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## The Case of Praetorian Deep State Democracy in Pakistan: An Insightful Look at How Fundamentalist Tendencies and Garrison Outlook are Enfeebling the Legal Structure and State Sovereignty

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### Abstract

*The Case of Praetorian Deep State Democracy in Pakistan: God-Search investigates the impact of fundamentalist trends and garrison mentality on the erosion of the country's legal framework and state sovereignty. The research aims to investigate the political role of the military in Pakistan, the entry and participation of Islamic fundamentalism, the extent to which these forces threaten civil power and policy-making processes, and the influence of these trends on society and the perception of Pakistan. The study uses secondary data from academics, legislations, government, and media to examine the impact of these trends on Pakistan's legal and political structures. The study also compares findings to other countries and practices to gain a comprehensive understanding. The practice of praetorian deep state, including military and intelligence agencies, severely undermines Pakistan's legal and political structures, leading to law exploitation and prejudice. This results in unpredictable policy making, challenges to intergovernmental cooperation, and citizens' demoralization towards government movements. Measures suggested for addressing these challenges include legislation to enhance the judiciary's independence, preserving civilian administration over military society, raising accountability of nonmilitary institutions, and encouraging people's participation through education. The study emphasizes the need for reform processes to improve and stabilize Pakistan's democracy and strengthen the rule of law. Fighting corruption and promoting state accountability will lead to legal stability and democracy in the context of non-interference in state sovereignty and legal system affairs.*

**Keywords:** Pakistan. Fundamentalism. Legal system. Garrison mentality. Sovereignty.

### 1. Introduction

Military and Islamic fundamentalist forces have influenced the laws of Pakistan as well as the sovereignty of the country in a major way. This is known as a 'praetorian deep state' characterized by the military and fundamentalist groups' domination over the state's democratic mechanisms or structures. The nature of such dynamics is also investigated in this research article using historical contexts, contemporary experiences, and possible future implications to explain how they are eroding Pakistan's legal structure and state sovereignty. Praetorian deep state democracy can be described as the political situation when the military and the fundamentalist forces predetermine and, as a rule, destabilize democracy and the state. In Pakistan, this process has developed most actively, which has

led to certain consequences affecting the legal orientation of the state and its sovereignty. Contained within this article is the author's endeavor to give a detailed account of how these dynamics have unfolded and what their manifestations are in contemporary Pakistan, as well as an attempt to outline the possible future trends in the country's political and legal developments (Pakistan: A political history, 2020).

### 1.1. Definition and Importance of Understanding Praetorian Deep State Democracy

Praetorian deep state democracy as a type of political regime in which the role of the military and its associates of the fundamentalist orientation substantially predetermines the actions of the civilian authorities. This development is very unhealthy for any democracy as it provides non-elective institutions almost total control over the elective arm of government. Knowledge of the praetorian deep state democracy is important because it reveals how formally unnecessary actors bend the formal democratic procedures, erode the rule of law, and undermine state authority. Understanding these dynamics must be critical for devising effective approaches to the enhancement of democratic standards and the guarantee of citizens' rights (Hoodbhoy, 2023).

### 1.2. Overview of Pakistan's Political and Legal Landscape

A pattern that is evident in the political history of Pakistan is that the civilian's interludes are weak and frequently interrupted by the military. Pakistan which gained independence in 1947 has witnessed many military coups and therefore long years of military dictatorship (Khan, 2020). All these interventions have in one way or the other influenced the political and legal system of the country.

#### 1.2.1. Political Landscape

**Military Influence:** The principles of military domination in the political process have been characteristic for Pakistan, starting armed actions in the name of protection of legal and political order in the country (Tariq, 2019). Despite the occurrence of democracy, a residual influence of the military in a civilian regime is evident in deciding matters to do with foreign policy, defense and security.

**Civilian Governments:** However, civilian governments that assume such powers are always somewhat reluctant to use them to their full potential. A lot of political instability, ill-minded political leaders or both leaders and followers, political changes like alleged and proven cases of corruption have brewed the problems (Rafiq, Bari, Lakho, 2021).

**Fundamentalist Elements:** It is very much so that religious parties and what can be best described as extreme oriented groups started to emerge considering the decade of eighties. These groups usually act in accordance to military's strategic profits making the situation in Pakistan even more layered regarding the governance (Asif, Zulfiqar, & Waheed, 2020).

#### 1.2.2. Legal Landscape

**Judicial Independence:** Pakistan judiciary basically is an autonomous entity but in reality often it becomes the part of military and political dramas. The above sometimes depicts some level of interference with the public's perception of the judiciary's impartiality, as depicted in some high-profile cases (Hayat & Zaid, 2022).

**Legal Reforms:** In the years past, attempts to reform the country's legal system have been made though not very systematic and have been slowed down or hampered by factors such as political influence and resistance (Ashfaq, & Sanam, 2022).

### 1.3. Research Objectives and Methodology

The general research question of this study is to determine the praetorian deep state dynamics of military influence in Pakistan and the role of the Resultantly, the overt Islamic fundamentalism

involved in undermining the legal structure and state sovereignty of Pakistan. Specific objectives include:

1. **Historical Analysis:** To analysis of the sociopolitical structure in Pakistan and to reveal the historical process of militarization and the strengthening of the fundamentalist trends.
2. **Current Manifestations:** To analysis how these dynamics have manifested themselves at the present time and affected the governance, legal development, and sovereignty of Pakistan.
3. **Case Studies:** To examine the military and fundamentalist intervention in Nigeria and other countries especially in the matters of governance and the legal framework.
4. **Future Implications:** To evaluate the likely future situations and suggest measures for supporting Pakistan's democracy and law-related reinforcement.

### 1.3.1. Methodology

**Literature Review:** Bibliographic analysis of available political and legal literature with focus on Pakistan military and fundamentalists embedded in history.

**Case Study Analysis:** Emerging from the analysis, the key events reflecting on the role of praetorian deep state and its influence on Pakistan's governance and legal framework would be traced.

**Interviews:** Amplifying information from experts within the legal, political fields and retired government representatives about the present state and the possible outlook.

**Comparative Analysis:** Analyzing Pakistan's status and finding out how such countries as India or Bangladesh as well as other investigated countries dealt with similar dynamics to define possible solutions.

The objective of this research is to offer a detailed analysis of the issues arising from the praetorian deep state democracy in Pakistan and come up with recommendations that can be used to strengthening of the democracy and the law in the country.



