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Judicial Guarantees for Litigants in Sharia Courts: A Maqāṣid-Based Comparative Study of Classical Fiqh, Pakistan and Saudi Arabia

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Abstract: Studies of Islamic procedural justice have rarely assessed the compatibility between classical Islamic jurisprudence and contemporary legal frameworks through explicit, replicable indicators. This study examines judicial guarantees derived from the Qur'an, Sunnah, and classical adjudication literature (*adab al-qāḍī*), comparing their incorporation into classical fiqh, the Constitution of Pakistan, the Saudi Law of Procedure before Sharia Courts, and Article 14 of the International Covenant on Civil and Political Rights (ICCPR). Employing a qualitative doctrinal-comparative approach, the study develops eight indicators based on *maqāṣid al-sharīʿah*, *al-ʿadl*, and *adab al-qāḍī*. Each indicator is assessed using a three-point scale: absent (0), partial (1), and explicit with institutional support (2). Convergence rates are calculated against a maximum score of 16, alongside indicator-level comparisons. The findings show that five foundational guarantees—equality, the right to be heard, impartiality, burden of proof, and legal representation—score at or near the maximum across all frameworks. However, three institutional guarantees—open hearings, reasoned judgments with review, and timely proceedings—reveal substantial differences, achieving 50% in classical fiqh, 67% in Pakistan, 83% in Saudi Arabia, and 100% under the ICCPR. Overall convergence rates are 81%, 88%, 94%, and 94%, respectively. The study distinguishes foundational judicial principles from institutional procedural guarantees and argues that, under *maqāṣid* reasoning, institutional mechanisms are essential means of realizing justice rather than optional modern additions. It recommends codified procedures, reasoned judgments with accessible review mechanisms, legal aid, and measurable time standards to address institutional deficiencies.

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Introduction

Fair adjudication stands near the center of Islamic law. The Qur'an commands believers to judge between people with justice (Qur'an 4:58), forbids them to let enmity toward a people push them away from fairness (Qur'an 5:8), and addresses David as a ruler who must judge in truth and not follow desire (Qur'an 38:26). From these verses and from

the Prophet's own practice the early jurists built a body of rules about how a *qāḍī* should sit, listen, weigh proof and decide, which later writers collected under the heading of *adab al-qāḍī* (Coulson, 1964; Schacht, 1964; Tyan, 1960). Rights of this kind are not a modern import. What is less settled is how far they are secured today, in courts that apply sharia or measure legislation against it, and how that security compares with what modern constitutions and treaties promise.

The question has practical weight. Courts that apply sharia, whether as the governing law, as in Saudi Arabia, or through a body such as Pakistan's Federal Shariat Court, which tests legislation for conformity with the injunctions of Islam, hear family, property, commercial and criminal disputes. For a litigant the useful questions are concrete: will the judge hear both sides, will the other party enjoy an unfair advantage, will the reasons for the decision be written down, and will the case be decided in months or in years? Procedural justice research suggests that people judge courts by exactly these features, often more than by the outcome itself (Tyler, 2006). In Muslim-majority societies, where courts also carry religious as well as legal authority, an unfair procedure damages both the litigant and the credibility of sharia (Zubaida, 2003; Abou El Fadl, 2001).

Judicial guarantees matter for a further reason that is specific to Islamic legal thought. The purposes of the law (*maqāṣid al-sharīʿah*) include the protection of life, religion, intellect, lineage and property, and the courts are the main institution through which disputes touching these interests are resolved (al-Ghazālī, 1993; al-Shāṭibī, 1997). A court that decides without hearing both parties, or without any check on error, puts those protected interests at risk in the very act of applying the law. The significance of judicial guarantees in contemporary Islamic judicial institutions therefore lies not only in compliance with international standards but in the fidelity of those institutions to the objectives of sharia itself (Auda, 2008; Kamali, 2008a).

Existing scholarship on the topic can be grouped into five strands, and each leaves part of the question open. The first strand is historical and legal-anthropological. Studies of how *qāḍī* courts worked in practice describe courts that were open to ordinary people, relied on witnesses and notarial documents, and depended on the discretion and standing of the individual judge (Rosen, 1989; Messick, 1993; Powers, 2002; Tillier, 2009). They show how justice was delivered, but they rarely ask whether what was delivered matched the guarantees stated in the doctrine, and they were not designed to compare the past with modern codes. A related body of work on the *maẓālim* jurisdiction shows that rulers also created complaint courts to repair the weaknesses of ordinary adjudication, which is early evidence that institutional design was already treated as a legitimate way of serving justice (Nielsen, 1985; al-Māwardī, 1996).

The second strand is doctrinal. Introductions to Islamic law and to its theory set out the rules on evidence, oath, agency and the conduct of the judge (Hallaq, 1997, 2005; Kamali, 2003, 2008a; Weiss, 1998). Studies of doubt and of evidentiary maxims explain how classical

jurists tempered rigid proof rules in the interest of justice (Rabb, 2015; Peters, 2005). Their strength is textual depth. Their limit is that they seldom set the classical rules beside the text of a particular modern constitution or procedure statute, so the reader cannot see which guarantees survive in positive law and which do not.

The third strand asks whether Islamic law and international human rights law can coexist. Its authors divide into those who find deep tension, usually over substantive questions such as the status of women and non-Muslims and the content of criminal penalties (Mayer, 2013; An-Naʿim, 1990), and those who argue that the two systems are compatible or can be reconciled through interpretation (Baderin, 2003; Emon et al., 2012). Most of this work is about substantive rights. Fair-trial guarantees appear in it as one example among many, and the argument tends to be made through selected illustrations and not through a stated and repeatable method.

The fourth strand is made up of country studies. Lau (2006) examines the position of Islam in Pakistan's legal system, Vogel (2000) and Ansary (2008) describe the Saudi judiciary, and Baamir (2010) shows how sharia-based adjudication works in a commercial setting. Hallaq (2013) and Zubaida (2003) add the point that the modern state has reshaped sharia by placing it inside codes, hierarchies and bureaucratic courts. These studies supply the institutional detail that the doctrinal strand lacks. Several of them predate the Saudi Law of Procedure before Sharia Courts of 2013, and none sets either country against the classical sources and an international benchmark at the same time.

The fifth strand comes from the study of the *maqāṣid*. Recent work has turned the theory of the higher objectives into a tool for reform (Ibn ʿĀshūr, 2006; al-Raysūnī, 2005; Auda, 2008; Kamali, 2008b; Opwis, 2010; Masud, 1995). It supplies the vocabulary this article needs, because it allows the reasons behind a rule to be asked as well as the rule itself. Yet the literature on the *maqāṣid* has not been applied systematically to court procedure, and the main discussions of fair trial in Islamic law rarely use it. Table 1 summarises the five strands, what each contributes and where it stops.

