unlike many Muslim-majority states, Pakistan embeds Sharia review mechanisms within its constitutional framework through institutions such as the Federal Shariat Court, which possesses the authority to invalidate legislation inconsistent with Islamic injunctions. This institutionalized form of constitutional Islamization creates a direct and formal point of friction with international legal norms, particularly in the fields of human rights and constitutional supremacy. By contrast, Indonesia is a model in which religious values are constitutionally acknowledged through Pancasila without granting formal supremacy to religious law. The comparison thus enables a focused analysis of how differing constitutional structures mediate, constrain, or accommodate international norms under conditions of religious legitimacy and political contestation.

Indonesia's national legal system reflects a hybrid structure shaped by civil law traditions, customary law, and Islamic legal principles. The Indonesian Constitution,the 1945 Constitution of the Republic of Indonesia,particularly following its post-Reformasi amendments, affirms a constitutional commitment to human rights in Chapter XA.[5] However, these guarantees are expressly limited by Article 28J(2), which permits restrictions based on religious values, morality, public order, and national security. This framework indicates that human rights in Indonesia are not construed as absolute or liberal in nature, but are situated within the normative framework of Pancasila, particularly its First Principle, emphasizing belief in the One and Only God. Indonesia's embrace of cultural relativism thus reflects a cautious approach to the adoption of global norms, ensuring they align with national identity and constitutional values. Consequently, the state negotiates universal principles and particularistic values through distinctive legal mechanisms and judicial interpretation.[6]

The adaptation of international norms in Indonesia is further evident in both regional legal policies and national legislation. The emergence of so-called Sharia-inspired regional regulations *(Peraturan Daerah Syariah - Perda Syariah*), including in Aceh, which enjoys special autonomous status, illustrates how global legal norms are refracted through local

[3] Julie Ada Tchoukou, "Regulating Gender Violence in Postcolonial Societies: Is Legal Pluralism a Problem for Human Rights?," *Journal of Human Rights Practice* 17, no. 1 (January 2025): 22–42, https://doi.org/10.1093/jhuman/huae043.
[4] Enrique Restoy and Stefan Elbe, "Drilling Down in Norm Diffusion: Norm Domestication, 'Glocal' Power, and Community-Based Organizations in Global Health," *Global Studies Quarterly* 1, no. 3 (September 2021): 1–10, https://doi.org/10.1093/isagsq/ksab025.
[5] Hanafi Ramsi, "The Dialectics of Freedom of Expression and Legal Restrictions on Digital Platforms: An Analysis of Human Rights Principles, the Electronic Information and Transactions Law, and Constitutional Court Decision No. 105/PUU-XXII/2024," *International Journal of Law, Environment, and Natural Resources* 5, no. 1 (August 2025): 57–75, https://doi.org/10.51749/injurlens.v5i1.132.
[6] Loren Bustos and Kania Guzaimi, "Revisiting Asian Values: A Historical Analysis of Its Correlation with Business and Human Rights Development in Southeast Asia," in *Business and Human Rights from the Lens of Women*, ed. Danielle Anne Pamplona, Carolina Olarte-Bácares, and Olena Uvarova (Cham: Springer, 2025), 195–214, https://doi.org/10.1007/978-3-032-04036-7_10.

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normative lenses.[7] Regulations concerning curfews for women, mandatory Islamic dress codes, and religion-based moral sanctions are often criticized as discriminatory from the perspective of international human rights law.[8] Nevertheless, within local communities, such measures are frequently perceived as expressions of moral sovereignty and as mechanisms for preserving cultural and religious values. The enactment of the National Criminal Code of 2023 introduced the concept of living law (*hukum yang hidup dalam masyarakat*) as a recognized source of law and reaffirmed the regulation of morality-based offenses.[9] This development underscores the continued legitimacy of public morality and local values as normative sources operating alongside global standards on civil liberties.

