

Copyrights in Islam and Pakistan: Ethical Perspectives and Legal Framework

Zainab Effendi-Haqqi

Advocate High Court of Sindh; and Head of Law Department, SZABIST, Karachi, Pakistan

zainab.effendi@szabist.edu.pk

Dr. Tansif Ur Rehman

Teaching Associate, Department of Sociology, University of Karachi, Pakistan; and Visiting Faculty, Department of Law, Dadabhoy Institute of Higher Education, Pakistan (tansif@live.com) (<https://orcid.org/0000-0002-5454-2150>)

Abstract

While not explicitly addressed in classical Islamic jurisprudence, copyright in Islam finds its roots in the principles of intellectual property protection and fair exchange upheld by Islamic ethics. The Qur'an encourages respect for others' rights and forbids unjust appropriation. Islamic scholars interpret this to encompass intellectual property rights. The concept of 'ijtihad,' or independent legal reasoning, allows adaptation to modern contexts, including copyright law. Islamic history reveals protection for intellectual creations, such as scholars' attribution rights over their works. Contemporary Islamic legal scholars engage in discussions on copyright, emphasizing the protection of authors' rights and promoting creativity within Islamic ethical boundaries. While copyright law in Muslim-majority countries often aligns with international standards, some scholars advocate for a more comprehensive integration of Islamic principles into copyright legislation to ensure equitable protection for creators while fostering innovation and knowledge dissemination. This article contributes to the existing literature on intellectual property rights by providing a distinct perspective rooted in Islamic jurisprudence. It aims to acquire a more profound knowledge of the convergence of religion, law, and technology in shaping legal frameworks that promote creativity, innovation, and social welfare by investigating the concepts, applications, and current controversies surrounding copyrights in Islam.

Keywords: Copyright, Ethics, Ijtihad, Intellectual Property, Islam

Introduction

Intellectual property and copyright are becoming more pertinent in the digital age (World Intellectual Property Organization, 2023), where information flows freely, and creativity knows no limitations (Heine et al., 2023; Koshariya et al., 2023). However, amidst various legal systems and global conversations about copyright, the Islamic position provides a distinct and rich perspective on the subject (Laskowska-Litak, 2023). Copyright in Islam is based on centuries-old concepts and directed by Islamic jurisprudence. It entails many rights, duties, and ethical concerns (Calder, 2024).

Islamic jurisprudence profoundly embeds the fundamental ideals of justice and fairness, including intellectual property protection (Bently et al., 2022; Sark, 2023). The Qur'an and Hadith offer instructions on protecting individual rights and upholding property sanctity (Moussavi & Mavani, 2023). It should be borne in mind that for Muslims, Islamic Sharia is both a code of law and a code of morals to be adhered to (Coulson, 1969). Scholars have used principles from these sources to address contemporary challenges such as copyrights and intellectual property (Tutt & Harvey, 2022).

Conforming to the concept of '*haq*' (right), '*milkiyya*' (ownership), '*mal*' (wealth), and '*manfa'a*' (utility) (Jamar, 1992) were analyzed to clarify the position of copyright in Shariah law. The analysis of these crucial definitions shows that *Shari'a* approval is the most critical component in these concepts (Gendreau, 2023). Copyright is *manfa'a* and *mal* and can be owned (SRP, 2023). This understanding can provide enough room for copyright in *Shari'a*.

Based on solid evidence from *Shari'a*, well-established Islamic educational traditions emphasize the importance of honesty and demand that only the creator of a literary work be entitled to praise and honor (Alserhan et al., 2023). Undoubtedly, scientific honesty is long established, and its significance is widely acknowledged (Jankowska, 2023). However, no copyright was sought as it exists in its current form. Furthermore, under Islamic principles, plagiarism is religiously sinful, morally condemnable, and socially disreputable (An-Nabahani, 2002; Laskowska-Litak, 2023).

Scholars often hold three different perspectives on the issue of copyrights. Contrary to one opinion, the practice is Islamically allowed, and Muslims must respect the consequences of copyright laws (Gendreau, 2023). From early Islamic scholars' emphasis on attribution and respect for writers' rights to modern discussions on digital piracy and open access (Tutt & Harvey, 2022), the study of copyrights in Islam covers a wide range of themes that both religious and legal scholars find extremely meaningful.

After that, a view is upheld by the Majma Al-Fiqhi of the OIC and the Standing Committee of Religious Scholars of the Kingdom of Saudi Arabia (Sark, 2023). The opinion is that writing or inventing something is private and belongs to the individual. In today's contemporary world practices, there is material value to it that people can profit from (Vaid et al., 2023). These rights are to be respected from a Shariah perspective, and it is impermissible to transgress them.