Table 1. Strands of previous scholarship, their contribution and their limits

Strand	Representative studies	Main contribution	Limitation for the present question
Historical and legal-anthropological	Rosen (1989); Messick (1993); Powers (2002); Tillier (2009); Nielsen (1985)	Show how *qāḍī* and *maẓālim* courts worked in practice: access, witnesses, documents, judicial discretion	Not designed to test practice against stated guarantees or to compare with modern codes
Doctrinal	Hallaq (1997, 2005); Kamali (2003, 2008a); Weiss (1998); Peters (2005); Rabb (2015)	Set out rules of procedure, evidence, oath and doubt, and the reasoning behind them	Seldom set beside the text of a modern constitution or procedure statute

Islam and international human rights	Mayer (2013); An-Naʿim (1990); Baderin (2003); Emon et al. (2012)	Frame the relationship as tension or as compatibility	Mostly substantive rights; fair trial handled through selected examples, without stated indicators
Country studies and the modern state	Lau (2006); Vogel (2000); Ansary (2008); Baamir (2010); Hallaq (2013); Zubaida (2003)	Supply institutional detail for Pakistan and Saudi Arabia and show how states reshape sharia	Single-country focus; some predate the 2013 Saudi procedure law; no common benchmark
Maqāṣid scholarship	Ibn ʿĀshūr (2006); al-Raysūnī (2005); Auda (2008); Kamali (2008b); Opwis (2010); Masud (1995)	Provide purpose-based reasoning for legal reform	Not applied systematically to court procedure; not linked to measurable guarantees
This study	Classical fiqh, Pakistan, Saudi Arabia, ICCPR Art. 14	One eight-indicator matrix across four frameworks, grounded in maqāṣid, al-ʿadl and adab al-qāḍī	Textual only; practice is outside its scope (see Limits of the method)

Source: Authors' synthesis of the literature cited in this section.

Taken together, these strands show three limitations. First, doctrine, institutions and international standards are almost always studied separately, so that no single text lets one see what the classical sources promise litigants, what present constitutions and procedure laws guarantee, and what an external benchmark such as Article 14 ICCPR requires (Nowak, 2005; Joseph & Castan, 2013). Second, claims of compatibility or conflict rest on selected examples and not on stated indicators that another scholar could apply and contest (Mayer, 2013; Baderin, 2003). Third, the *maqāṣid* literature offers a normative account of justice but has not been used to explain why some procedural guarantees are foundational and others institutional, or why the institutional ones can be binding in sharia terms (Auda, 2008; Opwis, 2010).

This article advances the literature on each of these points. It builds a common matrix of eight indicators that covers classical doctrine, two national frameworks and an international treaty. It states the scoring rules openly, so that the comparison can be repeated and challenged. And it uses *maqāṣid al-sharīʿah*, *al-ʿadl* and *adab al-qāḍī* as analytical foundations that decide which indicators are included and how their results are read, instead of treating them as ornamental references.

Three questions guide the study. Which procedural guarantees can be derived from the Qur'an, the Sunnah and the classical literature on adjudication, and how are they

connected to the objectives of sharia? How fully are these guarantees reflected in the legal frameworks of Pakistan and Saudi Arabia and in Article 14 ICCPR? And where do the weak points lie, and which reforms would address them within the tradition?

The objectives follow from the questions: to identify and classify the core guarantees; to compare their strength across four frameworks using a stated scoring scheme; to interpret the differences in terms of legal implication and underlying cause; and to propose reforms that stay close to the sources of sharia. The study starts from one working hypothesis. The foundational guarantees (equal treatment, a hearing, an impartial judge, a fair burden of proof and representation) should converge closely across all four frameworks, because they belong to the moral structure of adjudication. The institutional guarantees (open hearings, reasoned judgment with review, and timely decision) should be weaker in classical doctrine, because they depend on court structures that classical law left largely undeveloped.

The article makes three contributions to Islamic legal scholarship. The first is empirical-comparative: an indicator-based matrix that places classical fiqh, two national frameworks and an international standard on one scale, which the field has so far lacked. The second is conceptual: a distinction between foundational judicial principles (*mabādiʾ*), which state what a just court must be, and institutional procedural guarantees (*ḍamānāt ijrāʾiyya*), which state what a court system must have in place for the principles to be enforceable. The third is normative: on *maqāṣid* reasoning, the second group is not a foreign add-on but a set of obligatory means, since what an obligation cannot be fulfilled without is itself obligatory (*mā lā yatimmu al-wājibu illā bihi fahuwa wājib*). This gives contemporary Islamic judicial thought a principled basis for institutional reform and contributes to what may be called *maqāṣid*-based procedural justice.

Theoretical Framework

Maqāṣid al-Sharīʿah and the Purpose of Procedure

The theory of the *maqāṣid* holds that the rulings of sharia are directed at securing human welfare by protecting five necessary interests: religion, life, intellect, lineage and property (al-Ghazālī, 1993; al-Shāṭibī, 1997). Later writers have widened the list to include justice, equality, freedom and human dignity as objectives in their own right (Ibn ʿĀshūr, 2006; Auda, 2008; Kamali, 2008b). Court procedure sits in an interesting place within this scheme. It does not protect any of the five interests directly. It protects them indirectly, because it is the means by which disputes over life and liberty in criminal cases, over marriage, custody and descent in family cases, and over ownership and contract in property cases are resolved. In the vocabulary of the jurists, procedure belongs to the *wasāʾil*, the means, and not to the *maqāṣid* themselves. The legal consequence is important. Means take the ruling of the end they serve, and the maxim that what is needed to complete an obligation is itself obligatory (*mā lā yatimmu al-wājibu illā bihi fahuwa wājib*) makes any procedural arrangement without

which justice cannot be done a requirement and not a preference (Kamali, 2003; Opwis, 2010).

The same reasoning explains why the institutional guarantees examined here are legitimate objects of reform. The classical jurists did not describe an appeal court or a published time limit, because the machinery of the modern state did not exist. But the doctrine of *siyāsa sharʿiyya*, developed by jurists such as Ibn Qayyim, allows rulers to organise courts and procedure in whatever way best achieves justice, provided they do not contradict an explicit text (Ibn Qayyim al-Jawziyya, n.d.; Hallaq, 2009). The institutional guarantees are, in that sense, a continuation of the tradition and not a departure from it.

Al-ʿAdl as the Governing Value

Justice (*al-ʿadl*) is the value that all procedural guarantees serve. The Qur'an links it with equal treatment before the law, with truthful testimony even against one's own kin, and with the refusal to let hatred distort judgment (Qur'an 4:135; 5:8; 16:90). Khadduri (1984) shows that classical Muslim writers understood justice as both a moral quality of the person and a condition of the social order, and this double meaning matters for the present study. It explains why the early sources treat impartiality as a virtue of the judge, while modern texts treat it as a structural property of the judiciary. In this article *al-ʿadl* functions as the evaluative standard. A guarantee is judged by whether it enables a litigant to obtain a just decision in practice, and not merely by whether it is stated.

Adab al-Qāḍī as a Source of Procedural Rules

The genre of *adab al-qāḍī* collected the rules on the judge's conduct: how he is appointed, how he receives litigants, how he treats the parties equally, when he may take evidence, how he avoids anger and gifts, and when he may revisit his own judgment (Tyan, 1960; Masud et al., 1996; Ibn Qudāma, 1997). The letter attributed to ʿUmar to Abū Mūsā al-Ashʿarī is the best-known statement of these duties, although its authenticity has been debated. For this study the genre has a double use. It is a source of the guarantees, since most of the eight indicators can be traced to it, and it is also the classical test of how detailed the doctrine was. Where *adab al-qāḍī* states a duty but gives no mechanism, as it does for publicity and time limits, the indicator is scored as a principle and not as an institutionally supported guarantee.