Figure 1: flow chart of the Research Article

## 2. Historical Context of Military Influence in Pakistan

Since its formation in 1947 until the present time, Pakistani political governance can be described a lot due to the military domination. During the early years, it was highly political insecure and instable which caused the military to take power most of the time and that to my mind was a plus. Military

came into politics for the first time in 1958 in what was a military coup that was led by General Ayub Khan. Military coups in 1977 by General Zia ul-Haq and coup in 1999 by General Pervez Musharraf further fueled the escalation of military's investment with the governmental departments (Pattanaik, 2001). These all coups had impacted the democracy of Pakistan somewhere in one way or the other regarding their democratic culture. The military that was in power between the year 1986 and 2008 had policies that led to centralization of power, probe control and less democracy. However, these years the military influence evolved from direct governance to the shadow governance of the state; at the same time retaining tight grip on the major governing functions which include foreign and defense policies, as well as several of the economic functions (Ali, Khan, Zahra, 2021).

## 2.1. Early Years and the Foundation of Military Influence

### 2.1.1. Post-Independence Era (1947-1958)

**Founding of Pakistan:** Pakistan was born out separated from British India in the year 1947. The early years of the country are characterized by political instabilities because the country had to undergo tremendous changes before it came up with the political structure that suits the nation.

**Role of the Military:** The military institution grew expeditiously into a huge one, mainly to address what the deprived Pakistani leadership felt as threats from India after it lost the first Indo-Pak war over the disputed territory of Kashmir in 1947-48.

**Weak Political Institutions:** The political institutions thus, remained fairly decentralized and due to this there was high instability of government formations. The structure of bureaucracy and the military becomes strong institutions that can offer defense to control (Mahmood, 2022).

### 2.1.2. First Military Coup (1958)

**Martial Law Declaration:** The ruling civilian leadership of President Sikander Mirza and the Pakistan Army were headed by General Ayub Khan, the then commander in chief of the Pakistan Army and it was him who imposed the martial law in October 1958.

**Justification:** Events leading to the coup claimed political corruption, ineptness and incompetence as well as poor management of the country's economic challenges as reasons for the coup. Unfortunately, the various reasons tend to be given to explain the coup were rather unsavory to say the least. Ayub Khan succeeds in over throwing the government and assumes the presidency and heads the regime of direct military rule (Lamichhane, 2022).

**Impact:** This coup made the military fully involved in politics and the outcome was that the military formed the power base in the politics of Pakistan.

### 2.1.3. Key Military Coups and Their Impact on Democratic Institutions

#### 2.1.3.1 Ayub Khan's Rule (1958-1969)

**Development and Reforms:** Ayub Khan brought changes in the economic and social policies of Pakistan through dictatorship; he issued the land reforms and started to industrialize the country. By his reign the influx of capital coupled with the development of new industries brought about economic progression (Rankov, 2009).

**Constitution of 1962:** President Ayub Khan overthrew the constitution with a new one in the same year of 1962 that concentrates the power in the personality of the president and minimized the importance of democratic parties (Burckhardt, 2018).

**Downfall:** They were tired of Ayub Khan's autocratic political style and this coupled with political instabilities were to force him to resign in 1969. After him, General Yahya Khan appointed, who put once more martial law in the country (Mindell, 2008).

### 2.1.3.2. Yahya Khan's Rule and the 1971 War

**Continuation of Military Rule:** General Yahya Khan carried on the military rule assuring the people of restoration of democracy but he had his own hurdles in front of him like the problem of separation in East Pakistan (O'Neil, 2013).

**1971 War and Creation of Bangladesh:** Military dictatorship in East Pakistan followed by brutal mass killing led the Indo Pak war 1971 and emergence of new nation Bangladesh. This was a setback for the military especially in terms of its authority in the state (Abdelrazek, 2023).

**Transition to Civilian Rule:** After 1971 calamity, Yahya Khan stepped down and this was followed by Zulfikar Ali Bhutto taking power thus the country witnessed a brief restoration of civilian rule.

### 2.1.3.3. Zia-ul-Haq's Coup (1977)

**Overthrow of Bhutto:** General Zia-ul-Haq removes the country's Prime minister through a coup d'état in July 1977 and suspended the constitution establishing martial law promising to announce general elections which was delayed time and again.

**Islamization Policies:** Zia continued the fourth period of Islamization policies that was blended religion, politics, and administrative structures of state. His reign also witnessed the implementation of Sharia laws and major revolutions in the legal and educational structures (Khan, 2020).

**Impact on Democracy:** Painful political oppression and restrictions of political freedom, tightened civil liberties and political authoritarianism and promoting military power during Zia's rule deepened military rule in the politics of Pakistan. This term came to a premature closure when the dictator died in a plane crash in 1988 (Khan, 2020).

### 2.1.3.4. Pervez Musharraf's Coup (1999)

**Overthrow of Nawaz Sharif:** General Pervez Musharraf came to power through a bloodless coup in October 1999 removing Prime Minister Nawaz Sharif (Tariq, 2019). The coup was planned on the ground of corruption and poor economic management amidst crooked economy.

**Constitutional Amendments:** The minister Musharraf brought out major constitutional reforms: LFO or the Legal Framework Order which enhanced the prerogatives of the president and militarization of the civil administration (Kyle & Reiter, 2020).

**Return to Civilian Rule:** Demands from within Pakistan and protest from the global society compelled Musharraf to resign in 2008 thereby bringing an end to dictatorship but then the ruling PPP elected Asif Ali Zardari to the presidency (Ghori, 2020).

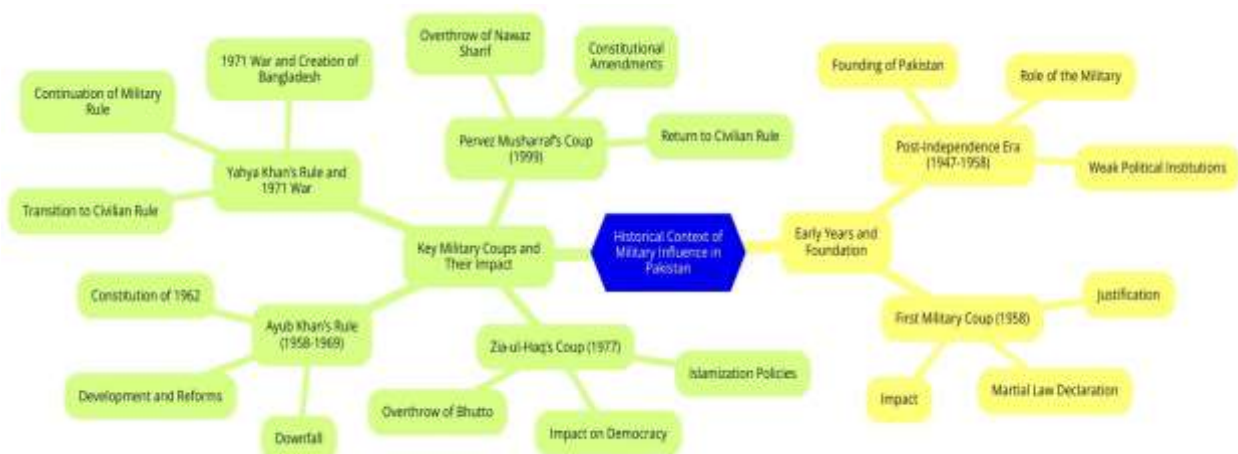


Figure 2: flow chart of Historical context



### 3. Evolution of the Military's Role in Politics

#### 3.1. Institutionalized Influence

**Security and Foreign Policy:** The military has traditionally maintained a dominant role in Pakistan's security and foreign policy, particularly in relation to India and Afghanistan (Idrees & Khan, 2018). This influence is often justified by the perceived need for strong military leadership in a volatile regional environment.