Pakistan faces a similar dilemma in integrating international norms into its constitutional legal order. The Constitution of Pakistan of 1973, through Article 227,the Repugnancy Clause,mandates that no law shall be enacted that is contrary to the injunctions of Islam, a principle rigorously enforced by the Federal Shariat Court.[10] Pakistan's legal system thus formally constitutionalizes religious authority as a supreme normative reference. At the same time, Pakistan is a party to major international human rights instruments, including the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), ratified in 1996, and the International Covenant on Civil and Political Rights (ICCPR), ratified in 2010.[11] However, Pakistan has entered reservations to specific provisions of the ICCPR, such as Article 3 on gender equality, to ensure consistency with Islamic law and constitutional principles.[12]

The tension between global norms and religious values in Pakistan is most pronounced in the areas of blasphemy law and gender equality. Blasphemy provisions under the Pakistan Penal Code, particularly Article 295-C, prescribe the death penalty for offenses deemed insulting to the Prophet Muhammad and are widely justified domestically as a moral and religious imperative.[13] These provisions stand in direct conflict with international human rights norms under the ICCPR, which emphasize freedom of expression and freedom of religion. A similar conflict arises regarding gender equality, where the universalist demands of CEDAW encounter Islamic legal interpretations that differentiate social and legal roles based on gender.[14] These conflicts exemplify the fundamental tension between the universal

[7] Ahmad Lutfi Rijalul Fikri and Hermawati Hermawati, "Integration Of Sharia Norms In The Formation Of Regional Regulations In Indonesia: Juridical Analysis Of The Formation Of Sharia Regional Regulations," *JURNAL DARUSSALAM: Pemikiran Hukum Tata Negara Dan Perbandingan Mazhab* 4, no. 2 (December 26, 2024): 1–15, https://doi.org/10.59259/jd.v4i1.147.
[8] M. Ikhwan, T. Zulfikar, and Sehat Ihsan Shadiqin, "Being Human and Having Rights: Exploring Women's Education Under Sharia Law in Aceh," *DINIKA : Academic Journal of Islamic Studies* 9, no. 1 (June 2024): 113–32, https://doi.org/10.22515/dinika.v9i1.9018.
[9] Ali Masyhar et al., "Reclaiming the Unwritten: Living Law's Prospects under Indonesia's 2023 Penal Reform," *Jambe Law Journal* 8, no. 1 (July 2025): 255–85, https://doi.org/10.22437/home.v8i1.502.
[10] Syed Muhammad Farrukh Bukhari, Syed Murad Ali Shah, and Khawaja Noor Ul Ain, "A Riddle of Balancing Responsibilities Under the Constitution of Pakistan and International Human Rights Law," *Journal of Political Stability Archive* 3, no. 2 (June 2025): 946–57, https://doi.org/10.63468/jpsa.3.2.56.
[11] Haroon Khalid, "Family Rights in Pakistan: Intersecting International Obligations and Plural National Legal Frameworks," *Indus Journal of Social Sciences* 3, no. 2 (May 2025): 320–40, https://doi.org/10.59075/ijss.v3i2.1219.
[12] Mahnoor Tariq, "Human Rights Challenges in Pakistan: Global Norms and Local Realities," *International Journal of Sustainable Applied Sciences* 3, no. 7 (August 2025): 479–502, https://doi.org/10.59890/ijsas.v3i7.109.
[13] Fatima Raza, "State-Sanctioned Hostility: The Instrumentalization of Mass Emotion Through Pakistan's Anti-Blasphemy Laws and Its Impact on Christian Minorities," *Muslim Politics Review* 4, no. 1 (June 2025): 45–75, https://doi.org/10.56529/mpr.v4i1.299.
[14] Athar Abbas, Hira Munir, and Maham Maqbool, "Beyond Modern Myths: Islamic Perspectives On Women's Rights And The Quran, Hadith, And Linguistic Narratives In Pakistani Feminism Looking Past Contemporary," *Journal of Applied Linguistics and TESOL (JALT)* 8, no. 3 (September 20, 2025): 2326–47, https://doi.org/10.63878/jalt1255.

aspirations of international law and the particularistic foundations of Islamic constitutionalism in Pakistan.

The urgency of this study lies in the need to understand how global norms are selected, translated, and implemented within plural national contexts. This process involves not only formal legal institutions such as courts and legislatures, but also social, political, and religious forces that shape the direction of legal interpretation. By integrating normative constitutional analysis with a socio-legal approach, this study seeks to uncover the mechanisms of legal filtration through which international norms are adapted in states characterized by pluralistic and religious legal foundations. This analysis elucidates how legal globalization interacts with constitutional sovereignty and how this adaptation affects democratic consolidation, human rights protection, and the legitimacy of national legal systems. In this regard, the study contributes to the broader theoretical understanding of the relationship between global norms and national constitutions.