The Analytical Model

The three concepts yield a single analytical model. *Al-ʿadl* is the end. *Maqāṣid al-sharīʿah* explain why procedure is obligatory and which interests it protects. *Adab al-qāḍī* supplies the classical content of the guarantees. Within this model guarantees fall into two tiers. Foundational guarantees (*mabādiʾ*) describe the moral structure of a just trial and are largely independent of court design. Institutional guarantees (*ḍamānāt ijrāʾiyya*) describe the

arrangements that make the foundational principles enforceable and verifiable: public access, written reasons with review, and time standards. Table 2 sets out the eight indicators, the tier to which each belongs and the Islamic legal principle behind it. The distinction between the tiers is what allows the study to separate a gap in doctrine from a gap in design.

Table 2. Analytical model: indicators, tiers and Islamic legal grounding

Indicator	Tier	Islamic Legal Grounding	Value or objective served
Equality of the parties	Foundational	*Al-ʿadl*; equal seating, address and hearing (Qur'an 4:58; 5:8); *adab al-qāḍī*	Justice and equality; protection of the weaker party
Right to be heard	Foundational	Both parties heard before judgment (instruction to ʿAlī); *adab al-qāḍī*	Prevention of wrong (*ẓulm*); accuracy of judgment
Impartial and independent judge	Foundational	Qur'an 38:26; bans on judging in anger and on bribery; justice as a quality of the judge	Integrity of the judicial office; justice
Burden of proof	Foundational	Claimant proves, denier swears; presumption in favour of the defendant	Protection of property and of the accused
Counsel and representation	Foundational	Agency (*wakāla*) in litigation; hadith of Umm Salama on advocacy	Protection of lineage and property; equal access
Open and accessible hearing	Institutional	Accessibility of the judge in the manuals; *siyāsa sharʿiyya*; *mā lā yatimmu al-wājibu illā bihi*	Visibility of justice; accountability
Reasoned judgment and review	Institutional	ʿUmar's letter (return to the truth); revocation of a judgment contrary to a text	Correction of error; preservation of rights
Timely adjudication	Institutional	Prohibition of unjustified delay; hearing cases in order of arrival; *al-ḍarar yuzāl*	Effective protection of rights; removal of harm

Source: Authors' analytical model, derived from the sources cited in this section and checked against the structure of Article 14 ICCPR.

Research Methods

This is a qualitative, doctrinal-comparative study with a content-analysis matrix at its centre. The design suits the material, because what is compared are texts (verses, hadith, juristic manuals, constitutional clauses, statutes and a treaty article) and not behaviour inside courtrooms. Doctrinal analysis establishes what each source requires. The matrix then makes the comparison visible, so that a reader who disagrees with a score can change it and see what follows. Content analysis of this kind, in which units of text are assigned to categories by written rules, is a recognised way of making qualitative comparison transparent (Krippendorff, 2018). The comparison follows the functional method of comparative law:

provisions from different legal sources are compared according to the function they perform, here the protection of a litigant's procedural position, and not according to their legal form (Zweigert & Kötz, 1998; Hirschl, 2014).

Four frameworks were examined (Table 3). The first is classical fiqh, drawn from the Qur'an, the hadith on the Prophet's judicial practice, the letter attributed to ʿUmar to Abū Mūsā al-Ashʿarī and the adjudication chapters of works such as Ibn Qudāma's *al-Mughnī*, al-Māwardī's *al-Aḥkām al-Sulṭāniyya* and Ibn Qayyim's *al-Ṭuruq al-ḥukmiyya*. The second is Pakistan's 1973 Constitution (Islamic Republic of Pakistan, 1973), read with the Qanun-e-Shahadat Order of 1984 (Islamic Republic of Pakistan, 1984) and the West Pakistan Family Courts Act of 1964. The third is Saudi Arabia's Basic Law of Governance (Kingdom of Saudi Arabia, 1992) and Law of Procedure before Sharia Courts (Kingdom of Saudi Arabia, 2013). The fourth, Article 14 of the ICCPR (United Nations General Assembly, 1966) as read in the Human Rights Committee's General Comment No. 32 (Human Rights Committee, 2007), is not a source of sharia and is used only as an external benchmark.

Pakistan and Saudi Arabia were chosen for a reason of design and not of convenience. They are two of the best-known modern states that give sharia a constitutional or statutory role, but they do so in different ways. In Saudi Arabia sharia is the governing law and the Basic Law declares that courts apply it, so the sharia courts are the ordinary courts. In Pakistan the Objectives Resolution and the constitutional chapters on the Federal Shariat Court make Islamic injunctions a standard against which legislation is reviewed, while ordinary courts apply codified statutes inherited largely from the common-law tradition (Lau, 2006). The two countries therefore represent two models, direct application and constitutional review, which allows the study to ask whether the procedural guarantees depend on the model. Their positions on the ICCPR also differ: Pakistan has ratified it, while Saudi Arabia has not, so Article 14 operates as a treaty obligation in one case and as a purely external yardstick in the other. This is a further reason for treating it only as a benchmark and not as a source of sharia.

Table 3. Frameworks examined, main sources and reason for inclusion

Framework	Main sources	Type of source	Reason for inclusion
Classical fiqh	Qur'an; hadith on judicial practice; ʿUmar's letter; Ibn Qudāma, *al-Mughnī*; al-Māwardī, *al-Aḥkām al-Sulṭāniyya*; Ibn Qayyim, *al-Ṭuruq al-ḥukmiyya*	Juristic doctrine	Origin of the guarantees; reference point for fidelity to sharia
Pakistan	Constitution (1973), esp. Arts. 4, 10A, 25, 175 and Ch. 3A; Qanun-e-Shahadat Order (1984); West Pakistan Family Courts Act (1964)	Constitutional and statutory law	Constitutional review of laws against Islamic injunctions; ratified the ICCPR (2010)

Saudi Arabia	Basic Law of Governance (1992), esp. Arts. 46–49; Law of Procedure before Sharia Courts (2013)	Basic law and procedure statute	Sharia as governing law; sharia courts as ordinary courts; not a party to the ICCPR
ICCPR Art. 14	Art. 14 ICCPR (1966); Human Rights Committee, General Comment No. 32 (2007)	Treaty and authoritative interpretation	External benchmark; not a source of sharia

Source: Authors' compilation.

The three kinds of source differ in genre. Classical fiqh is juristic doctrine, national frameworks are positive law, and the ICCPR is a treaty. Comparing them raises an obvious objection: a body of doctrine cannot be expected to contain statutes, so its lower score on court-structure indicators may reflect its genre and not any weakness in its content. The study addresses this in three ways. First, the comparison is functional: each indicator asks whether a source secures a given protection for the litigant, whatever its form. Second, the scoring scale distinguishes a protection stated as a principle (score 1) from one backed by a rule, procedure or institution (score 2), so that the difference in genre is recorded openly and not hidden. Third, results are reported separately for foundational and institutional indicators, since the genre objection applies only to the second group. The Cairo Declaration on Human Rights in Islam (Organisation of Islamic Cooperation, 1990), whose Article 19 states equality before the law, access to justice and the right of an accused to a fair tribunal with all guarantees of defence, was consulted as contextual evidence of an Islamic-state consensus but was not scored, because it is a declaration and not a binding text.