Research Justification

The intersection of intellectual property rights and religious principles presents a unique study area, particularly in countries where religion significantly shapes legal frameworks. Pakistan, as an Islamic republic, offers a compelling case for examining how Islamic ethical perspectives influence copyright laws. This research explores the confluence of Islamic principles and the Pakistani legal system regarding copyrights, providing a nuanced understanding of their coexistence and potential conflicts.

Research Significance

1. **Cultural and Legal Integration:** Understanding how Islamic ethical perspectives are integrated into Pakistan's legal system is crucial for comprehending the broader implications of intellectual property rights in the country. This research can illuminate the compatibility or tension between religious principles and modern legal requirements.
2. **Legal Framework Analysis:** Examining Pakistan's copyright laws in the context of Islamic jurisprudence will highlight areas where the legal framework aligns with or diverges from religious teachings. This analysis is essential for policymakers, legal practitioners, and scholars interested in harmonizing religious and legal standards.
3. **Ethical Considerations:** Investigating the ethical dimensions of copyrights in Islam provides a broader understanding of how intellectual property is perceived and protected within an Islamic context. It can contribute to the global discourse on intellectual property rights, emphasizing the diversity of ethical considerations across different cultural and religious landscapes.
4. **Practical Implications:** Insights from this research can inform the development of more culturally and religiously sensitive copyright policies in Pakistan. They can also enhance the effectiveness of intellectual property protection and encourage greater compliance among the populace.

Research Objectives

1. To explore the ethical perspectives of Islam regarding intellectual property and how these are reflected in Pakistani legislation.
2. To identify potential conflicts and harmonization strategies between Islamic ethics and modern copyright laws.
3. To provide recommendations for policy enhancements based on the findings.

Research Methodology

This study employed a systematic review methodology, with research objectives established accordingly. A comprehensive literature review was conducted (Komba & Lwoga, 2020). Research findings were categorized based on their content (Hiver et al., 2021; Petticrew & Roberts, 2006), and classified information was incorporated into the study by organizing it into headings (Gan et al., 2021; Pawson et al., 2005). The evaluation of classified information and titles formed the basis of the study (Page, 2021; Rahi, 2017), ensuring the integrity of the research subject and its contents (Egger et al., 2022; Victor, 2008).

Classification of Copyrights Infringement

1. Direct copyright infringement

It occurs when someone directly copies, distributes, or reproduces a copyrighted work without the owner's permission. Specifically, it violates the exclusive rights of the authorized copyright holder (Creative Media Partners, 2023). Examples of this infringement are:

- i. Copying and distributing a copyrighted book without permission.
- ii. Uploading and sharing copyrighted entertainment on the website.
- iii. Unlicensed public performance of a copyrighted composition.

2. Indirect copyright infringement

It is likewise referred to as collateral infringement, and it occurs when an individual helps or benefits from a direct violation without performing the act themselves (Tattay et al., 2023). In brief, indirect infringement refers to behaviors that either assist or profit from such violations. This infringement may include the following:

- i. Offering an accessible platform for unlawful file-sharing.
- ii. Selling a device that bypasses copyright protection measures.

Ilm Mustalah al-Hadith's literature is the basis of moral rights in the context of copyrights and intellectual honesty. For example, the institution of '*ijaza*' is particularly crucial to the protection of the moral rights of the original author (Sark, 2023). Contrary to that, Ibn Majah and At-Tirmidhi state that the Prophet's Hadith (peace be upon him) about wisdom being a lost property of the believer. However, this Hadith also implies that believers should be open-minded and learn from all sources (Moussavi & Mavani, 2023). They should be more concerned with what is said than who said it or where they received it. Ali (may Allah be pleased with him) claims to have stated, "Take wisdom, and it would not harm you from what bag it came."

This narration advocates for seeking knowledge from all sources, protecting property rights, and preventing theft and fraud, emphasizing the importance of preserving material and intellectual property. Another Hadith is "Whoever takes the property of others with a right to do so, he will carry it on the day of resurrection as if it were a donkey saddled on his back" (Sunan Ibn Majah 2440). This Hadith highlights the seriousness of taking someone's property without their permission.

Fatawa from Sheikh Abd Al-Aziz Ibn Baz Regarding the Copyrights

1. "Muslims should abide by their stipulations."
2. "A Muslim's property is not permitted (to be taken by others) without his consent."
3. "Whoever precedes others in gaining a Halal (lawful) thing will be more entitled to own it (than others)."

It is applicable whether the owner of this intellectual property is a Muslim or a non-Muslim (who is not at war with Muslims, for the property of the non-fighting unbelievers is to be protected in the same way as that of Muslims).