**Economic Interests:** The branch incorporates in its activity an increasing amount of economic interests: separately it has significant stakes in real estate, manufacturing, and service sectors (Upadhyay, 2019). This economic power enhances the military's control over civilians' institutions even further.

#### 3.2. Civil-Military Relations

**Civilian Oversight:** Still, after the periods of civilian rule, the military remains as an important power maker in the main spheres of regulating the state. Civil-military relations are strictly rotational and there are instances where the civilian governments work hand in hand with the military's directive in strategic aspects (Shah, 2014).

**Public Perception:** While military is depicted as the organization that helps to maintain the stability, civilian governments, vice versa, are considered as corrupt and ineffective (Fair, 2015). Such perception strengthens the military's authority and its right to meddle with political issues.

#### 3.3. Judicial and Media Influence:

**Judiciary:** The military has from time to time attempted to lobby for change in the Judiciary to justify its incursions (Sajjad, 2023). This has involved obtaining endorsements of coups and military regimes through other judicial cases that can be deemed unconstitutional.

**Media:** The dependency on the external sources of information has resulted in use of control and manipulation of the media to give the public certain perception of the military. This comprises of censorship, propaganda and occasionally harassment of the journalists.

#### 3.4. Current Dynamics

**Ongoing Influence:** Thus, recent years are characterized by a tendency towards democratization; however, the role of the military as a power-player cannot be underestimated. Most policy decisions, particularly on defense and foreign policy, are still engraved with military mindset (Sajjad, 2023).

**Challenges to Civilian Authority:** Thus, recent years can be seen as possessing a certain tendency of democratization; however, the military as one of the power factors is worth mentioning. Many policy-making conclusions, especially with reference to defense and foreign policies, are still engraved with military attitude (Fuchs, 2022).

Hence, the role of military in Pakistan's political history, though a long and weaved one, is certainly influential. Beginning with the role of military in the formation of the nation, to its control of government power through coups occasionally, military has played an important part in Pakistani politics. Thus, it is apparent that even after shifts from military rule to civilian governments, the military retains much of its strength in Pakistan's political sphere (Ali, Khan, & Iftikhar, 2024). Pakistan's civil-military relations and the future course of its political evolution will hinge upon further consolidation of democracy and specific measures to enhance civil endeavors.



Figure 3: flow chart of Evolution of Military Rule in Pakistan

#### 4. Rise of Fundamentalist Tendencies

Extremism has its roots in Pakistan following the country's political transformation and its methods of dealing with the religious factions. The 1980s were considered the period of a boosted Islamization in the country due to efforts of the military ruler General Zia-ul-Haq who wanted to get the people's devotion with the support of legal changes in accordance with Islamic rules. Zia's policies included the use of Sharia in the legislative systems, the rise of power of the religious parties and encouragement of the madrasa culture. Resultantly, since then religious parties and the extremists have a significant role to play in Pakistan. These groups usually have the same goals as the military, mainly on issues concerning Afghanistan and India. Military has at times sponsored or looked the other way on these groups with a view of keep up its authority and regional agendas making the relationship between state and fundamentalist groups even more blurred (Jatoi et al., 2022).

##### 4.1 Historical Roots of Fundamentalism in Pakistan

###### 4.1.1 Partition and the Creation of Pakistan (1947)

**Religious Identity:** Pakistan was created as a state for Muslims of the Indian subcontinent; therefore, religion was incorporated in the foundation of the state's identity (Amin, Qurban, & Siddiqa, 2020). This foundation marked the beginning of mutual entanglement of religious and political ideas.

**Initial Secular Leadership:** The leadership of Muhammad Ali Jinnah at the initial stage of creation of Pakistan never intended it to be an Islamic state but religious perspectives continued to be a part of the country.

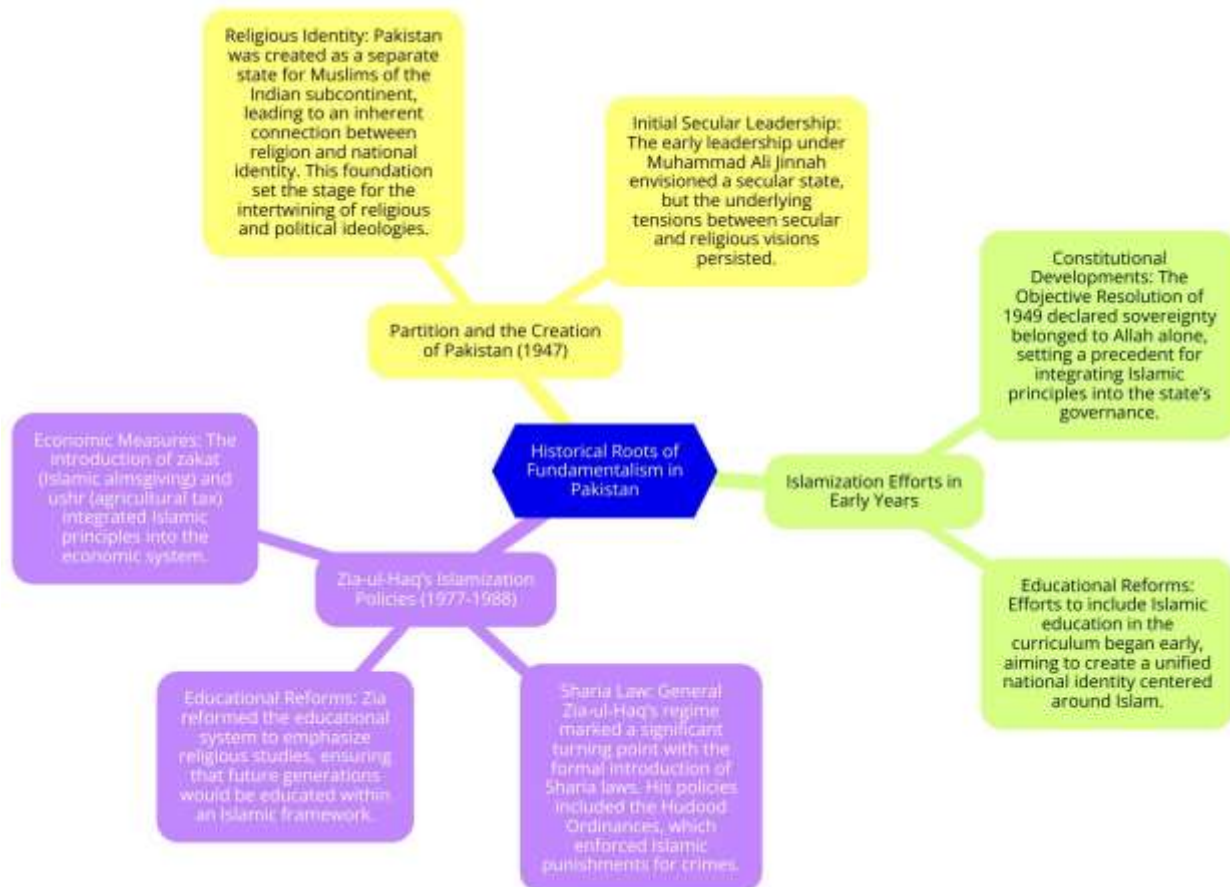
**Educational Reforms:** Proposals to integrate Islamic education into the curriculum started at childhood because of the desire for a consistent state identity based on Islam.