Eight indicators were derived in two steps. In the first, the primary sources were read for every procedural protection that classical jurists attach to the litigant, and these were grouped by function. In the second, the resulting list was checked against the structure of Article 14 ICCPR and General Comment No. 32, to make sure that no protection recognised in the international standard was missing from the list for lack of a classical label. The result is five foundational indicators (equality of the parties, the right to be heard, an impartial and independent judge, the burden of proof, and counsel and representation) and three institutional indicators (an open and accessible hearing, a reasoned judgment with review, and timely adjudication). Table 2 shows the link between each indicator and the theoretical framework. The set is not meant to be exhaustive. It covers the guarantees that appear in both the classical and the modern sources, which is what makes a comparison possible.

Each framework received a score on each indicator, using the three-point scale in Table 4. A three-point scale was preferred to a finer one because the sources support only three defensible distinctions: a guarantee is missing, it is recognised in principle, or it is recognised and given effect. A scale of five or ten points would suggest a precision that textual evidence cannot supply. The scores describe what a framework says on paper. They do not measure how courts behave, a point taken up in the discussion.

Table 4. Coding scale used in the content-analysis matrix

Score	Label	Operational criterion
0	Absent	The guarantee is not stated, implied or enforceable in the framework.
1	Partial	The guarantee is recognised as a principle, or is limited in scope, or lacks an institutional mechanism for enforcement.
2	Explicit	The guarantee is stated expressly and is supported by a rule, procedure or institution that gives it effect.

Source: Authors' coding scheme.

Three summary measures are reported, and it is worth being exact about what each one means. The first is the convergence rate of a framework: the sum of its eight scores divided by the maximum possible total of 16, expressed as a percentage and rounded to the nearest whole number. A framework with scores of 2 on every indicator would have a convergence rate of 100%. The rate therefore measures how fully a framework meets the benchmark of explicit and institutionally supported guarantees. It is not a measure of similarity between two frameworks, and it does not say how often guarantees are respected in practice. Pakistan's total of 14 gives 14/16 = 87.5%, reported as 88%. The second measure is the tier rate, calculated in the same way separately for the five foundational indicators (maximum 10) and the three institutional indicators (maximum 6). The third is the alignment rate between two frameworks: the number of indicators on which they receive the same score, divided by eight. Where the convergence rate shows how complete a framework is, the alignment rate shows whether two frameworks agree on where their strengths and weaknesses lie.

The work proceeded in four stages: locating the primary texts for each framework, extracting the provisions that bear on each indicator, scoring them against the criteria in Table 4, and totalling the scores by framework, by tier and by indicator. Because the study has four frameworks and an ordinal scale, inferential statistics would add nothing, and only descriptive figures are reported. As a check on the scoring, two alternative readings were run: one in which only a score of 2 counts, and one in which the institutional indicators are given double weight. The results are reported below.

Three limits should be stated at the outset. Scoring involves judgment, and the coding was carried out by the authors against written criteria without an independent second coder. The matrix is therefore offered as a transparent and contestable instrument for other scholars to test and not as a final measurement; Table 9 records the reason for every score below the maximum so that readers can re-score. Second, the analysis is textual, so differences between law and practice are outside its reach. Third, provisions were read in the original or in published translations, and translation can lose nuance; the Arabic and Urdu texts remain authoritative.

Result and Discussion

Result

Foundations in the Primary Sources

The discussion begins with the sources, since the indicators are only as sound as their basis. Table 5 sets out the textual and juristic basis for each indicator. Read together, the sources describe a fair-trial structure that is easy to recognise. The parties are treated alike, both are heard before judgment, the judge keeps clear of anger, bribes and personal desire, the claimant must prove his claim, and a judgment that turns out to contradict a clear rule can be reopened.

Table 5. Principal textual and juristic bases of the guarantees

Guarantee	Principal basis in the sources	Juristic principle
Equality of the parties	Qur'an 4:58 and 5:8; ʿUmar's letter to Abū Mūsā (equal treatment in the judge's presence, address and session)	Parties are seated, addressed and heard alike; no preference for status or wealth
Right to be heard	Prophetic instruction to ʿAlī: do not decide for the first litigant until the second is heard (Abū Dāwūd; al-Tirmidhī)	Judgment given against an absent, unheard party is open to challenge
Impartial judge	Qur'an 38:26; prohibition of judging in anger (al-Bukhārī; Muslim); prohibition of bribery (Abū Dāwūd; al-Tirmidhī)	The judge must be free of anger, hunger, bias and gifts that could influence judgment
Burden of proof	Hadith: the claimant brings proof and the denier takes the oath (Muslim)	Presumption in favour of the defendant; the claimant must establish the claim
Counsel and representation	Qur'an 2:282 (a representative may act for one who cannot); hadith of Umm Salama on advocacy and the limits of the judge's knowledge (al-Bukhārī; Muslim)	Agency (*wakāla*) in litigation is recognised; a party may not use advocacy to take what is not his
Open and accessible hearing	Practice of the early *qāḍī*s and the manuals' rules on the judge's seat and access	The judge should be accessible and should receive litigants without barriers
Reasoned judgment and review	ʿUmar's letter: a previous judgment does not bar return to the truth	A judgment contradicting text or consensus is revoked; review of one's own judgment is allowed
Timely adjudication	Juristic discussions of the order of hearing cases and the prohibition of unjustified delay	Cases are heard in order of arrival; judges should not postpone without cause

Sources: Qur'an; hadith collections as cited (al-Bukhārī, 2001; Muslim, n.d.; Abū Dāwūd, n.d.; al-Tirmidhī, 1975); Ibn Qudāma (1997); al-Māwardī (1996); Ibn Qayyim al-Jawziyya (n.d.). The authenticity of ʿUmar's letter has been debated in the literature, but its content is widely cited in the adjudication manuals.

Three observations follow from the table. The first is that the guarantees are not merely appeals to good conduct. The instruction to hear both litigants and the rule on the burden of proof work as procedural rules, and the manuals treat their breach as ground for setting a judgment aside or revisiting it (Ibn Qudāma, 1997; Kamali, 2008a). The second is that the sources rest on two kinds of authority. The foundational indicators are anchored in explicit texts (a verse, a hadith or both), while the institutional indicators rest mainly on juristic practice and on the manuals' discussion of the judge's conduct. This difference in textual weight is the first sign that the two tiers of the model behave differently. The third is that the sources contain a clear reasoning from purpose. The bans on judging in anger and on taking gifts speak to judicial independence in terms that we would now call impartiality and anti-corruption law, and Ibn Qayyim's insistence that a judge look past formal proof to reach a just outcome shows that classical thinkers did not confuse fairness with rigid formality (Ibn Qayyim al-Jawziyya, n.d.). In *maqāṣid* terms, the guarantees are means that the jurists themselves defended by reference to their purpose, which supports reading them as obligatory means and not as optional courtesies.

Comparative Coding Results

Turning to the second question, Table 6 gives the full matrix and Figure 1 shows it as a heat map. The five foundational guarantees score 2 in every cell but one. The exception is the burden of proof under the ICCPR, which scores 1 because Article 14(2) states the presumption of innocence for criminal charges and says nothing direct about the burden in civil disputes (Human Rights Committee, 2007). The differences that matter lie in the institutional guarantees.

Table 6. Content-analysis matrix: convergence scores by framework (0–2)

Guarantee	Classical fiqh	Pakistan	Saudi Arabia	ICCPR Art. 14
Equality of the parties	2	2	2	2
Right to be heard	2	2	2	2
Impartial and independent judge	2	2	2	2
Burden of proof / presumption	2	2	2	1
Counsel and representation	2	2	2	2
Open and accessible hearing	1	1	2	2
Reasoned judgment and review	1	2	2	2
Timely adjudication	1	1	1	2
Total (max 16)	13	14	15	15
Convergence rate	81%	88%	94%	94%

Source: Authors' coding of the frameworks described in the Research Methods section. Scores reflect the legal texts as written, not their application in practice.