Previous scholars have examined tensions between global norms and local values in various Asian contexts. Research by Andika Pratama and Nouval Nanola in the International Journal of Transgender Health highlights ethical and cultural barriers to the implementation of global health standards in Indonesia; however, their focus remains sectoral and does not address constitutional structures or the normative adaptation of international law.[15] Mahnoor Tariq, writing in the International Journal of Sustainable Applied Sciences (IJSAS), explores tensions between international human rights norms and domestic practices in Pakistanbut adopts a primarily descriptive approach without analyzing the constitutional legal mechanisms governing such adaptation.[16] Meanwhile, Ken M. P. Setiawan and Anthony J. Spires, in Asian Studies Review, emphasize the role of civil society in locally interpreting global human rights norms, but do not examine the structural relationship between international norms and constitutional frameworks.[17] The principal limitation of these studies lies in the absence of a cross-national comparative analysis examining how national legal systems negotiate international norms at the constitutional level. Accordingly, this study seeks to address this gap by conducting a normative and socio-legal analysis of how Indonesia and Pakistan interpret and adapt global norms within their respective constitutional orders. The originality of this research lies in its integration of constitutional normative analysis into a global norm-adaptation framework, thereby generating a contextualized conceptual model of international law adaptation grounded in local values.

The objective of this study is to conduct a comparative analysis of how international legal norms are adapted within the constitutional systems of Indonesia and Pakistan, with particular attention to ideological, religious, and socio-political contexts. The study seeks to identify the constitutional and socio-legal mechanisms through which international norms are incorporated, contested, or reshaped in each country. It further examines the key factors

[15] Andika Pratama and Nouval Nanola, "Ethical and Cultural Barriers to Transgender Adolescent Health in Indonesia: Bridging Global Standards with Local Realities," *International Journal of Transgender Health*, August 2025, 1–3, https://doi.org/10.1080/26895269.2025.2545576.
[16] Tariq, "Human Rights Challenges in Pakistan: Global Norms and Local Realities."
[17] Ken M. P. Setiawan and Anthony J. Spires, "Global Concepts, Local Meanings: How Civil Society Interprets and Uses Human Rights in Asia," *Asian Studies Review* 45, no. 1 (January 2021): 1–12, https://doi.org/10.1080/10357823.2020.1849028.

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influencing acceptance or resistance to global norms and assesses their implications for the legitimacy and effectiveness of international law at the domestic level. Through this analysis, the study aims to clarify how states negotiate the relationship between national legal sovereignty and the demands of legal globalization.

Method

This study adopts a normative legal research design focusing on the systematic analysis of legal texts and constitutional practices governing the reception of international law in Indonesia and Pakistan. The analysis is based primarily on authoritative legal documents, including national constitutions, statutory regulations, judicial decisions, and binding international legal instruments. The primary legal materials examined in this study include the 1945 Constitution of the Republic of Indonesia and its amendments, the Constitution of the Islamic Republic of Pakistan of 1973, and key international human rights treaties to which both states are parties, particularly the International Covenant on Civil and Political Rights (ICCPR) and the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). Judicial materials consist of selected decisions of the Constitutional Court of Indonesia and the Federal Shariat Court of Pakistan that directly address the application, limitation, or interpretation of international legal norms within constitutional adjudication. All constitutional texts, statutes, and court decisions were accessed through official government and judicial platforms to ensure accuracy and verifiability.

Secondary legal materials comprise peer-reviewed journal articles, academic monographs, constitutional law textbooks, and prior empirical and theoretical studies relevant to international law adaptation, constitutionalism, and socio-legal analysis. Tertiary materials, including legal dictionaries, encyclopedias, and official reports published by international organizations, were used solely to support conceptual clarification and contextual understanding. Data analysis was conducted through qualitative legal analysis, employing systematic textual interpretation and content analysis of the selected legal materials. Constitutional provisions, statutory norms, and judicial reasoning were examined to identify patterns of incorporation, limitation, and reinterpretation of international legal norms. A comparative analytical framework was applied to assess similarities and differences in how Indonesia and Pakistan constitutionally mediate global norms, taking into account institutional design, doctrinal reasoning, and socio-political context. The findings were then interpreted through the theoretical lens of legal adaptation and vernacularization to develop a normative and conceptual explanation of how international norms are transformed within plural constitutional systems

Discussion

1. The Adaptation of Global International Legal Norms within the Constitutional Systems of Indonesia and Pakistan.

The adaptation of international legal norms into national legal systems never occurs within an ideological vacuum. In both Indonesia and Pakistan, this interaction reveals the complexity

of reconciling global commitments to human rights and the rule of law with religious values and constitutional ideologies that shape national identity. Both countries seek to balance legal universalism with the particularity of domestic values. Such adaptation is not mechanical but unfolds through social, political, and theological negotiation among a wide range of state and societal actors. This phenomenon demonstrates that the implementation of global norms requires contextual translation within culturally embedded normative frameworks.