###### 4.1.2. Zia-ul-Haq's Islamization Policies (1977-1988):

**Sharia Law:** General Zia-ul-Haq's regime could be pointed as the time of turning point in relation to the formal process of introducing sharia laws. Some of its measures were the Hudood Ordinances that would entail Islamic style punishment for certain offenses (Amin, Qurban, & Siddiqa, 2020).

**Educational Reforms:** To make sure that the following generations would be educated according to the Islamic traditional laws and regulation, Zia astonished the system of education in Pakistan (Nasr, 2004).

**Economic Measures:** Zakat (-Islamic almsgiving - ) & ushr (agricultural tax) also introduced the Islamic principles into its economic mechanism.



**Figure 4: flow chart of Historical Roots of Fundamentalism in Pakistan:**

## 5. Interaction Between the Pakistani Establishment and Fundamentalist Elements

### 5.1. Strategic Alliances

**Afghan Jihad:** During the 1980's the Pakistan Establishment with the backing of the US effectively helped mobilize and supplied the Mujahedeen guerrillas against Soviet troops in Afghanistan. This cooperation consolidated the partnership between the Pakistani Establishment and the jihadists' group (Ishaque, Mukhtar, & Tanvir, 2022).

**Kashmir Conflict:** The Establishment has backed different forms of the Islamist militant groups in relation to the conflict in Kashmir mainly as a proxy tool against India.

### 5.2. Domestic Policy and Control:

**Use of Religious Sentiment:** Pakistani Establishment has always used clerical inclination as a means to effect and fortify unconstitutional rule (Faheem, Hussain, & Xingang, 2021). This ranges from endorsing religious parties and groups that are beneficial to it or the use of religion to defend military regimes.

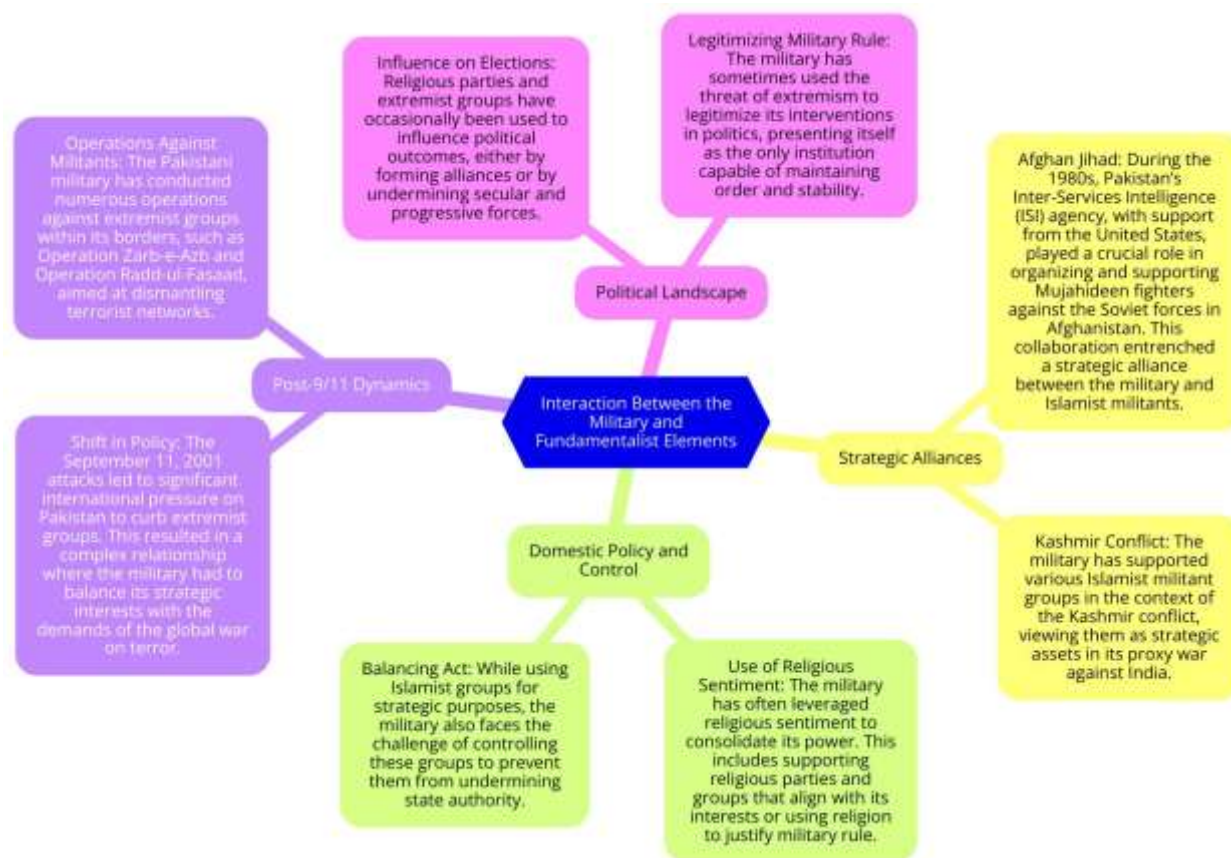
**Balancing Act:** Thus the Pakistani Establishment has further use of the Islamist groups but is also confronted with the problem of subordinating them in order not to allow them to destabilize the state.

### 5.3. Post-9/11 Dynamics

**Shift in Policy:** There has been much international pressure especially after the September 11 2001 attacks for Pakistan to reign in the different groups. This led to a rather intricate relationship between the military's objectives and the requirements of the war on terror (Shoovra, 2012).



**Operations against Militants:** The Pakistani military has dealt many military operations against the extremities within its territory, namely Operation Zarb-e-Azb and Operation Raddul Fasaad for countering the terrorists (Rizvi, 2018).



**Figure 5: Diagram of Interaction between Pakistani Establishment and Fundamentalist Elements**

#### 5.4. Political Landscape

**Influence on Elections:** Militant religious parties and groups have sometimes been successfully mobilized to manipulation of political processes: either through coalitions or through confrontation with secular and liberals forces (Rizvi, 2018).

