
Power-Sharing without Regime Change: Authority Reconfiguration through the 8th, 18th, and 27th Constitutional Amendments in Pakistan

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The constitution of Pakistan has repeatedly been amended to redistribute authority among the state institutions. The research has investigated how did the 8th (1985), 18th (2010), and 27th (2025) constitutional amendments redistribute authority among the executive, parliament, judiciary, provinces, and military-linked domains in Pakistan? Drawing on primary constitutional texts, academic literature on hybrid regimes, federalism, judicial politics and constitutional change, and institutional/legal assessments such as United Nations Development Program (UNDP), the International Commission of Jurists and Amnesty International, the study has used a qualitative structured-comparison design. It compares the amendments across four dimensions: survival and dismissal powers, appointment and transfer authority, constitutional adjudication, and immunity and exceptions. The article presents an argument that constitutional amendments in Pakistan have operated less as isolated legal reforms and more as recurring mechanisms of authority reconfiguration within a hybrid regime. Rather than producing clear regime change, these amendments alternately centralize and decentralize power, preserve electoral continuity, and redefine the practical limits of institutional accountability.

Key Words: Constitutional Engineering, Amendments, Hybrid Regime, Redistribution of Authority, Power Structures

Introduction

Scholarship on civil-military relations has long shown that Pakistan combines electoral politics with sustained military influence, particularly in core areas of state policy. This pattern has repeatedly produced tension between civilian authority and military-reserved domains of decision-making. Pakistan's political trajectory therefore complicates standard regime-transition narratives, which often assume that political crises lead either to democratic consolidation or to authoritarian rule.¹ Instead, Pakistan has retained democratic institutions while allowing unelected influence to blur the boundaries of constitutional authority.²

Thus, Pakistan's significant constitutional amendments can be considered as authority redistribution measures; key moments in which official rules redistribute power among different organs of the state including executive, parliament, judiciary and sometimes military as well. Research on constitutional endurance shows that constitutions are regularly amended in a time of crisis and that political conditions generally dictate constitutional stability and performance. But in countries like Pakistan, where rule is often disputed and limited, changes in constitution function as system to renegotiate power within state apparatus.³

Constitutional engineering refers to deliberate amendment or redesigning constitutional rules to redistribute formal authority among state institutions.⁴ The term does not mean that every constitutional amendment is undemocratic, nor does it treat constitutional reform as inherently negative. It is used only where constitutional change alters the location of decision-making, accountability, appointment, adjudication, or immunity in ways that affect the balance of power.⁵ Within this definition, Pakistan's major constitutional amendments can be read as authority-redistribution moments: formal legal changes through which power is reassigned among the executive, parliament, judiciary, provinces, and, at times, military-linked domains.⁶

Empirically, this paper focuses on the 8th Amendment (1985), the 18th Amendment (2010), and the 27th Amendment (2025) because each produced a significant structural change in Pakistan's constitutional order. The 8th Amendment is important because Article 58(2)(b) empowered the president to dissolve the National Assembly, thereby reshaping executive-legislative relations and weakening elected-government survival.⁷ The 18th Amendment removed Article 58(2)(b), restored parliamentary supremacy, devolved authority through the abolition of the Concurrent Legislative List, and revised the framework for judicial appointments.⁸ The 27th

Amendment, according to critics, creates a Federal Constitutional Court, alters judicial-transfer mechanisms, and introduces immunity provisions, raising concerns about judicial independence and accountability.⁹

The paper addresses the question that: How did the 8th, 18th, and 27th constitutional amendments redistribute authority among Pakistan's key institutions, including the executive, parliament, judiciary, provinces, and military-linked domains? The article advances two connected claims. First, constitutional amendments in Pakistan have repeatedly served as mechanisms for redistributing authority without producing clear regime transition. Second, the 27th Amendment should not be treated as an isolated constitutional episode; rather, it fits a longer pattern in which authority is alternately centralized and decentralized through legal reform. This pattern suggests that Pakistan's hybrid equilibrium is sustained through intermittent institutional re-calibration rather than through a linear movement toward either democracy or authoritarianism.

Literature Review

Constitutional amendments in Pakistan have often operated as political instruments for reshaping institutional authority rather than as purely technical legal changes. Existing scholarship on parliamentary democracy, federalism and judicial politics shows that amendments have alternately strengthened and weakened parliamentary authority, provincial autonomy and judicial independence, depending on the political and regime context.¹⁰ However, this literature often remains amendment-specific and does not always compare the redistribution of authority across different constitutional moments.