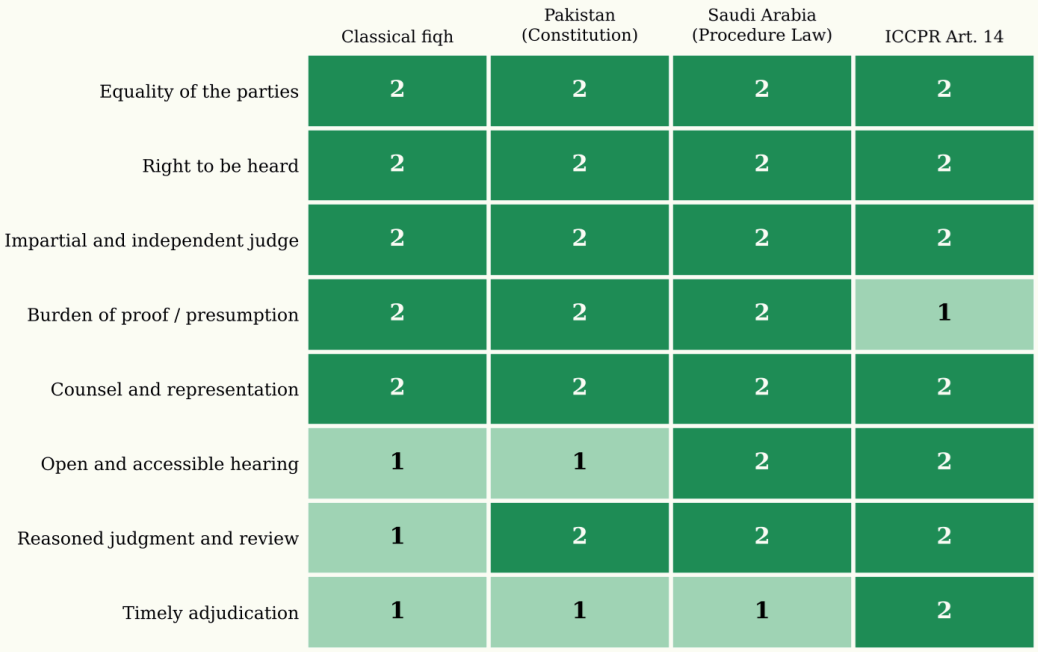


Figure 1. Heat map of guarantee scores across the four frameworks (0 = absent, 1 = partial, 2 = explicit).

Figure 2 gives the totals. Classical fiqh scores 13 out of 16 (81%) and Pakistan 14 (88%), while the Saudi procedure law and Article 14 ICCPR each reach 15 (94%). The order is what one would expect. Classical doctrine states all eight guarantees as principles, but it is a body of juristic opinion and not a code of procedure, so it says less about how publicity, review and time limits should work. Modern texts are written in the language of institutions and do better on exactly those points. The closeness of the Saudi and ICCPR totals needs a comment, because it hides a difference in kind. The two reach 15 by different routes: the Saudi framework has no gap in the foundational tier and one in the institutional tier (timeliness), while the ICCPR has one gap in the foundational tier (the civil burden of proof) and none in the institutional tier.

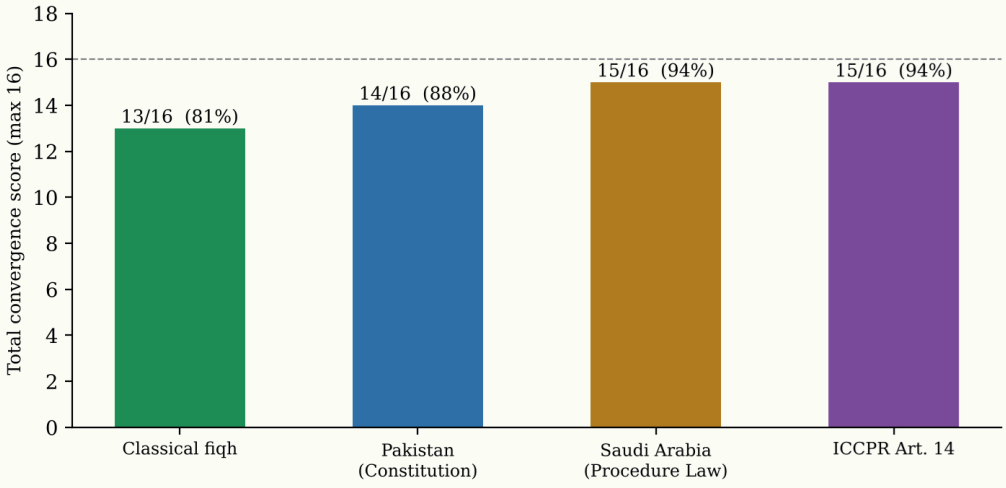


Figure 2. Total convergence score by framework (maximum 16).

Figure 3 looks at the same data from the other side, averaging each guarantee across the four frameworks. Four guarantees reach the maximum of 2.00. At the bottom are timely adjudication (1.25) and open hearings (1.50), with reasoned judgment and review and the burden of proof both at 1.75. The hypothesis therefore holds, with one qualification: the weakness in institutional guarantees is not limited to classical doctrine, since timeliness scores only 1 in three of the four frameworks.

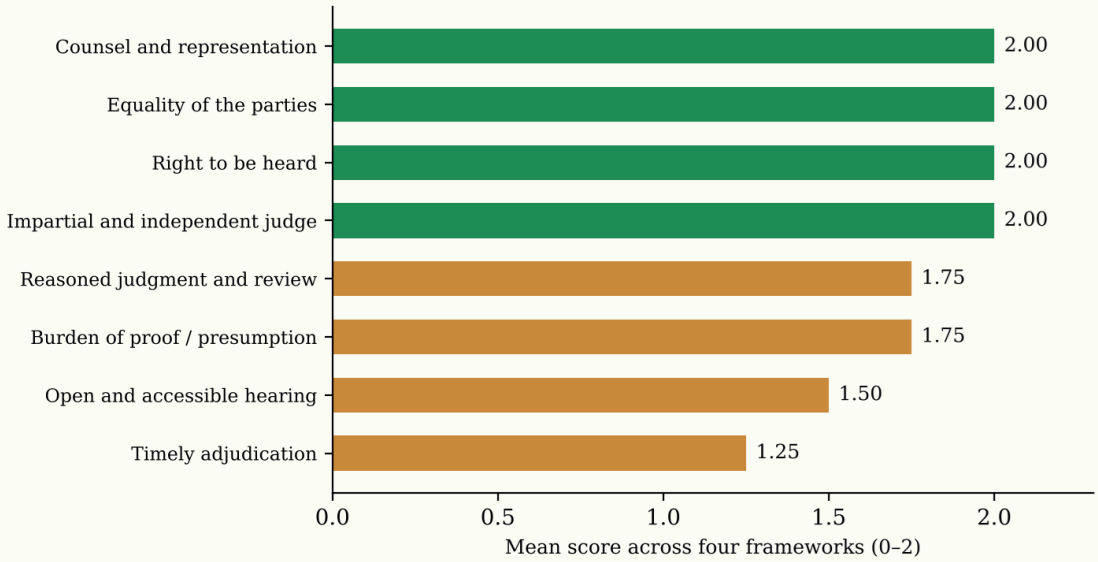


Figure 3. Mean score of each guarantee across the four frameworks (0–2).