**Legitimizing Military Rule:** The military has at one point or another relied on this to solve the problem of extremism by claiming the mantle of the only organization capable of keeping order (Lyons & Finer, 2022).

Fundamentalization trends in Pakistan are as important and as much rooted in the Pakistani history, politics and society as in any other Muslim country. These tendencies have been deeply rooted in many social processes which took place within the state and influencing by the foreign political context. Religious parties and different groups have always played a huge role and they have been determinant in the political face of the country and its relation with the Establishment (Shahid, 2020). In the future, the threats provided by fundamentalism will have to be combated with more elaborate strategies which would enable more focus on the problems of security without sacrificing the achievements of the goals tied to democratization and social integration.

#### 6. Praetorian Deep State Dynamics

A praetorian deep state is where Establishment and law enforcement agencies have invaded the civilian politics and are aided by fellow fundamentalist organizations. In Pakistan, this manifests

through Administrative Engineering (Denselow, 2015). The aspects of how the establishment interferes with the electoral process of a country, has authority to form or dissolve political parties, or how the establishment has the capacity to control the key appointments of the government.

### 6.1. Definition and Characteristics of a Praetorian Deep State

A praetorian deep state implies that, there are hidden operatives, which are mostly associated with military, intelligence and security forces, behind the political processes and administrative policies. Indeed, this term originates from the 'Praetorian Guard' of Roman Empire; it was a military force that protected the emperor and at times overthrew emperors and replaced them with their own choice (Denselow, 2015). In the context of modern states, a praetorian deep state exhibits several key characteristics. This is what defines a modern states' praetorian deep state:

**Covert Operations:** In the eyes of the society, the deep state works secretly and exerts influence on the political process, sometimes steering it. It is thus free to act as it deems well without facing the check from the public or any democratic loyalty (Sulehria, 2022).

**Autonomy:** Thus, in the eyes of the society, it is an intriguing that operates in the shadow and an influence if not directs the political process (Walsh, 2022). It is thus free to act as it deems well without facing the check from the public or any democratic loyalty.

**Control over Security Apparatus:** The deep state, composed by the military and intelligence agencies, have a rather high level of influence over the security forces in the state, namely over the armed forces, police and intelligence services (Walsh, 2022).

**Influence on Policy:** In other words, the deep state subjugates all the domestic and foreign policies in accordance with its political benefits and power at the cost of democracy, human rights, and freedom especially in security and strategic factors (Burckhardt, 2018).

**Intervention in Politics:** It interferes with the political process ranging from electoral manipulations, party support or opposition, coup making and the like.

### 6.2. Manifestations in the Pakistani Context

In the case of Pakistan, for instance, it has its special attribute linked with the presence of the praetorian deep state. Several manifestations highlight the presence and influence of this deep state. Several symptoms are observed in this regard – the presence and activity of a deep state.

**Military Dominance:** Pakistan has experienced more than one military coup therefore the country has been characterized by long years of military uninterrupted rule. Concerning this impact, the military influences not only security-related but also political, economic, and social aspects as well (Hoodbhoy, 2023).

**Strategic Depth Doctrine:** Pakistan operations were guided by the strategic depth doctrine and clandestinely assisted several dozen Afghan mujahedeen groups and built up India's rival, while, the deep state breeds many aspects of Pakistani foreign coverage and often eclipses diplomacy and democracy (Hoodbhoy, 2023).

### 6.3. Impact on the Legal Structure

The praetorian specificities of the deep state tactics and strategies essentially erode Pakistan's legal framework to a large extent. This is because even as this organ of government is relatively independent it succumbs to pressure and manipulation especially from the establishment and fundamentalists. This leaves the society with the legal culture which denies the rule of law and advocates for justice that is based on other factors other than the civilian. This gesture disapproves the assumption that the legal structure of Pakistan is an independent and unchallengeable authority

because this theme demonstrates that the praetorian deep state dynamics substantially erode the legal architecture of Pakistan (Khan, 2020).

## 6.4. Erosion of Judicial Independence

### 6.4.1. Coercion and Influence

**Pressure on Judges:** While conducting the trial, judges and other legal personalities are sometimes forced or pressured into compromises by the establishment or fundamentalist organizations (Khan, 2020). This pressure can be one in the form of threats, use of force or in the form of incentives all this in a bid to influence the ruling in a particular case in favor of the non-civilian interests.

**Manipulation of Judicial Processes:** Both establishment and fundamentalist associated bodies and parties can influence judicial systems to gain their agendas. Others are determining which cases to bring, altering evidence and regulation of the speed of the legal processes.

### 6.4.2. Selective Justice

**Targeted Legal Actions:** Legal actions are taken mainly against politicians, activists, and journalists who are against the establishment or fundamentalist regime. Such selective apprehension of law and justice, therefore, erodes the principles of fairness or even the principles of the rule of law in a given society (Zulfiqar & Mubashar, 2019).

**Instrumentalization of the Judiciary:** The judiciary especially is employed as a tool to give a political malaise a democratic veneer and to quell opposition. Thus, if the military manages to get the desired decisions it will be able to maintain the appearances of legalism while grabbing more power (Ghori, 2020).

### 6.4.3. Undermining Legal Norms

**Erosion of Secular Principles:** Still concerned with the positivist vein as the subtype coming from the prosecutor's or establishment spec's view, it is connected with the types of legal fundamentalism that undermine secular legalism (Ghori, 2020). This shift is quite detrimental to the procedural view of legal pluralism and liberty as well as the rights of persons in the society.

### 6.4.4. Human Rights Protections

**Diminished Protections:** This approach enhances the changes of obtaining fundamentalist interpretations of laws which erode the rights of people especially marginalized groups and women (Yasmeen, 2024). This includes prejudice that is in form of legal systems that deny fair treatment to the employees and neglects international human rights standards.

**Inconsistent Legal Standards:** Religious and secular laws exist side by side and therefore standards of legal justice and law enforcement vary and are not consistent, hence people are treated differently based on their religion.

## 6.5. Case Studies

### 6.5.1. Disqualification of Nawaz Sharif

**Political Manipulation:** The disqualification of Nawaz Sharif in 2017 by Pakistan Supreme Court is regarded politically motivated with interference of establishment in civil Relations. The case was filed against Sharif on the Panama Papers scandal, and the Supreme Court disqualified him; however, the process and time at which it occurred led to doubt on the independence of judiciary of Pakistan (Upadhyay, 2019).

**Impact on Democracy:** This case illustrates how the judiciary can be manipulated to remove political leaders who challenge establishment's authority, thereby weakening democratic institutions and processes (Upadhyay, 2019).

