

# ***LEGAL, REGULATORY AND ISLAMIC PERSPECTIVE WITH POSSIBLE ELUCIDATION ON DOMESTIC VIOLENCE***

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## ***Abstract:***

*The most important objective of this research is to make critical analysis of the laws addressing to this problem, and to highlight this issue through islamic perspective n detail. A fraction of the horrific fines enforced by the brutal Hudood treachery commands were abolished by the 2006 Act for the Protection of Women. The purpose of the study is to highlight violence in Pakistan on women, which is generating human distress and preventing women from working. The research method for the suggested issue covers descriptive nature. For the compilation of data, all primary and secondary outlets are used which include observation, books, research papers, posts and official records. Since there are laws and ordinances present, we need to put them in action .Furthermore, even in the laws present, there are loopholes that we need to highlight so that they are implemented. Taking everything into respect, the practice of present acts is important for a safe future of women in Pakistan.*

**Keywords:** Family, violence, shariah, nafaqa, legalframework, Islamic jurisprudence, regulations.

## **Introduction**

Family violence is usually a foggy and divided issue that endures at an alarming rate in Pakistan's outlying areas. Individual roles with a national adaptation framework are critical in effecting all of these changes in this male-dominated social structure. (Kort, 2005) Women's empowerment and full accessibility to the judicial system should be equally prioritized. If men truly embrace and put these principles into practise, each of these steps will be feasible since, if men choose to improve their behaviour about this issue, it will be dealt with naturally. Many more plans and tactics should be designed and deployed with the involvement of social leaders, police departments, religious authorities, and all humanitarian

organizations to safeguard women against further family violence and to provide victims with constitutional and statutory help. (Ali S. , 2017)

### **Islam and Islamic Scholars point of view on violence against women:**

Domestic abuse is regulated in Islamic law through the idea of harm (darar). It includes a partner's failure to provide compulsory monetary support (nafaqa) for his spouse, the husband's prolonged absences from home, and any maltreatment of the wife's relatives. Ridiculous behavior toward women is also prohibited because it breaches Islamic jurisprudence's goals, notably the maintenance of life and rationality, as well as the Quran and hadith injunctions of righteousness and kindness.

### **Legal institutions role in domestic violence against women:**

Violent abuse on women is a major infringement of a woman's fundamental freedoms, but it is all too common in our rural areas. Our 97 percent of women endure abuse through their family or spouse on a daily basis, and we have been living with this patriarchal societal system for millennia. Even if our legal institutions have lawful power and our legislation empowers these study also established to penalize offenders and protect victims, we are still victims of a serious problem. We can assert that institutional sexism and systemic chauvinism keep us in check. Another important aspect is that our legal system has a minimal role in these circumstances, as it is very virtually impossible to open a lawsuit against the offender in a police station. Going to the police station is regarded a matter of honor (ghariat) in our community. (Madhani, 2017) Therefore, Woman hardly fathoms standing against her expressed wishes and acquiring fundamental anonymity for her legal protections. When a woman increases her temper or goes out into the police station, she often responds with a violent strike. Our legal system has faults, and regulations and policies designed to safeguard women are not completely applied.(Sharma, 2020) They do not have enough means; a poor lady cannot afford to go to court on a regular basis. Our legal system is indeed full of corrupt people who require a large payment to be paid to the authorities, which are once again beyond of reach for poor rural women. There are many laws, yet there seems to be little fairness for women.

### **Strengthening the criminal justice system of Pakistan:**

The judicial system is feeble, with a lack of parliamentary will, lax enforcement, and little media outcry. Pakistan's parliament is mostly composed of famous aristocracy and legal factions who promote women as an idea of individual custodianship. Women's rights were widely accepted in broader society, but they appear to have stalled in Pakistan power as a result of religious organizations. Finally, in order to prevent

abuse against women, attitudes about women must be changed both inside and outside of parliament. The recent legal developments that have protected women from abuse must be reinforced more receptive, and any abuse against women must be condemned in order to change mindsets. Many people do not condemn unfavorable public actions or restrictions against women, while others allow heinous tribal traditions like digging or shaming young women for expressing their freedom, choice, and disobedience. This affects trust.

Measures to amend the laws on many impacts, such as rape cases and the implementation of broadly pro-regulations and policies to avoid violence against women, cause a negative impact over the courts' and governments' issues, and are often upheld and frequently exacerbated.

### **Make law enforcement agencies and statutory bodies more accountable to women:**

It is also necessary to properly investigate Pakistan's legislative framework and court system in order to recognize all of the legal and political obstacles that a woman experiences during the justice proceedings. All societal stigmas and challenges must be abolished, and entry to the legal system should be made as easy as possible. Appropriate training should be offered to appropriate authorities in consideration of any basic human rights abuses and limits on women's mobility, and all such events should be recorded, discovered, and processed.

### **Family counseling centers:**

Divorce is despised upon and considered immoral or undesirable in Islam, but it is tolerated in certain conditions. "However, a woman may not want to split but may be looking for an alternative to violence." There need to be family counselling institutions to assist them in finding a suitable solution.

### **Stability of Political System:**

Initiatives aimed at lessening all acts of abuse can only be put into place after the democratic system is stable. Peace and stability is critical for national growth and the implementation of government goals and programs. When the political system is unstable, the development process halts or slows, and all past development projects suffer.

**Alcohol manufactures prohibition:**

Wine production, trafficking, and use should be outlawed in Pakistan because it is an Islamic nation. In Islam, alcohol is completely prohibited. To limit any use of wine and other harmful drugs in the community, the state should seek the help of social organizations and religious leaders, as well as improve law and order.