The Eight Amendment, especially article 58 (2)(b), is seen as significant reconfiguration of executive- legislative relationship. The transcript of amendment explicitly mentions that the President may dissolve the assembly on his discretion when the federation cannot be governed according to constitution in his opinion and an election has to be held in 90 days, a mechanism used as an accountability measure over president.¹¹ Empirical evidence describes that this power was repeatedly used in 1980s as well as in 1990s, transforming government survival from a parliamentary matter to be decided via elections to an executive veto authority. This has been linked to have caused political instability and fragmented parliamentary sovereignty.¹²

President's powers to dissolve assembly transformed Pakistan's constitutional jurisprudence and the relationship between judiciary with the

executive, including how courts legalized the contested dissolution and how judiciary played a role in legitimizing the actions of the regime during these disputes.¹³ These constitutional sub versions in the guise of formal legality, for the advantage of a few, destabilized rule of law, suggest that amendments for shifting authority should not be understood as a legal reform separate from power struggles.¹⁴

Seventeenth amendment (2003) is also relevant as it reintroduced dissolution authority. Article 58(2)(b) was removed in the thirteen amendment but was reintroduced in the seventeenth and finally removed again in the eighteenth amendment¹⁵ which indicates that authority was repeatedly renegotiated instead of settling down.¹⁶ Seventeenth amendment with its dissolution of power article is interpreted as consolidation of military led power under Musharraf, showing that constitution was used politically for executive dominance. This establishes a key point for this paper that amendments are politically driven and are cyclic in nature without keeping democracy as a priority.¹⁷

On the contrary, the 18th Amendment is often framed as a democratic restoration document as well as a federal reform. It restored the original parliamentary character of the 1973 constitution by exclusion of presidential removal authority, strengthened parliament as well as re-balancing the relation between the center and provinces through devolution of authority.¹⁸ Rizwan et al are of the view that Eighteenth Amendment restored Pakistan as a federation as it was perceived as a correction of authoritarianism that was introduced through constitutional engineering in 8th and 17th amendments respectively.¹⁹

Another debate among scholars is that there were implementation limits and uneven decentralization throughout. Adeney suggests that the 18th Amendment was a significant step towards federalism, but it did not fully resolve the structural tensions between the center and provinces.²⁰ Adeney and Boni further stated that decentralization in Pakistan was never a simple democratic objective, both civilian and military rule throughout history had mixed actions for centralization and decentralization.²¹ According to UNDP federalism report, there were a lot of implementation gaps, coordination failures and unequal provincial capacity that further complicated the devolution. A lot of federal bureaucratic actors resisted and renegotiated their roles; thus 18th Amendment redistributed authority by law but practically there were loopholes in the system of governance.²²

There were many implementation gaps post-Eighteenth Amendment in the Council of Common Interests (CCI) as well as National Finance

Commission (NFC). Constitutional power did not guarantee effective coordination between the center and province with poor enforcement, financial disputes, limited cooperation and federalism.²³ This clarifies that vertical authority reorganization is not limited to allocation of formal policy responsibilities. It also depends on institutions if they facilitate bargaining between the center and provinces consistently and are perceived as credible.²⁴

Amendments' rearrangement of judicial appointments is linked to the judicial political conflict that includes debates on oversight role of parliament and judiciary in regulating the constitution. Pakistan has been described as 'Grey' area where judicial independence is complicated. Courts, which are celebrated to resist military rule, can also assert their independence against weak civilian institutions that complicate democratic supremacy.²⁵ This is significant as interpretation of amendments, especially in terms of redistribution of authority is very complicated as appointments and jurisdictions evolve capacity of judiciary and sometimes limit other institutions as well.

Twenty-first Amendment (2015) is also seen as a bridging case because it shows how a crisis driven from constitutional engineering can redistribute authority from civilian to military courts. Article 175(3) explicitly mentions separation principle that allow military trials for terrorism related cases as it was an extraordinary response after Peshawar Army Public School (APS) attack. The 21st Amendment therefore shows how constitutional change can be formalized under special security circumstances which can be interpreted in later amendments and restructure the civilian, military and judicial boundaries.²⁶

Latest research on 27th Amendment shows a lot of restructuring in judiciary, mechanism or appointments and constitutional judgments. Under twenty-seventh amendment, there is a significant change in judicial governance as a Federal Constitutional Court (FCC) has been established²⁷ that has taken the power of Supreme Court to review any changes in the constitution.²⁸ Also, when it comes to appointments and transfers there is restructuring in military command with incorporation of controversial immunity provision.²⁹

According to International Commission of Jurists (2025), the 27th Amendment has fundamentally altered the structure of judiciary as it has given considerable constitutional power to a newly formed Federal Constitutional Court, changed appointment process of the court's leadership and introduced rules for transfer of judges that can be deemed as

punishment.³⁰ Amnesty International also highlights the Amendment as decline of judicial independence through structural change and immunity of key actors from accountability.³¹ These evaluations from international organizations provide crucial evidence that 27th Amendment is a high stakes authority redistribution event.

Existing literature is extensive on these amendments individually as to how centralization and decentralization happen back and forth and how power is redistributed among different institutions. But there is a gap when it comes to comparative mapping for understanding how these amendments reassign authority over time and how the latest 27th Amendment fits in this design. This paper addresses this gap through structured comparison of the amendments.