### 6.5.2. Blasphemy Cases

**Instrumentalization by Fundamentalists:** Blasphemy laws in the region of Pakistan are commonly utilized by the fundamental organization with a purpose of persecution of the minority's religious groups and political rivals. These cases put a lot of pressure on the judiciary and most of the time, the judges or lawyers handling the case receive threats or are attacked (Fair, 2015).

**Case of Asia Bibi:** The selection of Asia Bibi, a Christian woman involved in the act of blasphemy connects to the scenario of a manipulation of the law. As much as this assertion goes, she was convicted of death even though there was no proof that she was behind the act, this was due to influence from some fundamental groups. She was however acquitted by the Supreme Court in 2018 and this prompted the citizens to protest and threatened to remove the judiciary (Sajjad, 2023).

The nature and influence of the deep state drama, assisted by the marauding praetorian, has a significant significance on the Pakistan legal structure and profile. Judicial subordination, sectarianism and control of high-profile cases show how much the legal sphere depends on the interference of other non-civilian actors. Such practices erode the rule of law and transform legal environment into a system of justice where legal decisions are not based on the law, but reflect the establishment and the fundamentalists' power (Sajjad, 2023). For the purpose of enhancing the legal framework, and the civilized fight against corruption, one has to deliver real judicial independence, support human rights, and fight for the task of civilians to restrain non-civilian influencers.

## 7. Undermining State Sovereignty

The praetorian deep state dynamics also weaken Pakistan's state sovereignty by:

### 7.1. Weakening of Civilian Governance

#### 7.1.1 Erosion of Democratic Institutions

**Military Coups and Martial Law:** In Pakistan, the civilian institution has become considerably fragile due to multiple military coups and years of martial law. All these coups have interfered with the democratic processes, dissolved the legitimate political institutions and marginalized the political parties (Jafar, 2021).

**Interference in Elections:** Meaningful measures have also been taken through political institutions as establishment for manipulating the election to get the required result. This interference contributes greatly to the weakening of credibility on the electoral processes and negative effects on the democratic systems.

#### 7.1.2. Control Over Key Policy Areas

**National Security and Foreign Policy:** The subordinate of the civilian government to the establishment point suggests a very awful limitation of the civilian control of major aspects of national security and foreign policy. Civilian governments hardly contribute their opinion on machinery concerning defense and partnership agreements (Jafar, 2021).

**Economic Policy:** Military's incursion into economic policy is well marked especially in the sector of defense expenditure as well as military enterprises. This control can distort the economic direction towards the achievement of other national development objectives.

### 7.1.3. Undermining Political Leaders

**Intimidation and Coercion:** Those political leaders who dare to stand against the establishment or demand for a civilian supremacy often receive threats, pressures, and sometimes be dismissed from their positions. This makes the civilians withdraw from the arena and do not want to apply their authorities (Shakir, 2022).

**Legal and Extra-Legal Measures:** Operation through legal instruments including anti-corruption cases, and through extraneous means including detentions and media lock-down on the political rivals also erodes the foundations of civilian control.

Thus, the political process in Pakistan still reflects its dependence on the establishment and fundamentalist orientations and the desire for democratic change. This has been seen from the political history of the country and mostly the establishment considering him as the defender of the country stability as well as security. This is referred to as Praetorian Deep State Democracy which simply means that the political systems and structures are half democratic and half military that dominate the political systems and erode the civilian and legal structures (Shakir, 2022). The antecedents of this relationship can be traced back to Pakistan's formation in 1947 based on religious premise of an Islamic state in which Muslims could freely practice their religion. This vision, which was embodied in such figures as Muhammad Ali Jinnah, was formalized in the country's constitution, which made Islam the state religion and incorporated some principles of Shari' a law. Thus, the protection as well as the dissemination of this Islamic identity eventually became closely tied to the military's dominance and resulted, in due course, in military rule and authoritarianism (Tanchum, 2023). The political history of Pakistan depicts that the Civil Military Relations has undergone through differing political epochs with consistency of military interferences in political affairs. After the independence period the political instabilities were seen and it occurred first martial law by General Ayub Khan in 1958. He put in power some measures in the direction of modernization; but simultaneously he centralized the governing power, which was the prelude to the future military hegemony. Bhutto's administration was dismissed by accusations of autocratic rule thus resulting to his removal from power by General Zia-ul-Haq in 1977 in a military coup. The regime of Zia introduced very strict measures of Sharia laws and the Hudood Ordinances in the country. It is during this period that the world witness increase in religious fundamentalism brought by events such as Soviet-Afghan War which brought in foreign fighters and radicalism (Fuchs, 2022). The restoration of democracy in the later part of 1980s and 1990s with Benazir Bhutto and Nawaz Sharif was laden with political volatility and emergence of corruption charges later. Another coming out of the barracks was General Pervez Musharraf's military coup in 1999 further proving the army's control of the country. Musharraf's presidency was signified by moves towards an updating economy and the war on terror but also centered oppressive measures against political opposition. Even when civilians were in charge the military has not retired to the background; rather, it has been dictating affairs from the background.

Sectarianism also contributed to fellowship of political soundness of the country and the new militancy received more or less covert or even direct patronage of some power-producers of establishment. As a result of fear of fundamentalism and unhidden glorification of militarism the democratic and legal bases for the state and its internal order have been negated and the questions of state sovereignty have been challenged (Fuchs, 2022). The establishment of Praetorian Deep State in Pakistan remains historical for the country's political stability and regulation of laws. The inclination of concerning military strategists as the last line of defense for the regions security and stability modeled most military involvement in civilian political leadership and consequently exerted various levels of the country's system of governing to establishment influence that reduced empirical sovereignty of the independent institutions and the ideal sovereignty of the rule of law. This process was backed up by the fundamentalist tendencies inside the power elites which in their turn enhance segmentation of governances and degradation of the state power (Ding, 2010). So, it can be concluded



that Pakistan is case of constant conflict between the establishment, religion and democracy concerning development of the South Asian nation's political system. While the establishment has always been very involved in Pakistan's affairs, the influence that the fundamentalists have gradually gained and erode the legal and democratic institutions in the country. To overcome these difficulties it is required to strengthen the remains of democracy, the rule of law, and political debates. Civilian government should be strengthened and terrorism patronizing militant organizations should be regulated which are some of the contingencies for building better Pakistan of tomorrow.

## 8. Impact on Policy-Making and International Relations

Pakistan's development policies are often inconsistent due to military coups, causing policy paralysis and hindering timely decisions on issues like economic liberalization, education, and health reforms. Military dominance in foreign policy, particularly in relations with India and Afghanistan, leads to hostility and strategic imperatives, hampering diplomatic relationships and conflict resolution mechanisms. International isolation is also a concern, as military actions may lead to the sponsorship of militant groups, affecting Pakistan's foreign policy status and its ability to operate efficiently in the international sphere. Conditional aid from donors, who prioritize freedom of speech, human rights, and political liberalization, can be risky due to establishment's influence and violations of human rights (Braithwaite & Gohar, 2014). Additionally, the country's inability to distance itself from radical figures and systemic failure to democratize could lead to more sanctions, further hampering the nation's economic development and growth.