In Indonesia, the adaptation of global norms is governed by a framework of limited monism, as regulated by Law No. 24 of 2000 on International Treaties.[18] Under this framework, the ratification of international conventions does not automatically confer direct legal effect; it must be transformed into domestic law to become binding. The ratification of instruments such as the ICCPR and CEDAW reflects Indonesia's openness to global legal commitments; however, their implementation remains subject to ideological and constitutional factors. Chapter XA of the 1945 Constitution explicitly incorporates global human rights principles, while Article 28J (2) functions as a limiting mechanism that subordinates individual freedoms to considerations of morality, religion, and public order. Accordingly, Indonesia's adaptation of international law reflects a balance between formal acceptance and substantive resistance to legal liberalization.

The ideological framework of Pancasila plays a central role in determining the extent to which global norms may be integrated into the national legal system. Pancasila functions not only as a source of law but also as an interpretive framework for defining rights and freedoms.[19] The First Principle, belief in the One and Only God, affirms that religious values must serve as a moral orientation for all regulation, including norms derived from international law. Consequently, the notion of "God-centered human rights" has emerged as a distinctive feature of Indonesian constitutionalism, rejecting secular moral relativism.[20] In this context, the adaptation of global norms is selective, embracing democratic principles and the rule of law while resisting liberal absolutism, which is perceived as incompatible with national character.

This adaptive process becomes increasingly complex when confronted with Indonesia's plural legal landscape, particularly the interaction between state law, religious law, and customary law. Phenomena such as Sharia-inspired regional regulations (*Perda Syariah*) in certain regions, including Aceh, illustrate how individual freedoms under international law are negotiated against communitarian moral standards. In the area of gender equality, for example, Sharia-based regulations often conflict with CEDAW's demand for full equality between men and women.[21] Yet within local social contexts, such regulations are frequently regarded as expressions of public morality and cultural sovereignty. Similarly, the enactment of the National Criminal Code 2023, which recognizes the concept of "living law in society",

[18] Muhammad Raditya Iskandarsyah and Zaky Ismail, "Diplomatic Privileges in Dispute: A Legal-Political Analysis of Indonesia's Strategic Compliance with the Vienna Convention," *Transformasi Global* 12, no. 1 (June 2025): 1–23, https://doi.org/10.21776/ub.jtg.012.01.1.
[19] I Wayan Sudirta et al., "Explore the Values of Pancasila as the Basic Philosophy of the Indonesian Nation," *Arena Hukum* 18, no. 1 (April 2025): 127–58, https://doi.org/10.21776/ub.arenahukum2025.01801.6.
[20] Romanus Piter and F.X. Eko Armada Riyanto, "Memahami Sila 'Ketuhanan Yang Maha Esa' Pancasila Dalam Perspektif Filsafat Gabriel Marcel," *Pancasila: Jurnal Keindonesiaan* 4, no. 1 (April 2024): 1–13, https://doi.org/10.52738/pjk.v4i1.414.
[21] Ajla Čustović, "Equal Before God but Not Equal Before His Law? Sharia Law and Women's Right to Interpretation in the Light of the Human Rights Debate," *Religions* 16, no. 3 (March 2025): 362, https://doi.org/10.3390/rel16030362.

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demonstrates the incorporation of social norms into positive law. These developments indicate that the adaptation of international law in Indonesia is not merely a legal process, but a socio-legal one in which society itself functions as a normative actor. Indonesia thus develops an adaptive model that emphasizes social harmonization between universal principles and particularistic values.[22]

The Constitutional Court of Indonesia plays a pivotal role as a socio-legal actor in adapting international norms within the national legal system. The Court functions as a mediator through constitutional dialogue, ensuring that international principles are aligned with national values and constitutional identity. Through decisions such as Case No. 140/PUU-VII/2009 on blasphemy and Case No. 97/PUU-XIV/2016 on indigenous belief communities, the Court has demonstrated a moderate approach that rejects absolutist conceptions of freedom while maintaining protection for minority rights. This jurisprudence confirms that the adaptation of international norms in Indonesia is a dialectical process rather than a passive absorption of global standards. It reflects a model of balanced constitutionalism, in which global commitments are reconciled with domestic moral and ideological foundations.