Theoretical Framework

This paper has used hybrid-regime theory through a multidimensional continuum approach. Instead of treating regime type as a single category, it understands Pakistan's regime as an institutional arrangement in which electoral competition coexists with restricted civilian autonomy and reserved domains of power. Adeney's formulation is useful because it shows that Pakistan cannot be classified as fully democratic when civil-military relations and institutional constraints remain central to how authority is exercised.³²

The paper has focused on authority distribution; who can dismiss whom, who appoints whom, who decides any constitutional interpretation and who is insulated from accountability. This is a classic example of democratic backsliding, which emphasizes changes within regime categories.³³ Contemporary backsliding generally occurs through institutions that preserve democratic form while weakening the checks on Executive. Wander and Lust argue that real conceptual and methodological challenge is to measure changes within regime that only transition between democracy and autocracy, this justifies an amendment-based design to track institutional relocation over a period of time. In consolidated democracies, amendments are made in stable limitations and do not redistribute core authority or give executive above accountability. However, in hybrid settings, amendments tend to redistribute enforcement mechanisms that govern political competition, especially after it alters allocation of reserved power, eliminate judicial oversight or immunity for certain actors.³⁴

This framework highlights hard empirical truth; change in authority is not either democratic or authoritarian in a single direction. Instead, it can be

used to produce both centralization or decentralization of powers depending upon what kind of political coalition or target of institutions is at a given time. The civilian governments do not always prioritize decentralization as any constitutional amendment should be compared and coded rather than assumed from regime branding.³⁵

Methodology

This study has adopted a qualitative structured-comparison design with constitutional amendments as case studies. Structured comparison is employed because the aim is to analytically compare institutional events within one country across time. Each amendment is studied through the same set of authority parameters, allowing for systematic comparison rather than descriptive narration. This design is particularly useful in small-N comparative studies where the objective is theory-guided inference and the identification of recurring institutional patterns.

The 8th, 18th, and 27th constitutional amendments have been selected because they produce major and identifiable restructurings of institutional authority within Pakistan's constitutional framework. The Eighth Amendment reconfigured the executive-legislative balance by granting the President dissolution powers under Article 58(2)(b). The Eighteenth Amendment reorganized both horizontal and vertical authority by restoring parliamentary supremacy and expanding provincial autonomy. The Twenty-Seventh Amendment restructured constitutional adjudication, judicial governance, and accountability arrangements through the establishment of a Federal Constitutional Court and the introduction of new immunity provisions. Together, these amendments represent three distinct moments of authority reconfiguration and provide an appropriate basis for longitudinal comparison.

Authority redistribution is examined through four analytical dimensions. The first concerns survival and powers to dismiss, referring to the authority to dissolve governments or terminate elected institutions. The second concerns appointment and transfer of powers, referring to the capacity to influence the selection, promotion, or transfer of key officeholders, particularly within the judiciary. The third concerns constitutional adjudication, referring to the institution possessing final authority over constitutional interpretation and the enforcement of constitutional provisions. The fourth concerns immunity and exceptions,

referring to constitutional protections that shield specific actors or offices from ordinary legal or political accountability.

For analytical purposes, a redistribution of authority is classified as major when an amendment alters the constitutional powers, jurisdiction, appointment authority, dismissal authority, or accountability framework of a core state institution. Changes are considered minor when they modify procedures or administrative arrangements without substantially altering the balance of authority between institutions. This distinction allows the analysis to focus on amendments that produce substantive institutional consequences rather than technical constitutional adjustments.

The paper has utilized a triangulation strategy based on three categories of sources. First, primary sources include constitutional texts and amendment acts. Second, secondary sources consist of peer-reviewed journal articles, academic books, and scholarly chapters addressing constitutional change, federalism, judicial governance, and civil-military relations in Pakistan. Third, institutional and legal assessments produced by organizations such as the United Nations Development Programme (UNDP), Amnesty International, and the International Commission of Jurists (ICJ) are used to evaluate the broader implications of constitutional reforms. In addition, the 17th and 21st Constitutional Amendments are incorporated as bridging cases to contextualize the broader trajectory of authority redistribution across time.

Analysis and Findings

Early Institutional Settlements: 8th and 17th Amendments

The 8th Amendment centered on Article 58(2)(b), which gave the president discretionary authority to dissolve the National Assembly. The provision altered the relationship between the executive and legislature by making government survival vulnerable to presidential intervention.³⁶ In hybrid-regime terms, it functioned as an institutional gate keeping device: electoral competition continued, but elected governments operated under a constitutional veto mechanism that limited parliamentary autonomy.³⁷

The political consequences of this amendment were observed throughout 1980s and 1990s as it resulted in dismissal of governments repeatedly resulting in political crisis, undermining democratic supremacy.³⁸ Article 58(2)(b) introduced a mechanism which allowed non-parliamentary actors to reset political settings. This paved way for distorted parliamentary sovereignty that was short term coalition-based governments without dismissal of constitutional order.³⁹

A key point in the 8th amendment was that it did not just empower the executive, but it also influenced the judiciary politically. When governments were dissolved courts were involved in deciding controversial constitutional issues where judges were repeatedly involved in supporting and challenging the regime. Siddique argues that dissolution jurisprudence became a regular feature of Pakistan's constitutional output which reflected judiciary's vague role in recurring civil-military interventions.⁴⁰ Gray zone analysis by Kalhan supports the fact that judicial independence is not a black and white affair, courts regularly use autonomy to limit weak civilian institutions.⁴¹

From perspective of hybrid regime, the 8th amendment is significant in the sense that it allows building limits on democratic authority through legal instruments instead of completely abrogating democracy. In Adeney's multidimensional model, this is the type of reform that constraints civilian autonomy without completely eliminating electoral competition, thus sustaining hybridity through veto powers of executive.⁴² Regimes might adopt democratic form without any democratic principle that creates a model where institutional rules can be distorted and

accountability diminished.⁴³ Therefore, 8th amendment institutionalizes asymmetric power balance in a constitutional and legal manner.