Copyrights in Islam and the Current Scenario in Pakistan

While Pakistan's copyright laws are mainly secular, efforts have been made to harmonize them with Islamic beliefs. Fair use, moral rights, and exclusivity restrictions reflect Islamic justice and equity concepts. However, issues exist in aligning current laws with traditional Islamic norms, particularly in digital piracy, cultural assets, and access to knowledge. Pakistan has signed several international treaties and agreements protecting intellectual property rights, including copyright. Complying with these accords involves creating and executing copyright laws that align with international norms, regardless of religious convictions.

However, Islamic beliefs may influence or shape copyright laws in countries where Islam is deeply embedded in the legal system, such as Pakistan. While modern copyright laws are not explicitly based on Islamic principles, they are widely interpreted and used in the framework of Islamic ethics and values. Copyright laws in Pakistan, like in many other countries, protect creators' rights while simultaneously stimulating innovation, creativity, and economic progress. Pakistan's copyright laws support sectors including publishing, music, film, software development, and other creative fields by legally protecting intellectual property.

Pakistan has also been open to addressing the issue of IPRs and copyrights through State law, including the Copyrights Ordinance 1962 and Copyrights Rules 1967. The Karachi Copyrights Office was established in 1963 and has been part of Pakistan's Intellectual Property Organization (IPO) since 2005. The Cabinet Division administers the Intellectual Property Organization. The IPO has actively sought helpful guidance from experts at the World Intellectual Property Organization (WIPO) and other friendly countries. In July 2006, IPO-Pakistan hosted an international workshop titled "WIPO National Workshop on Geographical Indications," with the aid of the EU and WIPO.

Lastly, we hope that future research and policy initiatives will focus on further integrating Islamic principles into copyright laws and practices in Pakistan. Collaboration between religious scholars, legal experts, and policymakers is crucial to addressing emerging challenges and opportunities in the digital age. By embracing Islamic ethics and values, Pakistan can establish a robust copyright regime that fosters creativity, innovation, and cultural exchange in harmony with its religious heritage. Pakistan still has a long way to go in this field.

Discussion

The convergence of Islamic ethical perspectives and Pakistan's legal framework on copyrights presents a rich area for exploration. As a predominantly Muslim country, Pakistan's legal system is influenced by both secular laws and Islamic principles. This discussion delved into how these influences shape the approach to copyright protection in Pakistan, examining ethical considerations, legal structures, and practical implications.

Ethical Perspectives in Islam on Copyrights

I. Foundational principles: Islamic ethics emphasize justice, fairness, and protecting individual rights, which extend to intellectual creations. While not explicitly mentioning copyrights, the Qur'an and Hadiths advocate for respecting others' labor and creativity. Fundamental principles include *haqq al-mal* (the property right) and *haqq al-intifa'* (the

right to benefit from one's property), which can be interpreted to support intellectual property rights. In Arabic, *haqq* has two essential meanings: certainty and obligation (Kamali, 2003).

2. Moral and social responsibility: Islamic teachings stress the importance of benefiting the community and discouraging harm. This dual focus supports the idea that creators should be rewarded for their work, as it encourages further innovation and benefits society. However, there is also a moral imperative against monopolization and excessive restriction, which could impede knowledge dissemination and societal advancement.

3. Challenges and interpretations: Islamic scholars may differ in their interpretations of how *Sharia* (Islamic law) should be applied to modern intellectual property issues. Some might argue for a more conservative approach, while others advocate for a progressive understanding that accommodates contemporary realities.

Legal Framework in Pakistan

- 1. Historical context and evolution:** Pakistan's copyright laws have evolved significantly since its independence in 1947. The primary legislation governing copyright is the Copyright Ordinance of 1962, which has been amended several times to address emerging issues and align with international standards. Furthermore, the Islamic Constitution of Pakistan 1973 has been drafted by Quranic teachings and, therefore, upholds private property rights, including tangible and intangible (Khan, 2021).
- 2. Integration of Islamic principles:** The Pakistani legal system operates under a dual framework incorporating secular laws and Islamic jurisprudence. This integration is evident in various aspects of its legal code, including intellectual property laws.
- 3. Pakistan as a signatory:** Pakistan is a signatory to various international treaties, including the Berne Convention and the TRIPS Agreement, which influence its domestic copyright laws.
- 4. Judicial interpretations and case law:** Pakistani courts have addressed various copyright disputes, often considering statutory provisions and broader ethical principles. This judicial approach helps contextualize copyright protection within Pakistan's sociocultural and religious landscape.
- 5. Need for harmonization:** Efforts to harmonize copyright laws with Islamic principles involve ensuring that laws comply with international standards and reflect the ethical values inherent in Islam.