Pakistan explicitly positions religion as the constitutional foundation of the state. Article 227 of the 1973 Constitution of Pakistan, commonly referred to as the Repugnancy Clause, stipulates that all national laws must conform to the Qur'an and Sunnah. This principle establishes a dual structure of legitimacy between state law and Sharia, under which global norms are subordinated to religious authority. It demonstrates that Pakistan does not regard international law as an autonomous source of normative authority, but rather as a body of norms that must be theologically validated. Islamic ideology thus functions as a constitutional filter designed to safeguard religious values amid the penetration of global legal norms.

Institutions such as the Federal Shariat Court (FSC) and the Council of Islamic Ideology (CII) play a central role in legal filtering within Pakistan's legal system. Both bodies are tasked with ensuring that legislation does not contravene Islamic law, while simultaneously constraining the scope of secular interpretation in legal enforcement. The FSC possesses the authority to invalidate statutes deemed inconsistent with Sharia,[23] whereas the CII is mandated to provide advisory opinions to ensure legislative conformity with Islamic principles. Pakistan has ratified several international instruments, including the ICCPR and CEDAW.[24] Pakistan has ratified several international instruments, including the ICCPR and CEDAW, albeit with reservations to provisions considered incompatible with Islamic family law. Consequently, Pakistan has developed a theo-normative model in which global norms

[22] Najarudin Toatubun and Djamaludin Djamaludin, "The Dialectics of the Principle of Legality and Living Law in the National Criminal Law System Post-Enactment of Law No. 1 of 2023," *JIHK* 6, no. 1 (April 2024): 85–94, https://doi.org/10.46924/jihk.v6i1.253.
[23] Mubasher Hussain and Jamil Akhtar, "Recent Debates on Wife's Right to Judicial Separation: An Analysis of the Traditional and Modern Interpretations of Muslim Family Laws in Pakistan," *Contemporary Islam* 19, no. 1 (April 2025): 195–217, https://doi.org/10.1007/s11562-024-00568-7.
[24] Humayun Akram, Khizar Hayat, and Wajid Ali, "The Interplay of Islamic Ideology and Political Authority in Pakistan's Constitutional Framework (1947-1988)," *Journal of Political Stability Archive* 3, no. 2 (April 2025): 368–78, https://doi.org/10.63468/jpsa.3.2.21.

are accepted only insofar as they can be Islamized or do not threaten the prevailing religious social order.[25]

The adoption of global norms in Pakistan frequently encounters strong resistance, particularly in relation to freedom of expression and gender equality. The tension between global norms and theological sovereignty is most evident in the implementation of the blasphemy law under Article 295-C of the Pakistan Penal Code, which prescribes the death penalty for acts deemed insulting to the Prophet Muhammad.[26] Despite sustained international criticism that such provisions violate freedom of expression and the right to life, Pakistan regards these norms as supreme legal obligations that are non-negotiable within a secular human rights framework.[27] In the realm of gender equality, the CII has rejected the full implementation of CEDAW, arguing that its provisions are incompatible with Islamic family structures that emphasize complementary, rather than identical, gender roles.[28] However, the Supreme Court of Pakistan has demonstrated moments of judicial progressivism in several decisions, most notably in the Asia Bibi case (2018). In this case, the Court acquitted Asia Bibi not on the basis that blasphemy laws are incompatible with international human rights standards, but rather because the evidentiary process was procedurally flawed under domestic criminal law.[29] This outcome reflects an internal dynamic of legal adaptation within modern Islamic legal systems, in which theological compliance is balanced, albeit cautiously, with procedural justice and human rights considerations.

At the socio-political level, the adaptation of international norms in Pakistan unfolds within a contested arena dominated by two major forces: conservative Islamic groups and pro-democracy civil society actors. Conservative groups continue to exert significant influence over political and religious spaces, advocating for the full alignment of state law with Sharia, while progressive actors seek to advance universal human rights principles. This tension renders the adaptation of international law not merely a legal issue, but an ideological struggle intertwined with identity politics. The legitimacy of global norms in Pakistan, therefore, depends largely on the state's ability to frame such norms within the paradigm of Islamic constitutionalism. As a result, international law in Pakistan undergoes a symbolic transformation, recognized as part of global legal discourse, yet reconstructed through a nationally grounded religious prism.