Foundational and Institutional Guarantees

Table 7 and Figure 4 separate the two tiers of the analytical model. The result is the central finding of the study. In the foundational tier the four frameworks are almost indistinguishable: classical fiqh, Pakistan and Saudi Arabia reach the full 10 out of 10, and the ICCPR reaches 9. In the institutional tier they separate clearly, from 3 out of 6 (50%) for classical fiqh, through 4 (67%) for Pakistan and 5 (83%) for Saudi Arabia, to 6 (100%) for the ICCPR. The overall convergence rates of 81% to 94% thus conceal two quite different pictures. On what a fair trial is, the frameworks agree. On how a fair trial is secured, they do not.

Table 7. Scores by tier of guarantee and framework

Framework	Foundational score (max 10)	Foundational rate	Institutional score (max 6)	Institutional rate	Overall convergence rate
Classical fiqh	10	100%	3	50%	81%
Pakistan	10	100%	4	67%	88%
Saudi Arabia	10	100%	5	83%	94%
ICCPR Art. 14	9	90%	6	100%	94%

Source: Authors' calculation from Table 6. Foundational tier = equality, hearing, impartiality, burden of proof, counsel (max 10). Institutional tier = open hearing, reasoned judgment and review, timeliness (max 6).

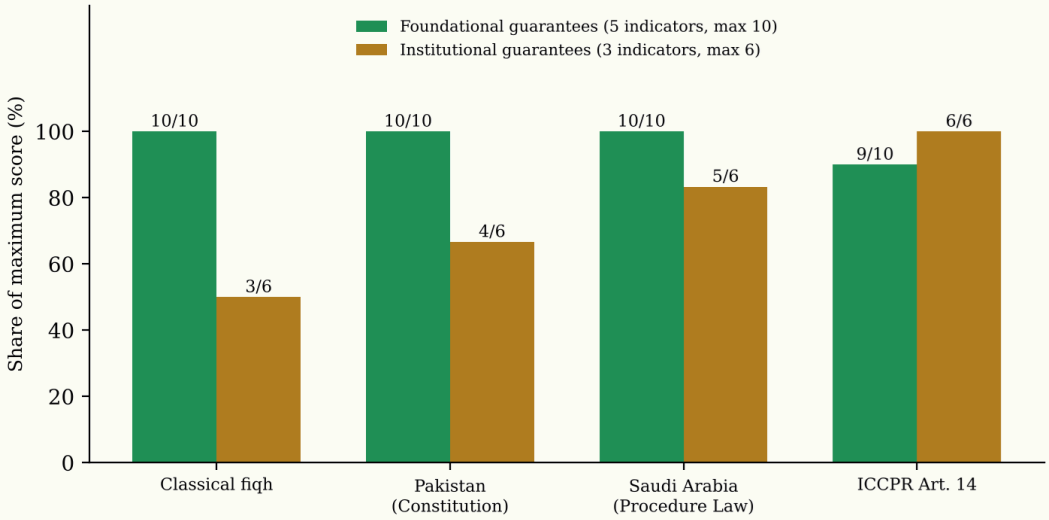


Figure 4. Share of the maximum score reached in the foundational and institutional tiers, by framework.

Three implications arise. First, the hypothesis is confirmed in its strong form: the foundational guarantees converge, and the institutional ones do not. Second, the pattern supports the reading that the difficulty is one of design and not of doctrine, because the sources that are weakest on institutions are strongest on principle. Third, the steady rise from classical fiqh to Pakistan to Saudi Arabia in the institutional tier should not be read as a ranking of how Islamic each system is. It follows the degree to which each framework has been written down in the form of codified procedure. The Saudi score is higher than the Pakistani score largely because of the 2013 Law of Procedure, which gathered rules on hearings, appeals and objections into one enactment, while Pakistan's guarantees are spread across the Constitution, several procedural codes and a large body of case law.

Alignment Between Frameworks

Table 8 reports the alignment rate for each pair of frameworks. Classical fiqh aligns with Pakistan on seven of eight indicators (88%), with Saudi Arabia on six (75%) and with the ICCPR on four (50%). Among the modern frameworks, Pakistan and the ICCPR are the furthest apart (63%). The disagreements are few and are easy to name. Between classical fiqh and Pakistan the only difference is review and reasoned judgment. Between classical fiqh and Saudi Arabia, the differences are publicity and review. Between classical fiqh and the ICCPR they are the civil burden of proof, publicity, review and timeliness.

Table 8. Alignment rate between frameworks (identical scores out of eight indicators)

Pair of frameworks	Identical scores	Alignment rate	Indicators on which scores differ
Classical fiqh – Pakistan	7 of 8	88%	Reasoned judgment and review
Classical fiqh – Saudi Arabia	6 of 8	75%	Open hearing; reasoned judgment and review

Classical fiqh – ICCPR	4 of 8	50%	Burden of proof; open hearing; reasoned judgment and review; timeliness
Pakistan – Saudi Arabia	7 of 8	88%	Open hearing
Pakistan – ICCPR	5 of 8	63%	Burden of proof; open hearing; timeliness
Saudi Arabia – ICCPR	6 of 8	75%	Burden of proof; timeliness

Source: Authors' calculation from Table 6. Alignment = number of indicators with identical scores ÷ 8.

The table brings out something that the convergence rates alone could not. The classical sources are closer to the two national frameworks than to the international standard, yet the points of difference with the ICCPR are not points where the ICCPR contradicts the classical position. They are points where the ICCPR is more specific. The one apparent exception, the burden of proof, runs the other way: the classical rule that the claimant proves and the defendant swears is stated for civil and criminal disputes alike, while Article 14(2) speaks only to criminal charges. A reading of alignment as agreement on principle would therefore be misleading. It is agreement on the degree of institutional elaboration, and that is where reform has the most to offer.

Robustness of the Scoring

Two alternative readings were run to test whether the main findings depend on the scoring choices. If only a score of 2 is counted, the frameworks keep the same order, with 5, 6, 7 and 7 explicit guarantees out of eight (63%, 75%, 88% and 88%). If the three institutional indicators are given double weight, which is the more demanding reading for classical fiqh, the rates become 73% for classical fiqh, 82% for Pakistan, 91% for Saudi Arabia and 95% for the ICCPR; the order is again the same, and the tie between Saudi Arabia and the ICCPR is broken in favour of the ICCPR. The ranking of frameworks and the finding that institutional guarantees are the weak point are therefore not artefacts of the scoring rule.

Table 9 records the reason for every score below the maximum. It is the evidence on which the matrix rests, and it is offered so that the coding can be examined provision by provision.