Practical Implications and Challenges

- 1. Balancing modernity and tradition:** One of the main challenges is balancing the protection of intellectual property with the need for accessibility and dissemination of knowledge. This balance is crucial in a society that values religious traditions and modern innovation. Policies must navigate the tension between preventing unauthorized use and ensuring that restrictive measures do not stifle creativity and access to information.
- 2. Public awareness and education:** Enhancing public awareness about copyright laws and their ethical underpinnings is essential. Many creators and users may need to fully understand their rights and obligations, leading to unintentional violations.
- 3. Educational initiatives:** Educational initiatives should highlight the importance of respecting intellectual property as a legal and moral duty.
- 4. Policy recommendations:** To address these challenges, it is recommended that Pakistan's copyright policies be continuously reviewed and updated to reflect both international developments and local ethical considerations.
- 5. Strengthening enforcement:** Strengthening enforcement mechanisms, providing more precise guidelines for fair use, and fostering a culture of respect for intellectual property through education are crucial steps.

The interplay between Islamic ethics and Pakistan's legal framework on copyrights offers a unique perspective on intellectual property rights. By understanding and integrating these ethical principles, Pakistan can develop a more robust and culturally sensitive approach to copyright protection. This discussion underscores the need for ongoing dialogue and adaptation to ensure that copyright laws in Pakistan are both practical and reflective of the country's religious and cultural values.

Conclusion

In general, it is argued that industrial countries use copyright and intellectual property as an excuse to maintain their superiority and obstruct developing countries from economic growth or development. Nevertheless, we are living in the 21st century. Copyright infringement is a significant issue that affects the livelihoods of authors and publishers. As Muslims, we are taught to defend justice and respect for others' property, especially in the digital era. Individuals must act responsibly and carefully when sharing and distributing copyrighted information. Muslims should avoid questionable situations to protect their religion and honor, fear Allah, and adhere to Islamic principles, even in uncertain situations, to uphold fairness values.

Recommendations

Ethical Perspectives

1. **Islamic scholarly consensus:** Encourage Islamic scholars to develop a consensus on the interpretation of copyright laws in light of Islamic teachings, ensuring that they respect both the rights of creators and the principles of justice and fairness in Islam.
2. **Public awareness campaigns:** Launch awareness campaigns to educate the public about the importance of respecting copyrights, emphasizing the ethical duty to protect intellectual property and to respect others' rights and efforts.
3. **Islamic ethical guidelines:** Develop comprehensive guidelines that align Islamic ethical principles with contemporary copyright issues, addressing topics like plagiarism, unauthorized use, and the moral responsibilities of creators and consumers.
4. **Educational programs:** Integrate copyright education into the curriculum of Islamic studies in schools and universities, highlighting its ethical dimensions and the importance of intellectual property rights from an Islamic perspective.
5. **Support for creators:** Advocate for more robust support systems within the Muslim community, emphasizing the ethical imperative to compensate artists, writers, and other intellectual property holders fairly.
6. **Collaboration with Islamic organizations:** Work with Islamic organizations to issue statements and fatwas that clarify the ethical and religious obligations concerning copyright protection.
7. **Digital ethics workshops:** Conduct workshops focusing on digital ethics, addressing how Islamic teachings apply to the digital age, including issues related to software piracy, online content sharing, and digital rights management.
8. **Community discussions:** Facilitate community discussions and forums to explore the balance between sharing knowledge (a key Islamic value) and protecting intellectual property rights, finding ethical ways to reconcile these principles.
9. **Promotion of Halal content:** Encourage the creation and distribution of halal content that respects copyright laws, promoting the idea that ethical adherence to copyright is part of producing morally sound material.
10. **Islamic legal principles application:** Apply Islamic legal principles such as Ijtihad (independent reasoning) to adapt traditional concepts of property and ownership to modern intellectual property issues.

Legal Framework

1. **Harmonization of laws:** Work towards harmonizing Pakistan's copyright laws with international standards while ensuring they are compatible with Islamic principles to protect creators' rights globally.
2. **Clear legislation:** Advocate for clear, precise legislation that defines intellectual property rights, making it easier for courts to enforce and for the public to understand their rights and responsibilities.
3. **Judicial training:** Provide specialized training for judges and lawyers on intellectual property rights and their intersection with Islamic law to ensure informed and fair adjudication.
4. **Strengthening enforcement:** Enhance enforcement mechanisms for copyright protection in Pakistan, including better resources for agencies tasked with combating piracy and infringement.
5. **Alternative dispute resolution:** Promote alternative dispute resolution (ADR) mechanisms for copyright disputes, incorporating Islamic principles of mediation and arbitration to resolve conflicts amicably.
6. **Public access to laws:** Ensure copyright laws and regulations are accessible to the public, in multiple languages, and comprehensible to non-legal professionals.
7. **Support for local creators:** Develop policies specifically supporting local creators and innovators, providing legal and financial assistance to protect their intellectual property rights.
8. **International cooperation:** Foster international cooperation to combat cross-border copyright infringement, aligning efforts with other countries to protect Pakistani creators' rights globally.
9. **Technological solutions:** Invest in technological solutions that help monitor and protect intellectual property, such as digital watermarking and automated takedown systems, ensuring they are used ethically and effectively.
10. **Cultural sensitivity:** Ensure that the legal framework is culturally sensitive and considers Pakistan's unique social and cultural context, making copyright laws more relevant and acceptable to the local population.