Indonesia and Pakistan thus exhibit similar patterns of adaptation, albeit with different orientations. Both states practice selective internalization, formally accepting global norms while modifying their substantive application to align with ideological and religious values. Indonesia has developed an integrative–dialogical model, in which international law is harmonized through constitutional dialogue and Pancasila-based moral reasoning. By

[25] Asif Mohiuddin, "Human Rights Law in Muslim Majority Countries: An Assessment," in *Human Rights Law in Egypt and Malaysia: Freedom of Religion and Expression* (Cham: Palgrave Macmillan, 2024), 35–74, https://doi.org/10.1007/978-3-031-63859-6_2.
[26] Saeed Ahmed Butt and Khush Bakhat Bajwa, "Pakistan's Religious Minorities: Constitutional Inclusion and Exclusion: An Appraisal," *Journal of Political Stability Archive* 3, no. 1 (January 2025): 217–32, https://doi.org/10.63468/jpsa.3.1.15.
[27] Ahmad Muhamad Mustain Nasoha et al., "Criminal Law in Muslim-Majority Countries: Balancing Sharia, Human Rights, and Global Standards," *SHAHIH: Journal of Islamicate Multidisciplinary* 10, no. 1 (June 2025): 1–18, https://doi.org/10.22515/shahih.v10i1.10038.
[28] Zahid Shahab Ahmed and Ihsan Yilmaz, "Islamists and the Incremental Islamisation of Pakistan: The Case of Women's Rights," *Commonwealth & Comparative Politics* 59, no. 3 (July 2021): 275–95, https://doi.org/10.1080/14662043.2021.1948661.
[29] Muhammad Bilal and Fatima Sajjad, "A Critical Examination of Legal Challenges in the Implementation of Blasphemy Laws in Pakistan," *Journal of Arts and Linguistics Studies* 2, no. 3 (September 2024): 1651–82.

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contrast, Pakistan adopts a theo-normative model, in which adaptation occurs only when global norms can be justified through theological reasoning. These differences demonstrate that state ideology functions as a constitutional gatekeeper, determining the boundaries of acceptable reception of global norm . Ultimately, the success of global norm adaptation depends on each constitutional system's capacity to balance international obligations with national identity and normative legitimacy.

2. *The Factors Shaping the Adaptation and Implementation of Global Norms in Constitutional Systems.*

The adaptation of global norms in Indonesia and Pakistan is strongly shaped by each country's social context and cultural structure. In Indonesia, religious and cultural pluralism encourages the translation of global values through principles of social harmony and collective morality. Norms such as freedom of expression and gender equality are often reframed through concepts of *musyawarah* (deliberative consensus) and *gotong royong* (mutual cooperation), allowing universal values to assume a more contextualized form that is socially acceptable. By contrast, Pakistan's higher degree of religious homogeneity facilitates the interpretation of global norms through narratives of *maslahat umat* (the collective welfare of the Muslim community) and the protection of Islam's sanctity as the nation's moral foundation. In this way, social factors operate as arenas of negotiation that determine the form and direction of the localization of global norms in both countries.[30]

Class structure and social dynamics also play a significant role in shaping the internalization of global norms. In Indonesia, the educated middle class, civil society activists, and academics serve as key drivers of the global human rights discourse. However, in rural areas and traditional communities, resistance to liberal values remains strong, as such norms are often perceived as incompatible with prevailing social and religious norms. A similar pattern is evident in Pakistan, where urban middle-class communities in cities such as Lahore and Karachi tend to be more receptive to civil rights discourse, while rural populations largely maintain conservative patriarchal structures. This social fragmentation results in an uneven implementation of international norms, producing asymmetrical outcomes between urban and rural areas, elites and the masses, and forces of modernity and traditionalism.[31]

Civil society acts as a critical catalyst in linking global norms with local realities. In Indonesia, moderate religious organizations such as the *Nahdlatul Ulama* and the *Muhammadiyah* play an active role in interpreting human rights principles within frameworks of social justice and just and civilized humanity."[32] This approach strengthens the social legitimacy of international norms through processes of bottom-up vernacularization. In Pakistan, civil society also contributes to norm translation, but within a more constrained environment due to limited freedom of expression and political pressure on human rights