Table 9. Reasons for scores below the maximum

Guarantee	Framework	Score	Reason for the score
Open and accessible hearing	Classical fiqh	1	The manuals require the judge to be accessible and to receive litigants, but state no rule of public hearing and no exceptions to it.
Open and accessible hearing	Pakistan	1	Article 10A guarantees a fair trial and due process, but the Constitution does not itself state publicity; the rule is left to procedural codes and court practice.
Reasoned judgment and review	Classical fiqh	1	A judgment contrary to a clear text or consensus is revoked and the judge may reconsider his

			ruling (ʿUmar's letter), but there is no ladder of appeal and no duty to give written reasons.
Timely adjudication	Classical fiqh	1	Unjustified delay is condemned and cases are heard in order of arrival, but no time standards are fixed.
Timely adjudication	Pakistan	1	No general constitutional or statutory standard for the time needed to complete a case; backlog is widely reported.
Timely adjudication	Saudi Arabia	1	On our reading, the Law of Procedure sets time limits for particular procedural steps but no enforceable standard for the overall duration of a case.
Burden of proof	ICCPR Art. 14	1	Article 14(2) states the presumption of innocence for criminal charges only; the burden of proof in civil disputes is not addressed directly (General Comment No. 32).

Source: Authors' coding notes, based on the legal texts and sources cited in the Research Methods section.

Discussion

Interpreting the Findings Guarantee by Guarantee

Equality and the right to be heard. The closest match between old and new is on equality and hearing. The classical rule that a judge must treat litigants alike in where they sit, how they are addressed and how much attention they receive has its modern counterpart in Article 25 of Pakistan's Constitution and in Article 47 of the Saudi Basic Law, which guarantees to citizens and residents alike the right of litigation. The Prophet's instruction to ʿAlī to hear the second party before ruling for the first corresponds to the due-process guarantee in Article 10A of Pakistan's Constitution, added in 2010, and to Article 14(1) ICCPR. The legal implication is that a decision reached without hearing a party is defective in all four frameworks, whatever its source of authority. The reason for the match lies in the nature of the guarantees: both are conditions of any adjudication that claims to be just, and so they are found wherever the idea of a court is found. This overlap suggests that fair trial belongs to the procedural core of sharia and was not brought in from outside (Kamali, 2008a; Emon et al., 2012; Baderin, 2003).

Impartiality and independence**.** Classical law treats impartiality largely as a personal virtue of the judge, which is why its rules speak of anger, hunger and bribery. Modern constitutions add protections that do not depend on the judge's character. Article 175 of Pakistan's Constitution provides for separating the judiciary from the executive, and Article 46 of the Saudi Basic Law declares the judiciary independent. The structural side matters because history shows that *qāḍī*s could be pressed by rulers and sometimes used by them (Hallaq, 2009; Messick, 1993; Tillier, 2009). All four frameworks score 2 on the indicator, but the grounds of the score differ: in the classical case the guarantee rests on the virtue of the

individual, in the modern cases on institutional protection of appointment, tenure and pay. Personal integrity is needed, but it lasts longer when it is protected by institutions, which is why Table 11 proposes merit-based appointment and a recusal code even though the indicator is already at the maximum.

Evidence and the burden of proof. The rule that the claimant proves and the defendant may swear appears in every Islamic and national framework in the matrix, and Pakistan's Qanun-e-Shahadat Order keeps the classical terms of testimony and oath. Evidence is also where the sharpest criticism arises. Rules that limit the weight of women's testimony, such as the Order's provision on the number and competence of witnesses in financial matters, or that set high evidential thresholds in some criminal cases, are said to reduce real protection for litigants, women above all (Fadel, 1996; Lau, 2006). The matrix does not capture this because it scores the existence of a burden-of-proof rule and not the fairness of every evidentiary rule, and it is an honest limit of the instrument. A reading of sharia in the spirit of fair trial would draw on the classical flexibility in weighing evidence and on the principle that doubt favours the accused, instead of treating one fixed rule as the whole law of proof (Peters, 2005; Rabb, 2015). The work on doubt is useful here because it shows that the tradition itself contains the resources for evidentiary reform.

Representation**.** Classical jurists accepted agency in litigation, and the hadith of Umm Salama shows an awareness that a skilful speaker can sway a judge, which is why the right to representation comes with a moral warning against taking what is not one's due. Modern procedure codes and bar regulations make representation more systematic. What remains is the problem of cost: a right to counsel means little to a litigant who cannot pay, and neither the manuals nor most present-day procedure laws set up a general scheme of legal aid. The omission has a *maqāṣid* dimension. Where the interests at stake are lineage and property, as in family and inheritance disputes, a party who cannot obtain representation is exposed to the loss of the very interests the courts exist to protect. This is especially serious in family disputes, where women are often the weaker party and the law applied is largely Islamic personal law.

Publicity, review and timeliness**.** These three guarantees account for almost all of the shortfall in Figure 1. The classical sources describe a judge who is easy to reach and receives litigants openly, yet they do not state a rule of public hearing with defined exceptions. They allow judgments that contradict clear texts to be revoked and a judge to reconsider his own ruling, but they have no ladder of appeal in the modern sense. And they condemn needless delay without fixing time limits. Modern texts do better on publicity and review, as the Saudi and ICCPR scores show, yet delay remains the weakest guarantee overall. Backlogs in many courts, Pakistan's among them, are well documented, and a guarantee that exists on paper but arrives years late gives a litigant little. The underlying reason is that time standards are an administrative and budgetary matter. They need judges, staff, case-management systems and a willingness to publish performance data, and constitutions and procedure codes can state

the principle without supplying any of these. That explains why even the frameworks that score 2 on most indicators score only 1 on time.

Doctrine and institutions. Overall, the results suggest that sharia's fair-trial guarantees are less lacking in principle than in institutional design. That fits the historical picture of classical adjudication, which relied on the character and discretion of the individual judge because the machinery of modern courts did not exist (Hallaq, 2009; Rosen, 1989). The task for sharia courts today, then, is not to import foreign norms but to build the institutions through which classical guarantees can be used, which is also the position taken in the compatibility literature (Emon et al., 2012; Baderin, 2003). The *maqāṣid* framework adds the reason this task is a duty. Because procedure is a means to justice and to the protection of life, lineage and property, the means that make a guarantee effective share the ruling of the guarantee. An appeal route, a reasoned judgment and a time limit are not elaborations that the tradition may take or leave. On the maxim that what an obligation cannot be completed without is itself obligatory, they belong to the duty of justice itself (Kamali, 2003; Opwis, 2010).

Engagement with Previous Studies

The findings can now be set against the literature reviewed in the Introduction. Table 10 shows, study by study, whether the results confirm, challenge or extend existing arguments.

Table 10. Findings compared with previous studies

Study	Argument	Finding of this study	Relation
Hallaq (2009)	Classical adjudication relied on the judge's discretion; the modern state remade it through institutions	Classical fiqh reaches 100% of the foundational maximum but 50% of the institutional one	Confirms
Rosen (1989); Messick (1993)	*Qāḍī* justice was contextual and flexible, and exposed to rulers	Doctrine gives principle without mechanism and treats independence as personal virtue; the matrix cannot capture flexibility	Confirms; limit noted
Kamali (2008a)	Islamic law contains fair-trial principles	All five foundational guarantees are explicit in classical fiqh and are now compared across frameworks	Confirms and extends
Baderin (2003); Emon et al. (2012)	Islamic law and international human rights are reconcilable	Foundational tier is near-identical across frameworks; institutional tier differs by degree of elaboration	Confirms, with qualification
Mayer (2013); An-	Tension with international norms,	Little conflict on the guarantees coded; unease	Partly challenges

Naʿim (1990)	mainly over substantive rights; reform needed	concentrated in evidence rules that the matrix does not score	
Fadel (1996); Lau (2006)	Evidence rules limit the weight of women's testimony	Not tested by the matrix; consistent with the discussion and the case for an added evidentiary indicator	Consistent, untested
Rabb (2015); Peters (2005)	Doubt and flexible assessment of proof in classical law	Offer a resource within the tradition for evidentiary reform	Extends
Tyler (2006)	Perceived procedural fairness shapes the legitimacy of courts	The institutional guarantees (publicity, reasons, time) are those that make fairness visible	Extends
Vogel (2000); Ansary (2008)	Describe the Saudi judiciary	The 2013 Law of Procedure raises the Saudi institutional score to 83%	Extends

Source: Authors' comparison of the findings in Tables 6 to 8 with the studies cited.