Research Limitations

I. Lack of Comprehensive Islamic Jurisprudence on Modern Copyright Issues

- i. **Fragmented interpretations:** Islamic jurisprudence is derived from various schools of thought (e.g., Hanafi, Shafi'i, Maliki, Hanbali), which might have different interpretations of intellectual property rights.
- ii. **Limited modern analysis:** More contemporary analysis or scholarly consensus is needed on how traditional Islamic teachings apply to modern copyright issues, making it challenging to find comprehensive guidelines.

2. Limited Availability of Data

- i. **Sparse empirical studies:** More empirical studies and statistical data on Pakistan's copyright practices, enforcement, and public perceptions need to be conducted.

- ii. **Access to information:** Difficulty in accessing relevant data from government and private institutions due to bureaucratic hurdles or lack of transparency.

3. Evolving Legal Framework

- i. **Changing laws:** Pakistan's copyright laws continuously evolve, and keeping up with recent amendments and their implications can be challenging.
- ii. **Enforcement issues:** Inconsistent enforcement of existing laws can lead to a gap between legal frameworks and actual practices, complicating research conclusions.

4. Cultural and Social Factors

- i. **Public perception:** Varying public understanding and attitudes towards copyright laws influenced by cultural and social norms.
- ii. **Informal economies:** The prevalence of informal economies where intellectual property rights are often ignored or undervalued.

5. Ethical Considerations in Islam

- i. **Diverse ethical views:** Islamic ethical perspectives on copyright vary widely and are influenced by cultural contexts and interpretations of Sharia law.
- ii. **Balancing knowledge sharing and protection:** Ethical dilemmas in balancing the Islamic principle of knowledge sharing with the need to protect creators' rights.

6. Interdisciplinary Nature

- i. **Complex integration:** Integrating legal analysis with ethical perspectives requires a methodologically complex interdisciplinary approach.
- ii. **Specialized knowledge necessitates** a deep understanding of Islamic jurisprudence and modern copyright law, which may be difficult to find in a single researcher or research team.

7. Linguistic Barriers

- i. **Language issues:** Research materials may be in different languages (e.g., Arabic for Islamic texts, English and Urdu for Pakistani legal texts), requiring multilingual proficiency.
- ii. **Translation challenges:** Risk of misinterpretation or loss of nuance in translating Islamic jurisprudence or legal texts.

8. Technological Constraints

- i. **Digital divide:** Limited access to digital resources and technological tools for conducting comprehensive research, particularly in remote areas.
- ii. **Piracy and technology:** Rapid technological changes and the prevalence of digital piracy pose challenges to keeping the research up-to-date.

9. Political and Economic Factors

- i. **Political instability:** Political changes and instability can affect the consistency and focus of copyright enforcement and legislation.
- ii. **Economic pressures:** Economic constraints can limit funding for research and the implementation of copyright laws.

10. Ethical Challenges in Research

- i. **Bias and objectivity:** Ensuring unbiased and objective research can be challenging, especially when dealing with sensitive topics like religious interpretations and legal judgments.
- ii. **Cultural sensitivity:** Maintaining cultural sensitivity and respecting diverse viewpoints while conducting and presenting research.

Research Implications

Research on "Copyrights in Islam and Pakistan: Ethical Perspectives and Legal Framework" carries several vital implications across legal, cultural, educational, and economic dimensions. Here are critical research implications in this area:

Legal Implications

I. Policy Development and Reform

- i. **Informed legislation:** Research findings can inform policymakers to develop or reform copyright laws aligned with Islamic principles and international standards.
- ii. **Enhanced enforcement:** Identifying gaps in current enforcement practices can lead to more robust, more effective copyright protection mechanisms.

2. Judicial Application

- i. **Judicial training:** Research can help the judiciary understand the intersection between Islamic law and copyright, leading to more consistent and informed rulings.

- ii. **Case law development:** Well-researched case studies can help develop a body of case law that clarifies how copyright issues should be handled within the framework of Islamic ethics and Pakistani law.

Cultural and Social Implications

3. Public Awareness and Perception

- i. **Awareness campaigns:** Research can support the design of public awareness campaigns to educate citizens about the importance of copyright protection from an Islamic and legal perspective.
- ii. **Cultural sensitivity:** Understanding cultural attitudes towards intellectual property can help tailor these campaigns to be more effective and culturally sensitive.