[30] Jamil Akhtar and Mubasher Hussain, "Reinterpreting Dhimmitude," *Journal of Religious Minorities under Muslim Rule* 3, no. 1 (September 2025): 84–110, https://doi.org/10.1163/27732142-bja00016.
[31] Amer Akhtar, Selina Aziz, and Neelum Almas, "The Poetics of Pakistani Patriarchy: A Critical Analysis of the Protest-Signs in Women's March Pakistan 2019," *Journal of Feminist Scholarship* 18, no. 18 (2021): 136–53, https://doi.org/10.23860/jfs.2021.18.08.
[32] JM. Muslimin et al., "Sharia, Deradicalization and National Consensus: A Review of Pancasila-Inspired Philosophy as a Socio-Legal Nexus for Indonesia and Afghanistan," *International Journal of Law and Society (IJLS)* 3, no. 2 (August 2024): 131–55, https://doi.org/10.59683/ijls.v3i2.93.

activists.[33] These differing dynamics underscore that the legitimacy of global norms does not arise solely from formal state ratification, but also from sustained social engagement that enables global values to be understood and embraced as shared societal commitments.

Following the 1998 *Reformasi*, Indonesia's legal–political trajectory has shifted toward a model of constitutional nationalism, emphasizing a balance between national legal sovereignty and international commitments. Pancasila functions as the state's ideological foundation for the selective interpretation of global norms.[34] Both governmental institutions and the judiciary ensure that universal values such as freedom of expression and gender equality remain subject to public morality considerations. In Pakistan, Islamic nationalism serves as a primary instrument of regime legitimacy and the affirmation of the state's theological identity. The government frequently employs national-religious rhetoric to justify selective engagement with international treaties, particularly on sensitive issues such as blasphemy and gender equality.[35] Islamic nationalism thus operates as a means of constructing a state identity distinct from secular Western models, framing global norms within a paradigm of theological sovereignty. Resistance to international intervention in matters such as blasphemy and gender equality consequently becomes a symbolic assertion of the nation's spiritual sovereignty.

Judicial institutions in both countries play a crucial role in transforming global norms into domestically legitimate legal standards. In Indonesia, the Constitutional Court acts as a norm translator, mediating between universal principles and local moral values. This approach is evident in judicial decisions concerning freedom of religion and public morality, where the Court consistently emphasizes a balance between human rights and the constitutional principle of belief in God. By contrast, Pakistan's Federal Shariat Court functions as an ideological filter, ensuring that all legislation conforms to Sharia principles. These contrasting roles demonstrate that judicial institutions are not merely law-enforcing bodies, but also normative interpreters tasked with maintaining equilibrium between global legal commitments and national sovereignty.

Global political pressures also shape the direction of vernacularization in both countries. Indonesia promotes its image as a moderate Muslim-majority state aligned with global democratic norms to strengthen its position in international forums. Pakistan, by contrast, emphasizes its role as a guardian of traditional Islamic values to maintain solidarity within the Muslim world and to counterbalance Western pressure. This dynamic gives rise to what may be described as instrumental vernacularization, namely the selective adoption of global norms to serve diplomatic interests, political legitimacy, or access to international economic assistance. Such strategies underscore that the reception of global norms is closely intertwined with geopolitical calculations and the construction of international state identity.

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[33] Muhammad Muzammil Arain, "Freedom of Speech and Expression in Pakistan," *Law and Justice* 9, no. 1 (August 2024): 188–204, https://doi.org/10.23917/laj.v9i1.5202.
[34] Syahriza Alkohir Anggoro and Tunggul Anshari Setia Negara, "The Struggle for Recognition: Adat Law Trajectories under Indonesian Politics of Legal Unification," *International Journal on Minority and Group Rights* 29, no. 1 (August 2021): 33–62, https://doi.org/10.1163/15718115-bja10040.
[35] Nusrat Tayba Mim and Shahariar Islam Sovon, "Minority Rights In Bangladesh: A Comparative Legal Analysis With India, Pakistan And China," *International Journal Of Legal Studies And Policy* 1, no. 1 (August 18, 2025): 87–112, https://unissa.edu.bn/journal/index.php/ijlsp/article/view/1191.