## 9. Societal Implications and Public Perception

The erosion of state sovereignty in Pakistan through subversion of civilian politics has significant consequences on policy formulation and implementation, as well as social welfare in international relations. The constant subversion of civil authorities leads to citizens losing faith in the democratic system, leading to a lack of voting. Support for authoritarianism is also seen, as some segments of the population perceive military rule as more stable and efficient. Military governments often suppress dissent and limit civil liberties, reducing citizens' freedom of speech and political speech. They also target minorities, causing social inequality and human rights violations. Social cohesion is further impacted by the military's interference in politics, contributing to polarization and militarization of society (Ali, Khan, & Iftikhar, 2024). Misallocation of resources, such as military expenditure, is also a concern, as military spending is prioritized over social amenities like schools and hospitals. The Wolfowitz doctrine also impacts education and healthcare, which are fundamental to human-society development and economic growth. To address these issues, Pakistan needs to build more democratic institutions, educate citizens, and control military power, and respect citizens' rights and freedoms. This will enable stable governance and sustainable development (Mustafa, Nawaz, & Rubab, 2017).

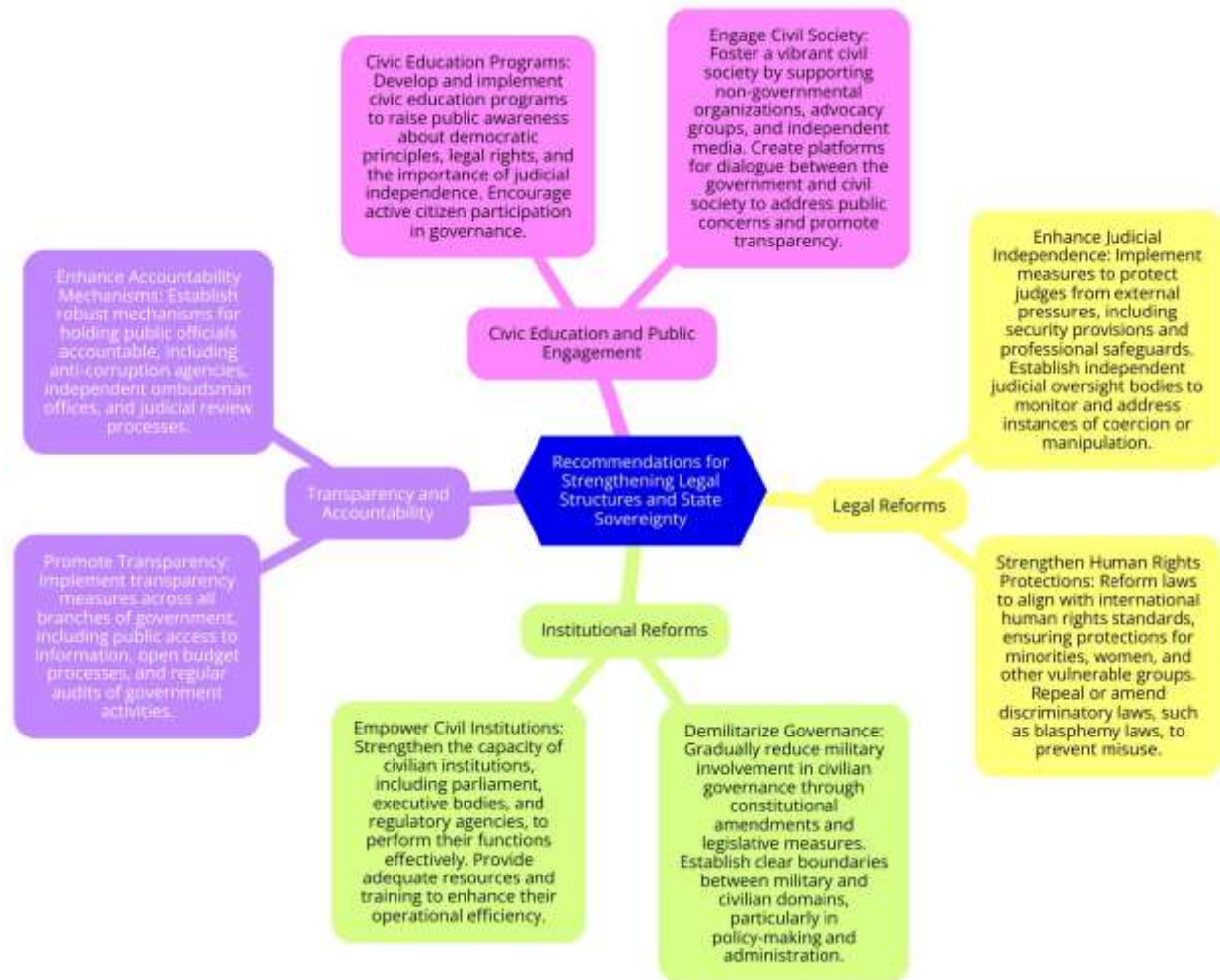
## 10. Future Outlook and Recommendations

### 10.1. Recommendations for Strengthening Legal Structures and State Sovereignty

**Enhance Judicial Independence:** Add measures that will exclude the judge from outside pressures, this could be security or professionally enforced measures. This element calls for creation of independent judicial supervision organs which will be responsible for detecting or dealing with cases of coercion or manipulation.

**Strengthen Human Rights Protections:** Amend laws regarding reforms for human rights, working to meet global standards for minority and women's rights, and other marginalized parties. Revise or nullify accommodating legislations like blasphemy laws since their misuse is apparently possible.

**Demilitarize Governance:** Exit Civilian control by soldiers slowly over a period of time by changing the constitution and enacting laws. Regulate its interaction with non-military areas, specifically in the framework of federal policies and procedures.



**Figure 6: Diagram of proposed Recommendations**

**Empower Civil Institutions:** Enhance the capacity of civilians within parliamentary, executives as well as the regulatory authorities to discharge their roles effectively. Ensure that they avail sufficient resources and conduct training to improve the functionality of the operations.

**Promote Transparency:** Increase accountability in the structures of all the tiers of government by adopting measures such as freedom of information acts, check and balances on the management of the budget and yearly assessments of the activities of government.

**Enhance Accountability Mechanisms:** Institute effective and strong measures of accountability on the leaders especially those in the governmental sphere such as the anti-corruption commissions, independent commissions, and Constitutional Court.

**Civic Education Programs:** Organize awareness raising programs to teach the public on the constitution, laws of the nation, and the need for independence of judiciary. Promote political involvement and engagement with government duties amongst the citizens.

## 11. Role of the International Community and Internal Reforms

**Diplomatic Engagement:** Civil diplomacy should be used in persuading Pakistan to adopt way of democratically recognizing the Rights of the People internationally. This comprises of communication, pressuring and conditioning through negotiations, and the provision of aid and trade.