The 17th Amendment can be seen analytically that bridges the strategic reversibility of authority, especially when it comes to Article 58 (2)(b). According to Hanif and Zahra, the history of Article 58 (2)(b), especially its removal and introduction was treated as a negotiable institutional asset which can be removed in one political scenario and restored in another.⁴⁴ Ahmed states that the 17th Amendment was part of Musharraf's larger constitutional rewriting project as it reintroduced dissolution authority as well as strengthened executive. The 17th Amendment is strong evidence that Pakistan's authority distribution is renegotiated repeatedly through constitutional engineering instead of settling down.⁴⁵

Re-balancing Authority: The 18th and 21st Amendments

The 18th Amendment can be read as the most extensive re-balancing of authority since the 1973 Constitution. By removing Article 58(2)(b), reversing key features of the 17th Amendment, and strengthening devolution, it restored important elements of parliamentary and federal authority.⁴⁶ Its significance therefore lies not only in legal reform, but in the relocation of authority from the presidency toward parliament and the provinces.⁴⁷

This amendment also abolished the Concurrent Legislative List (CLL) which transferred considerable policy responsibility to provincial level along with strengthening the coordination between federal institutions.⁴⁸ Even though policy oriented academic works identify 18th amendment as a significant point in Pakistan's history for provincial autonomy yet there is a debate among scholars as well where they highlight institutional bottlenecks as well as disputed implementation.⁴⁹ Adeney stresses that while devolution was a major step towards decentralization, it could not fully resolve the old tension between Center and Provinces along with ignoring ethno-linguistic disputes on resource distribution.⁵⁰

How authority is distributed depends upon how decentralization happens along with political bargaining instead of automatically leading to better governance overall. According to Rana, decentralization after the 18th Amendment created an opposition between federal bureaucracy as well as provincial actors as the former resisted the resource transfer which partially rolled back devolution in practice.⁵¹ UNDP report highlights the gaps in coordination and capacity, while World Bank warned that amendment was an incomplete step that needed further reformation.⁵²

Judicial governance was also redefined through appointment reformation. Khan argues that mechanism appointments can shift the influence locus entirely to judicial independence.⁵³ Nelson states that post-Eighteenth Amendment politics strengthened institutional conflicts and regularly questioned the limits of amendment powers even instances where Supreme Court almost nullified enforced amendments.⁵⁴ Kalhan debates that after the historic amendment judiciary became really assertive which undermined democratic consolidation and weakening the civilian institutions.⁵⁵ In terms of authority, judiciary became much stronger which altered the balance between elected institutions and judicial authority.

Devolution also shifted the influence of intergovernmental forums particularly the Council of Common Interests (CCI) forum. Studies on CCI after 18th Amendment debate that constitutional empowerment could not safeguard routine coordination with delays and poor enforcement created a gap between constitutional guarantee and practice of governance.⁵⁶ This is significant for authority distribution argument where shifting of authority to provinces and intergovernmental forums that should decide what happens, unfortunately actual authority depends on implementation and compliance.⁵⁷ Thus, authority redistribution should be compared between promise and practice.

The 21st Amendment acts as a valuable second bridge after the 18th Amendment as it acted as a constitutionally driven crisis move that redistributed authority to military institutions in a judicial capacity. This amendment added an exception to the separation of judiciary by addition of Article 175(3), which ensures special measures for terrorism-related trials through military based legal acts.⁵⁸ This was mentioned explicitly as extraordinary response to an unexpected security situation. This shows that even after devolution of power and restoration of parliamentary order, amendments could still create exception under the guise of security that shifts the authority away from civilian courts which is consistent with how hybrid regimes operate in a reserved domain of security.⁵⁹

Looking at the 18th Amendment from a hybrid regime's lens, it is more of a re-balancing act that reinstated suppressed civilian supremacy than a final frontier for democratization. Decentralization cannot be reduced to a binary dichotomy of civilian versus military,⁶⁰ but it is a complex mixture that includes military, political parties, judiciary, executive, all shaping the authority distribution overtime.⁶¹ According to Mohsin Ali, balance of power approach, in an intra-regime change, a shift among institutions sometimes produces development in one area while weakening in another.⁶²

Contemporary Authority Redistribution: The 27th Amendment

The 27th Amendment is treated here as a contemporary authority-redistribution event because it affects judicial governance, constitutional adjudication, and civil-military accountability.⁶³ Its core importance is not limited to the creation of a Federal Constitutional Court (FCC); it also lies in the way constitutional interpretation, judicial transfers and immunity provisions are reorganized. This makes it central to the paper's argument about constitutional change inside a hybrid regime.⁶⁴