4. Behavioral Change

- i. **Ethical consumption:** Encouraging ethical consumption and production of intellectual property by highlighting the ethical dimensions of copyright in Islam.
- ii. **Reduction in piracy:** Increased awareness and respect for copyright can reduce piracy and unauthorized use of intellectual property.

Educational Implications

5. Curriculum Development

- i. **Educational programs:** Incorporating findings into educational programs at various levels can enhance students' and educators' understanding of intellectual property rights.
- ii. **Professional training:** Providing specialized training for professionals in law, technology, and media sectors to handle copyright issues in their work better.

6. Research and Scholarship

- i. **Academic research:** Encourage further academic research on the topic, which can lead to a deeper understanding and more comprehensive resources.
- ii. **Interdisciplinary studies:** Promoting interdisciplinary studies that combine law, ethics, and technology, providing a holistic view of copyright issues.

Economic Implications

7. Creative Industries

- i. **Support for creators:** Better copyright protection and enforcement can increase support for local creators and innovators, fostering a more vibrant creative economy.
- ii. **Economic growth:** Strengthening intellectual property rights can attract foreign investment and promote economic growth by providing a secure environment for businesses.

8. Innovation and Entrepreneurship

- i. **Encouraging innovation:** Clear and enforceable copyright laws can encourage innovation and entrepreneurship by ensuring creators are fairly compensated for their work.
- ii. **Market development:** Research can identify ways to develop markets for legally produced intellectual property, reducing the prevalence of counterfeit goods.

Ethical and Religious Implications

9. Islamic Jurisprudence

- i. **Scholarly consensus:** Facilitating a scholarly consensus on intellectual property issues within the framework of Islamic ethics, providing more explicit guidance for Muslims.
- ii. **Ethical guidelines:** Developing comprehensive guidelines that align Islamic principles with modern copyright laws, helping individuals and organizations navigate these issues.

10. Community Engagement

- i. **Faith-based initiatives:** Engaging religious leaders and communities in promoting respect for intellectual property rights as an ethical obligation.
- ii. **Moral responsibility:** Highlighting the moral responsibility to respect and protect intellectual property, reinforcing this as a part of ethical living in the Muslim community.

Global Implications

II. International Cooperation

- i. **Cross-border protection:** Enhancing international cooperation in protecting intellectual property rights, ensuring Pakistani creators are protected abroad.
- ii. **Global standards:** Contributing to the global discourse on intellectual property rights by providing an Islamic perspective, enriching the diversity of viewpoints.

12. Legal Harmonization

- i. **Harmonizing laws:** Research can help harmonize Pakistan's copyright laws with international treaties and agreements, facilitating smoother international legal interactions.

Policy and Governance Implications

I3. Evidence-Based Policymaking

- i. **Policy formulation:** Providing policymakers with evidence-based research to formulate policies that effectively address the complexities of copyright issues.
- ii. **Regulatory frameworks:** Assisting in creating robust regulatory frameworks that balance the interests of creators, consumers, and society.

I4. Transparency and Accountability

- i. **Government accountability:** Promoting transparency and accountability in enforcing and administering copyright laws, ensuring fair treatment for all stakeholders.

Technological Implications

I5. Digital Age Adaptation

- i. **Digital rights management:** Research can lead to better digital rights management strategies, addressing the digital age's challenges.
- ii. **Technological solutions:** Identifying and implementing technological solutions to monitor and protect intellectual property rights more effectively.

Societal Implications

I6. Civic Responsibility

- i. **Social responsibility:** Encouraging a sense of social responsibility towards respecting intellectual property rights as part of civic duty.
- ii. **Community norms:** Shaping community norms and values to be more supportive of intellectual property rights, fostering a culture of respect and legality.

Future Research Directions

Exploring future research directions on "Copyrights in Islam and Pakistan: Ethical Perspectives and Legal Framework" can provide deeper insights and practical solutions for the challenges in this field. Here are some potential directions for future research:

I. Comparative Analysis

- i. **Islamic vs. Western copyright laws:** Conduct a comparative analysis between Islamic perspectives on intellectual property rights and Western legal frameworks, highlighting similarities and differences. It is worth noting that some contemporary scholars concluded that this distinction between rights, made by Muslim jurists at an early stage, had no parallel in Roman law or common law (Khaliq, 1995; Piscatori, 1980).
- ii. **Case studies:** Analyze case studies from various Islamic countries to understand how they integrate Islamic principles with contemporary copyright laws.

2. Empirical Studies

- i. **Public perception and behavior:** Conduct surveys and empirical studies to gauge public perception and behavior towards copyright laws in Pakistan, focusing on both awareness and compliance.
- ii. **Effectiveness of enforcement:** Evaluate the effectiveness of copyright enforcement mechanisms in Pakistan, identifying strengths and weaknesses.