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The religious dimension constitutes the most dominant factor in the vernacularization of global legal norms in both countries. In Indonesia, religious values are constitutionally internalized through Article 28J of the 1945 Constitution, which permits limitations on individual freedoms on the grounds of morality, religion, and public order. This provision ensures that the implementation of human rights remains aligned with the principle of belief in God and the nation's social ethics. In Pakistan, Islam functions as the supreme normative source against which the validity of all laws, both domestic and international, is assessed. Every international norm must be validated through Sharia interpretation, rendering the adaptation of global law hierarchical and normatively constrained. This approach demonstrates that religiosity operates not merely as a spiritual dimension, but as an epistemological filter in the process of global norm adaptation.

Universal principles such as justice and human dignity are therefore reinterpreted through religious language in order to acquire spiritual legitimacy. In Indonesia, global notions of justice are often translated into social justice, as enshrined in the fifth principle of Pancasila. In Pakistan, concepts such as human dignity are reformulated through the framework of *maqāṣid al-sharīʿa*, including *ḥifẓ al-nafs* (protection of life) and *ḥifẓ al-dīn* (protection of religion).[36] Such modes of translation facilitate the acceptance of global values without framing them as threats to faith or tradition. In this sense, vernacularization constitutes a theological transformation of universal values, enabling their alignment with the moral frameworks of local societies.

The legitimacy of international norms in both countries is constructed through a dialectical interaction between global values and local moral frameworks. The success of implementing global law is not measured solely by formal compliance with international standards, but also by its capacity to resonate with the social ethics of the community. Indonesia has developed a dialogical–inclusive model in which international norms are integrated through the values of Pancasila and religious pluralism. Pakistan, by contrast, exhibits a defensive–theological model in which international norms are validated through religious authority and Islamic law. These divergent approaches demonstrate that the legitimacy of international law in plural and Muslim-majority societies is inherently contextual and must undergo a process of moral translation in order to achieve social effectiveness.

The effectiveness of global norm implementation is also strongly shaped by each country's domestic legal structure. Indonesia's pluralist legal system allows international norms to be adjusted to diverse social conditions without generating significant structural conflict. The implementation of instruments such as the ICCPR and CEDAW has been relatively stable, as it is accompanied by inclusive social and institutional dialogue. In contrast, Pakistan's hierarchical and religion-based legal system produces a pattern of selective compliance, in which the application of global norms is frequently constrained by religious authorities exercising substantive influence over legislation. This contrast

[36] Nur Kholis, "A Normative Ethical Analysis of Islamic Unit-Linked Insurance Using the Maqasid Shariah Framework of Abu Zahrah," *Journal of Islamic Economics Lariba* 11, no. 1 (June 2025): 455–82, https://doi.org/10.20885/jielariba.vol11.iss1.art18.

underscores that the effectiveness of international law depends largely on the extent to which domestic legal structures permit interpretive pluralism and institutional accommodation.

Conclusion

The processes of adaptation and vernacularization of international legal norms in Indonesia and Pakistan do not operate in a linear manner, but rather unfold through a dialectical interaction between global standards and domestic ideological, religious, and socio-political contexts. In Indonesia, the incorporation of global norms is mediated through Pancasila and the constitutional principle of belief in the One and Only God, which functions as a moral filter within the constitutional order. This produces a dialogical–inclusive model in which the universality of human rights is reconciled with cultural and religious pluralism. By contrast, Pakistan has developed a defensive–theological approach, whereby international norms are accepted only insofar as they do not conflict with Sharia and Islamic principles as the supreme source of legal authority. The effectiveness of international legal adaptation thus depends not on uniform compliance with global norms, but on a state's capacity to integrate universal principles into its moral and social structure without undermining domestic legitimacy. The adaptive mechanisms observed in both countries reflect a form of vernacular constitutionalism, through which international commitments are balanced against the authenticity of national values within constitutional law.

This study recommends strengthening cross-value dialogue among state actors, religious institutions, and civil society in order to foster a more constructive and inclusive process of international law vernacularization. Interdisciplinary approaches incorporating legal analysis, sociology, and religious studies should be further developed to deepen understanding of the relationship between global norms and national legal systems in plural societies with Muslim-majority populations. This study is limited by its primarily normative and conceptual focus, as it does not directly engage with public perceptions or field-based empirical data. Future research is therefore encouraged to adopt socio-legal methodologies grounded in qualitative empirical data at the societal level to assess the extent to which the translation of global norms achieves genuine social acceptance. Such studies would complement the theoretical contributions of this research with a more context-sensitive and empirically grounded understanding of contemporary socio-political dynamics.

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