The 27th Amendment and its authority effects have been widely mapped by international legal institutes. International Commission of Jurists argues that Federal Constitutional Court (FCC) has an exclusive jurisdiction over arguments between governments as well as issues of public interest which involve fundamental rights guaranteed by constitution and many questions regarding the interpretation of constitutional questions. It also handles pending cases under courts that are transferred to it. According to International Commission of Jurists any judgment passed by Federal Constitutional Court (FCC) on constitutional legality would be legally bound on all courts which will effectively relegate the Supreme Court as an appeal court in unconstitutional matters.⁶⁵ Even without adopting the

assessment made by International Commission of Jurists, an empirical conclusion can be made that apex constitutional authority was reassigned to Federal Constitutional Court (FCC).⁶⁶

Another major shift in authority concerns with appointment and governance of judiciary. International Commission of Jurists emphasizes the concern about the appointment mechanism of first batch of Federal Constitutional Court (FCC) judges and its Chief Justice as they were selected by politically constituted committees. It has also been noted that it has resulted in increase of political influence as well as decrease in judicial members.⁶⁷ This shift in balance has significantly reduced the authority that judiciary used to enjoy over appointments, transfers and constitutional review. This supports the claim that even though one domain (judiciary overexercising its authority) was curtailed, another domain (authority of judiciary to question constitutional matters) was significantly weakened.

Transfer of judges from High Court is a good example to describe authority relocation. According to International Commission of Jurists (2025), Article 200 of the 27th Amendment empowers judicial commission to recommend any transfers and set disciplinary consequences for a judge if they refuse the transfer within a specified period of time which technically bans them from exercising any judicial duty during their review.⁶⁸ Radio Pakistan reports that presidential transfer authority can only be exercised on the recommendation of judicial commission and the terms decided by it.⁶⁹ All these actions when taken together describe an institutional shift where career stability of a judge and their posting becomes controlled by the center that can have coercive acts on judicial independence and dispensation of justice.

The immunity provisions of 27th Amendment are central to hybrid regime's argument as they concern the asymmetry of accountability and protection of certain domains. According to the International Commission of Jurists (2025), Article 248 gives President of Pakistan immunity for lifetime for any kind of criminal proceeding and arrest. Article 243 also extends lifelong immunity to military ranks of honorary nature which include Field Marshal, Admiral of the Fleet and Marshal of the Air Force.⁷⁰ Amnesty International highlights that this amendment is insulating key actors from accountability and undermining equality from law.⁷¹ Immunity is one of the most contentious features as it harms accountability and separation of powers.

Military Chain of Command is also changed under this amendment. Article 243 creates a new role called Chief of Defense Forces (CDF) effectively abolishing the Chairman Joint Chiefs of Staff Committee Office along with

the Chief of Defense Forces enjoying immunity provisions even if this is interpreted as a move to enhance organizational efficiency,⁷² the implications of authority are clear; military command structure is constitutionalized by amendment and provide special protection to high ranking officials, which creates a civil-military imbalance and an environment of unquestioned authority.⁷³ This constitutionalizing of reserved domain authority can be interpreted as official fortification of military's institutional autonomy as state within a state.

In comparison, the 27th Amendment resembles a similar pattern which can be identified in comparative politics, that hybrid governments generally manage judiciary and any accountability through legal changes instead of outright abolition of constitution thus providing them with unquestioned power in a constitutional form. Hanelt and Vincze believe that competitive authoritarian regimes uphold formal judicial institutions while delegating and controlling the judiciary, effectively legalizing their illegal actions.⁷⁴ Even though Pakistan's context is different, the analytical mechanism (authority shifts through judicial governance restructuring) greatly assists in interpreting how 27th amendment not only changes the institutional architecture of judiciary and their careers but also provides an immunity umbrella to certain actors.

Comparative Analysis

The comparison of the three pivotal amendments, alongside the 17th and 21st Amendments as bridging cases, reveals a recurring pattern of authority redistribution across four dimensions. Rules concerning government survival, judicial appointments, constitutional interpretation and accountability have not remained stable. Instead, they have been repeatedly adjusted in response to changing elite bargains and institutional struggles. This pattern supports the claim that Pakistan's constitutional order has often preserved formal continuity while altering the practical distribution of power.⁷⁵

Second, appointments and transfer power repeatedly changed hands in the battleground of authority. 18th amendment by article 175(A) established a new appointment architecture that re-balanced roles among judiciary, executive and parliament. But the 27th Amendment stated expansion of Executive authority over judicial powers and their transfer along with creation of a separate court for constitutional matters. This mechanism manages judiciary in a hybrid authoritarian setting.⁷⁶

Third is judicial authority over constitutional meaning which shifted in the long run. In the earlier amendments, constitutional politics was indirectly exercised. Whereas the 27th Amendment allegedly redistributed constitutional cases from the jurisdiction of supreme court to a new newly established constitutional court. This changes the whole adjudication scenario because the function of an apex court is to enforce mechanisms for constitutional constraints. If constitutional judgment relocates to an institution that operates on different appointment rules and has different political relationships, then the whole limit on executive and military authority changes.⁷⁷

Fourth, immunity and exceptions have the most controversial contrast between narrative of democratic restoration and the narrative of hybrid regime authority. While the 21st Amendment provided separation of ordinary judiciary trials from specific security trials, thus diverting some judicial power to military courts (Pakistan 2015); the 27th Amendment expanded immunity to Commander in Chief and honorary military roles. These are not constitutional updates on routine basis rather they are exemption from ordinary accountability. In hybrid regime terminology, these provisions strengthen reserve domains and increase asymmetry while keeping elections competitive.