3. Theoretical Framework Development

- i. **Islamic jurisprudence on copyright:** Develop a comprehensive theoretical framework that integrates various schools of Islamic jurisprudence with modern intellectual property concepts.
- ii. **Ethical models:** Create ethical models that apply Islamic teachings to contemporary copyright issues, providing practical guidelines for creators, consumers, and policymakers.

4. Policy and Legal Reforms

- i. **Legislative proposals:** Formulate legislative proposals harmonizing Pakistani copyright laws with Islamic principles and international standards.
- ii. **Policy impact analysis:** Assess the impact of existing and proposed copyright policies on creators, consumers, and the economy in Pakistan.

5. Technology and Copyright

- i. **Digital rights management:** Research the implications of digital rights management (DRM) technologies within the Islamic ethical framework.
- ii. **Blockchain for copyright protection:** Explore the potential of blockchain technology for protecting and managing intellectual property rights in Pakistan.

6. Educational and Training Programs

- i. **Curriculum development:** Develop educational curricula incorporating Islamic copyright perspectives for use in schools, universities, and professional training programs.
- ii. **Awareness campaigns:** Design and evaluate the effectiveness of public awareness campaigns to educate citizens about copyright's ethical and legal aspects.

7. Economic Impacts

- i. **Creative economy:** Study the economic impact of strong copyright protection on the creative industries in Pakistan, including film, music, literature, and software development.
- ii. **Incentives for innovation:** Research how copyright protection can incentivize innovation and entrepreneurship in Pakistan's economic landscape.

8. International Cooperation

- i. **Cross-border issues:** Investigate cross-border copyright issues, including the protection of Pakistani creators' rights internationally and the influence of international treaties on domestic law.
- ii. **Global best practices:** Identify and adapt global best practices in copyright protection to the Pakistani and Islamic context.

9. Cultural and Social Dynamics

- i. **Cultural influences:** Study the influence of cultural practices and social norms on the perception and enforcement of copyright laws in Pakistan.
- ii. **Community engagement:** Research methods to engage religious and community leaders in promoting respect for intellectual property rights as an ethical and religious obligation.

10. Gender and Copyright

- i. **Women in creative industries:** Examine the role and challenges of women in creative industries in Pakistan, focusing on how copyright protection affects their work and economic opportunities.
- ii. **Gender-sensitive policies:** Develop gender-sensitive copyright policies that ensure equitable protection and opportunities for all creators.

11. Historical Perspectives

- i. **Evolution of copyright in Islamic law:** Study the historical evolution of intellectual property concepts within Islamic law and how they have been interpreted and applied over time.
- ii. **Colonial and post-colonial influences:** Analyze the impact of colonial and post-colonial legal frameworks on current copyright laws in Pakistan.

12. Alternative Dispute Resolution (ADR)

- i. **ADR mechanisms:** Research the effectiveness of alternative dispute resolution mechanisms for resolving copyright disputes within Islamic law.
- ii. **Community-based approaches:** Explore community-based approaches to dispute resolution that align with local traditions and Islamic principles.

13. Ethical Implications of New Technologies

- i. **AI and copyright:** Investigate the ethical implications of artificial intelligence (AI) on copyright, particularly in content creation and infringement detection.
- ii. **Big data and privacy:** This paper examines the intersection of big data, privacy, and copyright, considering the ethical and legal challenges in the digital age.

14. Role of Religious Institutions

- i. **Fatwas and copyright:** Study the role of religious institutions in issuing fatwas (Islamic legal opinions) on copyright issues and their impact on public behavior and legal practices.
- ii. **Religious education:** Integrate copyright education into religious education programs, emphasizing the moral and ethical responsibilities of respecting intellectual property.

15. Impact of Globalization

- i. **Globalization and IP rights:** Analyze how globalization affects intellectual property rights in Pakistan, considering both challenges and opportunities.
- ii. **Local vs. global practices:** Research the tension between local practices, global copyright law, and enforcement standards.

By pursuing these research directions, scholars and practitioners can contribute to a more nuanced understanding and effective implementation of copyright laws in Pakistan, guided by ethical perspectives rooted in Islamic principles. It will protect creators' rights and foster a culture of respect and innovation in the creative industries.