Three patterns emerge. The findings confirm the historical and doctrinal studies on the central point that classical adjudication depended on the judge and not on institutions, and they put a figure on it: classical fiqh reaches 100% of the foundational maximum but only 50% of the institutional one. They extend the compatibility literature by showing where compatibility is strongest. Those who argue that Islamic law and international standards can be reconciled (Baderin, 2003; Emon et al., 2012) are supported at the level of fair-trial guarantees, and the matrix adds the detail that the reconciliation is closest on the foundational tier and depends on institutional development in the second. The findings also qualify the more sceptical position. Mayer's (2013) account of tension concerns mainly substantive questions and the use of reservations to treaty obligations. The procedural results here show little sign of conflict on the guarantees that were coded, and the points of unease that do appear, such as the rules on women's testimony, are better explained as questions of the content of evidence law than as a clash over the idea of a fair trial.

The study challenges one assumption that is often made in the literature, that the gap between Islamic and international standards is a gap of values. In the area examined, the gap is a gap of institutional elaboration, and it runs between older and newer texts at least as much as between Islamic and non-Islamic ones. The anthropological studies (Rosen, 1989; Messick, 1993) add a caution that the matrix cannot answer: a court can score well in law and still deliver justice unevenly, and discretionary *qāḍī* justice sometimes served litigants well precisely because it was flexible. The article does not argue that codification is always better. It argues that guarantees which depend wholly on the virtue of the judge are fragile, and that institutional protections give the virtue something to rest on (Tyler, 2006).

Reform Proposals and Their Rationale

Table 11 turns the gaps found in the matrix into reform proposals and links each to the objective of sharia that it serves. The proposals are ordered by the size of the gap in the results, with timeliness first.

Table 11. Identified gaps, proposed reforms and their *maqāṣid* rationale

Guarantee	**Identified gap**	**Proposed reform**	***Maqāṣid* rationale**
Timely adjudication	No binding time standards; backlog and delay	Statutory time limits per case type; case-flow monitoring and published performance data	Removal of harm (*al-ḍarar yuzāl*); effective protection of rights
Open and accessible hearing	Principle of accessibility without defined rules on publicity	Codify the open-hearing rule with narrow, reasoned exceptions (family privacy, protection of witnesses)	Visibility of justice; public confidence in the courts
Reasoned judgment and review	Classical review limited to errors against clear rules; reasoning not uniformly required	Written reasoned judgments and a defined appeal route within the sharia court structure	Correction of error; preservation of rights
Counsel and representation	Right exists but access depends on means	Legal aid schemes for indigent litigants, especially women and children in family disputes	Protection of lineage and property; equal access to justice
Burden of proof / evidence	Contested rules of testimony in certain cases (not scored in the matrix)	Codify classical doctrines of doubt and flexible assessment; align evidence law with the objective of justice	Justice; protection of the accused and the weaker party
Impartial and independent judge	Personal virtue relied on more than structure	Merit-based appointment, secure tenure and a transparent judicial ethics and recusal code	Integrity of the judicial office; *al-ʿadl*

Source: Authors' synthesis of the results in Tables 6 and 7 and of the discussion.

Two points explain the shape of the table. The first is that each proposal is tied to a gap identified in the matrix and not to a general wish for reform. The weakest guarantees, timeliness and publicity, receive the most concrete proposals (statutory time limits with monitoring, and a codified rule of open hearing with narrow exceptions for family privacy and protection of witnesses). The second is that every proposal is framed so that it can be defended from within the tradition. Written reasons are consistent with the classical expectation that a judgment rest on proof and not on the judge's impression. A defined route

of review builds on the classical power to revoke a judgment that contradicts a clear text. Legal aid serves the protection of lineage and property, and a time standard serves the rule against unjustified delay. For Pakistan the most pressing proposals are the time standards and the publication of case-flow data, given the documented backlog. For Saudi Arabia, where the Law of Procedure has already supplied a framework of hearings and objections, the main task is to give the principle of timely decision an enforceable form and to make written reasoning a uniform practice. These country-level readings are tentative, since the matrix cannot show practice.

Conclusion

The article set out to identify the judicial guarantees open to litigants in sharia courts, to explain them in the light of *maqāṣid al-sharīʿah*, *al-ʿadl* and *adab al-qāḍī*, and to measure how closely classical doctrine matches modern constitutional and international standards. The sources yield eight guarantees: equal treatment, a hearing, an impartial and independent judge, a fair burden of proof, counsel, open hearings, reasoned judgment with review, and timely decision. Overall convergence is 81% for classical fiqh, 88% for Pakistan and 94% for both the Saudi framework and Article 14 ICCPR. The more informative result lies beneath these figures. All four frameworks agree closely on the five foundational guarantees, while the three institutional guarantees range from 50% in classical fiqh to 100% in the ICCPR. The gaps are therefore gaps of institutional design more than of doctrine, and timeliness is the weakest guarantee everywhere.

The theoretical implication is that the analysis of procedural justice in Islamic law gains from separating foundational principles from institutional guarantees. The first group describes what a just court is. The second describes what a court system must have so that the first group can be enforced. On the reasoning of the *maqāṣid*, procedure is a means to justice and to the protection of life, lineage and property, and the means that make a guarantee effective share its ruling. This gives contemporary Islamic judicial thought a principled basis for institutional reform that does not depend on borrowing from outside the tradition. It also suggests that debates on the compatibility of Islamic law and international standards would be better conducted guarantee by guarantee, with explicit indicators, than at the level of general claims.

The study has limits that qualify these conclusions. The scores describe texts and not practice, and no inference about how courts in Pakistan or Saudi Arabia actually behave follows from them. The coding was done by the authors without an independent second coder, and some provisions were read in translation. The indicator set does not capture every rule that affects fairness, and the matrix is silent, for example, on the unequal evidential weight given to the testimony of men and women. The two national cases show two models of sharia-based adjudication but cannot represent all of them. Legal framework comparisons

of this kind also say nothing about the quality of judges, the resources of courts or the legal awareness of litigants.

Within these limits, four recommendations follow, each tied to a gap in the results. To close the gap in publicity, procedure should be codified so that classical guarantees become enforceable rules, including an open-hearing rule with narrow reasoned exceptions. To close the gap in review, courts should be required to give written, reasoned judgments, with a defined route of review inside the sharia court structure. To close the gap in representation, legal aid should be funded for litigants who cannot pay, with priority for women and children in family disputes. To close the gap in timeliness, measurable time standards should be set for each category of case and court performance data should be published. Further research should extend the matrix to other jurisdictions such as Iran, Malaysia or Indonesia, add court-file studies and interviews with judges, lawyers and litigants so that law can be compared with practice, add indicators for evidentiary fairness, and have the coding repeated by independent scorers so that its reliability can be measured.

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