Conclusion

The 8th, 18th and 27th constitutional amendments reorganized authority among Pakistan's executive, parliament, judiciary, provinces and military-linked domains. Read comparatively, they reveal a recurring pattern of power-sharing within a hybrid regime. The 8th Amendment weakened parliamentary supremacy by empowering presidential dissolution. The 18th Amendment restored parliamentary authority and strengthened federal devolution, although implementation gaps remained. The 27th Amendment, as analyzed in this paper, reconfigured constitutional adjudication, judicial governance and immunity arrangements.

These shifts in authority show that constitutional engineering is repeatedly used to legalize new balance of authority without a regime change. These amendments demonstrate a multidimensional perspective where repeated changes in authority between multiple institutions happen regularly and it is not a linear transition. In a broader perspective, constitutional engineering might preserve constitutional continuity with proper elections but at the same time re-calibrating institutional limits and veto powers that define real political power legally.

The main finding is that these amendments do not move Pakistan in one consistent direction. Instead, they show a cyclical pattern in which authority is centralized, decentralized and re-centralized through constitutional means. This pattern helps explain how hybrid regimes can survive without constant constitutional rupture: elections and constitutional form remain in place, but the practical rules of survival, accountability, adjudication and institutional autonomy are periodically rewritten.

The 27th Amendment should therefore be read not merely as a recent legal development but as part of a longer constitutional pattern in Pakistan. Across different periods, political elites have used amendments to renegotiate power inside the formal constitutional order. The article's contribution is to show that authority redistribution, rather than regime replacement, is a central mechanism through which Pakistan's hybrid regime has been maintained. Future research can extend this framework by comparing Pakistan with other hybrid regimes where courts, parliaments and security institutions are similarly re-calibrated through constitutional reform.

Notes and References

- ¹ Katharine Adeney, “A Step towards Inclusive Federalism in Pakistan? The Politics of the 18th Amendment,” *Publius: The Journal of Federalism* 42, no. 4 (2012): 539–65.
- ² H. Rizvi, *Military, State and Society in Pakistan* (Palgrave Macmillan UK, 2000), <https://books.google.de/books?id=mh9UjWEACAAJ>.
- ³ Tom Ginsburg and Alberto Simpser, “Introduction, Chapter 1 of Constitutions in Authoritarian Regimes,” “University of Chicago Public Law & Legal Theory Working Paper No. 468,” *Cambridge University Press*, 2014.
- ⁴ T. Ginsburg and A. Simpser, *Constitutions in Authoritarian Regimes*. Cambridge: Cambridge University Press, 2014.
- ⁵ Z. Elkins et al., *The Endurance of National Constitutions* (Cambridge University Press, 2009), <https://books.google.de/books?id=PEAgAwAAQBAJ>.
- ⁶ Adeney, “A Step towards Inclusive Federalism in Pakistan? The Politics of the 18th Amendment.”
- ⁷ Pakistan, “Constitution (Eighth Amendment) Act, 1985,” Primary Legal Text, 1985.
- ⁸ National Assembly of Pakistan, “Constitution (Eighteenth Amendment) Act, 2010,” Primary Legal Text, 2010.
- ⁹ Senate of Pakistan, “Constitution (Twenty-Seventh Amendment) Bill, 2025,” Primary Legal Text, 2025.
- ¹⁰ Muhammad Shehzad Khan Niazi et al., *The Role of Constitutional Amendments in Shaping Pakistan’s Parliamentary Democracy: A Study of 27th Amendments*, 4, no. 7 (2025): 176–80.
- ¹¹ Pakistan, “Constitution (Eighth Amendment) Act, 1985.”
- ¹² Kalsoom Hanif and Syeda Fatima Zahra, “Article 58(2B) and Its Impacts on the Democratic Governments of Pakistan,” *PAKISTAN* 59, no. 2 (2021): 93–107; O. Siddique, *The Jurisprudence of Dissolutions: Presidential Power to Dissolve Assemblies Under the Pakistani Constitution and Its Discontents* (Pakistan Law House, 2008), <https://books.google.de/books?id=iIsOAQAAMAAJ>.

¹³ Siddique, *The Jurisprudence of Dissolutions: Presidential Power to Dissolve Assemblies Under the Pakistani Constitution and Its Discontents*.

¹⁴ Liaquat Ali Khan, "Temporality of Law," *McGeorge Law Review* 40, no. 1 (2008): 4.