References

- Alserhan, B. A., Zeqiri, J., Dana, L., & Ramadani, V. (Eds.). (2022). Strategic Islamic marketing: A roadmap for engaging Muslim consumers. Springer International Publishing.
- An-Nabahani, T. (2002). The system of Islam. Al-Khilafah Publications.
- Bently, L., Sherman, B., Gangjee, D., & Johnson, P. (2022). Intellectual property law (6th ed.). Oxford University Press.
- Calder, R. (2024). The paradox of Islamic finance: How Shariah scholars reconcile religion and capitalism. Princeton University Press.
- Coulson, N. J. (1969). Conflicts and tensions in Islamic jurisprudence. University of Chicago Press.
- Creative Media Partners. (2023). Patents, trademarks, designs, copyright. Creative Media Partners.
- Egger, M., Higgins, J. P., & Smith, G. D. (Eds.). (2022). Systematic reviews in health research: Meta-analysis in context. John Wiley & Sons.
- Gan, J., Xie, L., Peng, G., Xie, J., Chen, Y., & Yu, Q. (2021). A systematic review on modification methods of dietary fiber. Food Hydrocolloids, 119, 106872. <https://doi.org/10.1016/j.foodhyd.2021.106872>
- Gendreau, Y. (Ed.). (2023). Research handbook on intellectual property and moral rights. Edward Elgar Publishing.
- Heine, D., Nindl, T., & Linhart, K. (2023). Intellectual property law in Austria. Wolters Kluwer.
- Hiver, P., Al-Hoorie, A. H., Vitta, J. P., & Wu, J. (2021). Engagement in language learning: A systematic review of 20 years of research methods and definitions. Language Teaching Research. <https://doi.org/10.1177/13621688211001289>
- Jamar, S. D. (1992). The protection of intellectual property under Islamic law. Capital University Law Review, 21, 1079–1106.
- Jankowska, M. (2023). Intellectual property rights, copynorm and the fashion industry: A comparative analysis. Taylor & Francis.
- Kamali, M. H. (2003). Freedom, equality, and justice in Islam. American Journal of Islamic Social Sciences, 20(3–4), 180–183. <https://www.ajis.org/index.php/ajiss/article/view/1833>
- Khan, B. (2021). Comparing the fundamental rights in Islamic law and Pakistan constitutional law perspective. <https://ssrn.com/abstract=4512567>
- Komba, M. M., & Lwoga, E. T. (2020). Systematic review as a research method in library and information science. <https://doi.org/10.4018/978-1-7998-1471-9.ch005>
- Koshariya, A. K., Kumar, S., Kota, R. K., & Pandit, H. C. (2023). Intellectual property rights. AG Publishing House.
- Laskowska-Litak, E. (2023). The subject of copyright: Perspectives from law, aesthetics and cognitive science. Taylor & Francis.
- Moussavi, A. K., & Mavani, H. (2023). Islamic legal methodology: A new perspective on *usul al-fiqh*. International Institute of Islamic Thought.
- Page, M. J., McKenzie, J. E., Bossuyt, P. M., Boutron, I., Hoffmann, T. C., Mulrow, C. D., Shamseer, L., Tetzlaff, J. M., & Moher, D. (2021). Updating guidance for reporting systematic reviews: Development of the PRISMA 2020 statement. Journal of Clinical Epidemiology, 134, 103–112. <https://doi.org/10.1016/j.jclinepi.2021.02.003>

- Pawson, R., Greenhalgh, T., Harvey, G., & Walshe, K. (2005). Realist review – A new method of systematic review designed for complex policy interventions. *Journal of Health Services Research & Policy*, 10(1), 21–34. <https://doi.org/10.1258/1355819054308530>
- Petticrew, M., & Roberts, H. (2006). *Systematic reviews in the social sciences: A practical guide*. Blackwell Publishing. <https://doi.org/10.1002/9780470754887>
- Piscatori, J. P. (1980). *Human rights in Islamic political cultures: The moral imperatives of human rights*. American University Press.
- Rahi, S. (2017). Research design and methods: A systematic review of research paradigms, sampling issues, and instruments development. *International Journal of Economics & Management Sciences*, 6(2). <https://doi.org/10.4172/2162-6359.1000403>
- Sark, A. (2023). *Social morality in Islam: An introductory guide for young readers*. Blue Dome Press.
- SRP. (2023). *Islamic online business*. SR Publisher.
- Tutt, D., & Harvey, R. (Eds.). (2022). *Justice in Islam: New ethical perspectives*. International Institute of Islamic Thought.
- Tattay, L., Pogacsas, A., & Ujhelyi, D. (2023). *Intellectual property law in Hungary*. Wolters Kluwer.
- Khaliq, U. (1995). Beyond the veil? An analysis of the provisions of the women's convention and the law as stipulated in Shari'ah. *Buffalo Journal of International Law*, 20, 1–47.
- Vaid, A. K., Parmar, M., Srikanth, G. R., & Meera, K. L. (2023). *Intellectual property rights and business security*. AG Publishing House.
- Victor, L. (2008). Systematic reviewing in the social sciences: Outcomes and explanation. *Enquire*, 1(1), 32–46. <https://www.nottingham.ac.uk/sociology/documents/enquire/volume-I-issue-I-victor.pdf>
- World Intellectual Property Organization. (2023). *Creative expression: An introduction to copyright and related rights for small and medium-sized enterprises*. WIPO.