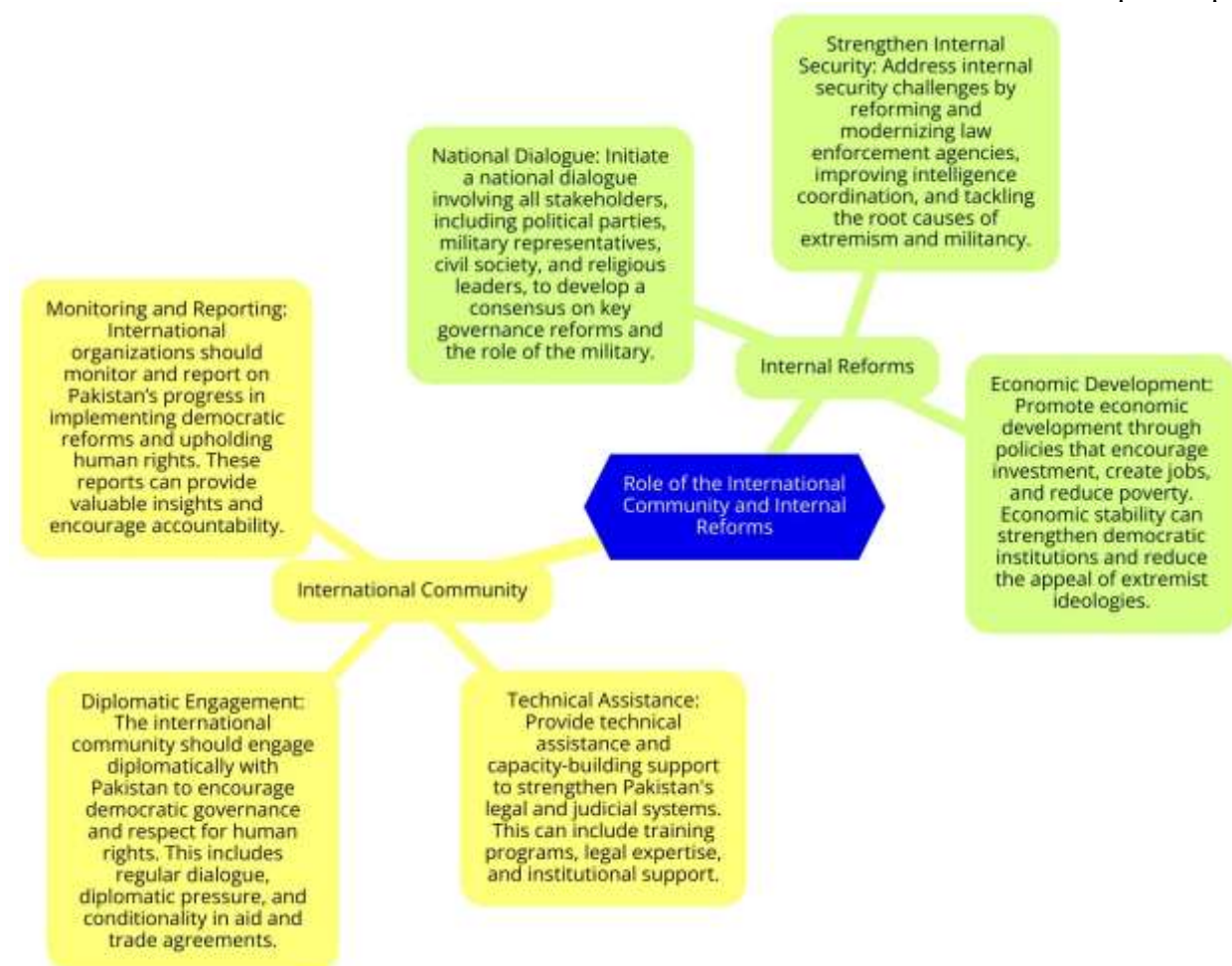
**Technical Assistance:** Offer technical cooperation and capacity development support to enable the improvement of Pakistan's legal and judicial frameworks. This can be training programs, Legal advice and Institutional support.

**Monitoring and Reporting:** International organizations should track and also give updates on the measurement of democratic reforms and human rights in Pakistan. Such reports can be useful and bring focus on organizational responsibilities.

**National Dialogue:** Convene a major national forum composed of all Ghana's players including the political parties, the military, civil society organizations, and religious leaders to arrive at a shared understanding regarding critical aspects of governance reform and the role of the military in it.

**Strengthen Internal Security:** Address internal security threats by renovating the police and other internal security organizations, better intelligence sharing, addressing the fundamental issues leading to extremist and militant activities.

**Economic Development:** Ensure development of the economy by implementing policies that would boost investment, employment and elimination of poverty. When the economy is strong these has the potential of improving the practice of the concept of democracy and at the same time reduce calls for revolution philosophies.



**Figure 7: flow chart of internal Reforms**

To sum up, there are the structural factors that define the further development of Pakistan's political and legal systems, namely the interaction of military power, democratic action, and the influence of fundamentalism. In this way, using large-scaled legal and institutional changes, enhancement of public participation, and improvement of transparency and international cooperation; Pakistan can pave the way of transition towards better, efficient, and just society. It is thus the party support and the international community backing internal reformist desire that will determine achievement of these goals. This paper thus examines the depth and the magnitude of competition between establishment and democracy in a country such as Pakistan where Islamic fundamentalism is

evidently active. Praetorian identity of the deep state operations has eroded the legal system and state sovereignty of the country to a great extent. To tackle them, one needs bold systemic changes in the legal sphere, the support of competent civilian structures, and the development of civil society sensibility.

## 12. Conclusion

The analysis of Pakistan's polity and law reveals the impact of the praetorian deep state on its structure. The country has experienced military coups and long years of martial law, which have worsened in recent years due to fundamentalist insertions regarding matters of faith. This military dominance has led to inconsistent and provocative postures on national interests, affecting policy-making and international relations.

Societal implications include selective justice, low public confidence in leadership, and rampant human rights violations, particularly targeting marginalized and oppressed groups. Future developments may range from military consolidation to democratic transformation or growing influence of fundamentalists. Measures for improving legal frameworks and state sovereignty include legal-institutional development, improving transparency and accountability, and global cooperation.

The interplay between military influence, fundamentalism, and democracy in Pakistan is complex and multifaceted. Military influence has been justified due to increased security threats and political insecurity, while fundamentalist forces continue to dismantle secular legal and human rights frameworks. The judiciary, although independent, has been under pressure from both establishment and fundamentalist forces, minimizing its role as an upholder of justice.

To enhance sustainable governance procedures, it is crucial to strengthen democratic structures and ensure civilian control over the armed forces. Improving the legal and institutional framework, promoting citizen participation and enlightenment, and fostering international cooperation are essential steps towards democratization.



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