¹⁵ Mohammad Waseem, "Constitutionalism in Pakistan: The Changing Patterns of Dyarchy," *Diogenes* 53, no. 4 (2006): 102–15.

¹⁶ Hanif and Zahra, "Article 58(2B) and Its Impacts on the Democratic Governments of Pakistan."

¹⁷ Waseh Jahanzeb and Munazza Mubarak, *The Amendment Process of the Constitution of Pakistan: Political Dynamics & Legal Implications*, 3, no. 2 (2025): 1–9.

¹⁸ Muhammad Ahsan Rana, "Decentralization Experience in Pakistan: The 18th Constitutional Amendment," *Asian Journal of Management Cases* 17, no. 1 (2020): 61–84.

¹⁹ Muhammad Rizwan et al., "Revitalization of Parliamentary Democracy in Pakistan under 18th Amendment," *IOSR Journal Of Humanities And Social Science (IOSR-JHSS)* 19 (2014): 149–56.

²⁰ Adeney, "A Step towards Inclusive Federalism in Pakistan? The Politics of the 18th Amendment."

²¹ Katharine Adeney and Filippo Boni, "Federalism and Regime Change: De/Centralization in Pakistan–1956–2020," *Regional & Federal Studies* 33, no. 5 (2023): 725–53.

²² UNDP, *Federalism: 18th Amendment Report* (United Nations Development Programme, Pakistan, 2013).

²³ Muhammad Ismail et al., *The Eighteenth Amendment Nd Its Impact on Policy, Politics, and Governance in Pakistan*, 3, no. 9 (2025).

²⁴ Adeney and Boni, "Federalism and Regime Change: De/Centralization in Pakistan–1956–2020."

²⁵ Anil Kalhan, "Gray Zone Constitutionalism and the Dilemma of Judicial Independence in Pakistan," *Vand. J. Transnat'l L.* 46 (2013): 1.

²⁶ Haseeb Ahsan Javed, "Basic Structure and the 21st Constitutional Amendment.," 2015.

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- ²⁷ Muhammad Umar Iqbal and Salman Khan Sanjrani, *A Critical Analysis of the 27th Constitutional Amendment in the Constitution of Pakistan 1973: Its Impact on Judicial Autonomy, Centralization of Military Power and Democratic Accountability*, 2025, 155–61.
- ²⁸ Niazi et al., *The Role of Constitutional Amendments in Shaping Pakistan's Parliamentary Democracy: A Study of 27th Amendments*.
- ²⁹ Muhammad Tariq et al., *The 27th Constitutional Amendment And Federation Of Pakistan*, 3, no. 12 (2025): 1–08.
- ³⁰ International Commission of Jurists (ICJ), “Pakistan – Dismantling Justice: A Full-Frontal Assault on the Rule of Law,” International Commission of Jurists (ICJ), 2025.
- ³¹ Amnesty International, *Pakistan: Twenty-Seventh Constitutional Amendment Attacks Independence of Judiciary*, Amnesty International Public Statement ASA 33/0591/2026 (Amnesty International, 2026).
- ³² Katharine Adeney, “How to Understand Pakistan’s Hybrid Regime: The Importance of a Multidimensional Continuum,” *Democratization* 24, no. 1 (2017): 119–37.
- ³³ Nancy Bermeo, “On Democratic Backsliding,” *Journal of Democracy* 27, no. 1 (2016): 5–19.
- ³⁴ David Waldner and Ellen Lust, *Unwelcome Change: Coming to Terms with Democratic Backsliding*, 21, no. 1 (2018): 93–113.
- ³⁵ Adeney and Boni, “Federalism and Regime Change: De/Centralization in Pakistan–1956–2020.”
- ³⁶ Siddique, *The Jurisprudence of Dissolutions: Presidential Power to Dissolve Assemblies Under the Pakistani Constitution and Its Discontents*.
- ³⁷ Hanif and Zahra, “Article 58(2B) and Its Impacts on the Democratic Governments of Pakistan.”
- ³⁸ Siddique, *The Jurisprudence of Dissolutions: Presidential Power to Dissolve Assemblies Under the Pakistani Constitution and Its Discontents*.
- ³⁹ Hanif and Zahra, “Article 58(2B) and Its Impacts on the Democratic Governments of Pakistan.”
- ⁴⁰ Siddique, *The Jurisprudence of Dissolutions: Presidential Power to Dissolve Assemblies Under the Pakistani Constitution and Its Discontents*.

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- ⁴¹ Kalhan, “Gray Zone Constitutionalism and the Dilemma of Judicial Independence in Pakistan.”
- ⁴² Adeney, “A Step towards Inclusive Federalism in Pakistan? The Politics of the 18th Amendment.”
- ⁴³ Larry Diamond, “Elections without Democracy: Thinking about Hybrid Regimes,” *Journal of Democracy* 13, no. 2 (2002): 21–35.
- ⁴⁴ Hanif and Zahra, “Article 58(2B) and Its Impacts on the Democratic Governments of Pakistan.”
- ⁴⁵ Imran Ahmed, “The 18th Amendment: Historical Developments and Debates in Pakistan,” *ISAS Insights* 641 (2020): 1–6.
- ⁴⁶ Sidra Akram et al., *18th Constitutional Amendment and Rejuvenation of Pakistan’s Parliamentary System: An Analysis*, 2021, 139–53.
- ⁴⁷ Rizwan et al., “Revitalization of Parliamentary Democracy in Pakistan under 18th Amendment.”
- ⁴⁸ Anwar Shah, *Making Federalism Work: The 18th Constitutional Amendment* (World Bank, Washington, DC, 2012).
- ⁴⁹ UNDP, *Federalism: 18th Amendment Report*.
- ⁵⁰ Adeney, “How to Understand Pakistan’s Hybrid Regime: The Importance of a Multidimensional Continuum.”
- ⁵¹ Rana, “Decentralization Experience in Pakistan: The 18th Constitutional Amendment.”
- ⁵² UNDP, *Federalism: 18th Amendment Report*.
- ⁵³ Maryam S. Khan, “Genesis and Evolution of Public Interest Litigation in the Supreme Court of Pakistan: Toward a Dynamic Theory of Judicialization,” *Temp. Int’l & Comp. LJ* 28 (2014): 285.
- ⁵⁴ Matthew J. Nelson, “Amending Constitutional Standards of Parliamentary Piety in Pakistan?: Political and Judicial Debates,” in *The Law and Politics of Unconstitutional Constitutional Amendments in Asia* (Routledge, 2021).
- ⁵⁵ Kalhan, “Gray Zone Constitutionalism and the Dilemma of Judicial Independence in Pakistan.”

⁵⁶ Kamran Naseem et al., “An Analysis of the Performance of the Council of Common Interest in Post-18th Amendment Scenario in Pakistan (2010 to 2020),” *Journal of Research in Social Sciences* 10, no. 1 (2022): 1–18.

⁵⁷ Adeney and Boni, “Federalism and Regime Change: De/Centralization in Pakistan–1956–2020.”

⁵⁸ Pakistan, “Constitution (Twenty-First Amendment) Act, 2015,” Primary Legal Text, 2015.

⁵⁹ Nelson, “Amending Constitutional Standards of Parliamentary Piety in Pakistan?: Political and Judicial Debates.”

⁶⁰ Amit Ranjan and Ian Talbot, *Challenge, Continuity, and Change in Pakistan* (Taylor & Francis, 2025).

⁶¹ Adeney and Boni, “Federalism and Regime Change: De/Centralization in Pakistan–1956–2020.”

⁶² Sameen A. Mohsin Ali, “Democratic Backsliding and Public Administration in Pakistan’s Hybrid Regime: A Balance of Power Approach,” *Policy Studies*, 2025, 1–26.

⁶³ Radio Pakistan, “NA Passes ‘The Constitution (27th Amendment) Bill 2025,’” *Radio Pakistan*, 2025.

⁶⁴ Kokab Saeed et al., *The 27th Amendment and Its Impact on Pakistan’s Judicial System: A Critical Evaluation*, 4, no. 6 (2025): 383–99.

⁶⁵ Reuters, “Pakistan Parliament Approves More Powers for Army Chief, Curbs Top Court,” *Reuters*, 2025.

⁶⁶ International Commission of Jurists (ICJ), “Pakistan – Dismantling Justice: A Full-Frontal Assault on the Rule of Law.”

⁶⁷ Rehmat Arif et al., “A Constitutional Analysis of Pakistan’s 26th and 27th Amendments: Implications for Governance and Representation,” *Journal of Development and Social Sciences* 7, no. 1 (2026): 59–68.

⁶⁸ International Commission of Jurists (ICJ), “Pakistan – Dismantling Justice: A Full-Frontal Assault on the Rule of Law.”

⁶⁹ Radio Pakistan, “NA Passes ‘The Constitution (27th Amendment) Bill 2025.’”

⁷⁰ Ahsan Younus et al., *The 27th Constitutional Amendment in 1973 Constitution of Pakistan: Prospects and Challenges*, 3, no. 4 (2025): 1129–114.

⁷¹ Amnesty International, *Pakistan: Twenty-Seventh Constitutional Amendment Attacks Independence of Judiciary*.

⁷² Reuters, “Pakistan Parliament Approves More Powers for Army Chief, Curbs Top Court.”

⁷³ Iqbal and Sanjrani, *A Critical Analysis of the 27th Constitutional Amendment in the Constitution of Pakistan 1973: Its Impact on Judicial Autonomy, Centralization of Military Power and Democratic Accountability*.

⁷⁴ Etienne Hanelt and Attila Vincze, “Managing Courts in Competitive Authoritarian Regimes: Co-Optation, Repression and Resistance in Hungary,” *Zeitschrift Für Vergleichende Politikwissenschaft* 18, no. 3 (2024): 381–400.

⁷⁵ Pakistan, “Constitution (Eighth Amendment) Act, 1985.”

⁷⁶ Anees Siddiqui, “The Process of Judicial Appointments under the Constitution of Pakistan 1973,” *Available at SSRN 2088373*, 2012.

⁷⁷ Reuters, “Pakistan Parliament Approves More Powers for Army Chief, Curbs Top Court.”