**Ban on dowry:**

Confidential marriage rituals were made illegal in the country for years, and the influence was seen across the board. Similarly, in many nations, the authorities should abolish large dowry structures and impose a fixed amount of money in compliance with Islamic religious principles, which all civilizations and parts of the globe should obey.

**Reforms to the Law Enforcement:**

Authorities must examine themselves critically and devise a viable approach for eliminating bias at the station level. It is nearly impossible to train an entire army to respond appropriately to women's issues. As a result, a smaller task group with representation from each district should be constituted. This working group should receive frequent training in various skills and values. To ensure the efficiency of any training, a careful supervision plan must be designed and executed to improve the work environment group is performing as intended.

**Assistance provided to Pakistan's Law Academies:**

Pakistani justice institutions should be supported in implementing a judge-centered training on gender equity and violent behavior. Unlike the curriculum, the court system can take the lead in designing an effective method for grading judges based on performance quality rather than numbers. To properly capture gender characteristics in their working lives, all Court employees and collecting data research centers should undergo gender sensitization.

**Pro bono lawyers and legal aid:**

This is crucial in circumstances involving people who cannot afford such care for oneself. Existing legal aid strategies and programs must be rethought in order to be more realistic, approachable to individuals, and provide great care. Countermeasures must also be studied and, if necessary, created.

**Accreditation for concerned government entities:** The content and application of pro-women laws in Pakistan should be taught to rights - holders such as police, attorneys, judges, and officials from associated relevant agencies such as Rural and Regional Management. Furthermore, Judicial Academies, Security Training Centers, and other training institutions like the Provincial Govt Jobs Institution and the Local Authority Institute must strengthen their competence to better grasp Pakistan's pro-women laws.

**Establishment of Women's detective stations:** In order for gender-popularization female officers to properly give medical, legal, and psychological first aid to victims and provide a safe reporting environment, female compliance stations must be set up at county police facilities. Such law enforcement agencies must also be affiliated to other law enforcement agencies, such as female police stations, civil liberties units, and women's surveillance cells.

**Training of modern investigation techniques:**

More digital forensics stations are needed in Pakistan's provinces.

**Strengthen the Role of Prosecution:**

Just before authorities publish the statement referred as a Challan under section 173, the role of the solicitor should be defined so that attorneys can assist detectives in filtering through material and presenting it in court. Furthermore, the proportion of divisional attorneys can be raised to focus on investigations triggered by pro-women measures.

**Proper budget allocation:**

Suitable funding must be allocated to appropriate units in order to appoint district-level security officers, build supervisory authorities and security structures at the local and state level, and activate coordinating mechanisms.

**Social measures:**

Physical violence towards women is a huge societal and family concern. It endangers women's fundamental human rights along with their emotional and spatial well-being. To resolve this complex issue, cooperation in between state and civic society is required. In order to establish policies and programs, both interrelated sectors of culture must be appropriately utilized and activated. Domestic violence and gender inequality are both well-ingrained and persistent norms in Pakistani rural life. These potential methods must be developed with regional and national assistance.

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**Eliminate the hierarchical power framework and male supremacy culture in society:**

We can eliminate domestic abuse against women and the notion of women as second-class citizens by changing our societal customs. Women's misogynist mindsets can be changed, and women can be granted complete rights and independence.

**Engage men to become gender sensitive husband and father:**

Men should learn to care for their wives and daughters. Men should be cautious of their relationships and regard them as equal citizens with equal rights. Girls' rights are routinely ignored by their fathers. Girls should be given same rights and opportunities as boys by their father and brother, and they should be pushed to have equal rights and positions in society. By adopting this path, civilizations may be devoid of familial violence and gender inequality.

**Regulate the role of the local cleric in misinterpreting Islamic doctrines in accordance with social norms:** This mixture of Islamic ideology and social norms must be stopped quickly. It is vital to differentiate between harmful cultural norms and Islamic practices. It is important to give religious interpretations of women's fundamental rights and social status, and the government should supervise how these fundamental rights are interpreted by Islamic authorities, educators, and ulamas (Religious Scholars).

**Support from the community and press outreach initiatives:**

Domestic abuse should be addressed as a state offence, with national to local solutions. When it comes to solving this issue, the media may be quite helpful. State officials should start airing public broadcasting commentary and create a law against marital violence against women and violating women's rights. Women should be shown in the media as equal citizens, leaders, and winners. Men should be included in raising public awareness about marital violence against women and civil dignity.

**Islamic Education for women:** It is the most crucial and efficient item in our lives to prioritise. The first and most critical step toward self-sufficiency is education. It gives women a voice so that they can have more control over their life and be freed of abuse and harassment. Islam is a full life code. Islamic education is a vital component of finding solutions to all problems. In Islam, there is no notion of violence towards women. Some people misuse the term "Islam." In Islam, all genders enjoy equal

rights. It is critical that the married pair and their families are aware of Islamic education, and that both of them perform their role and obligations legitimately, live their lifestyles in an Islamic manner, and exercise power over their extra-ordinary wants.

### **Conferences and lectures to combat violence:**

To raise public knowledge of the issues surrounding eradicating violence against women, workshops and talks should be organized. Deprivation is a fundamental component that lies at the heart of many social issues. First and foremost, societal poverty must be eradicated. By educating people, we may attain financial prosperity in society, which is very helpful in eradicating many social difficulties that lead to tensions, depression, and family problems.

### **Obtaining the cooperation of religious organizations and forming a central council of religious authorities:**

Because Pakistan is primarily an Islamic state, including religious organizations and academics in the conception and implementation of strategies to tackle abuse towards women must always be regarded a viable option. Thus, religious officials can contribute a factor in strengthening greater perception through regular statements in mosques. Furthermore, honour assassination should be eradicated from community, and interpersonal disputes should be settled in suitable ways through conversation and settlement. Religious conceptions of essential privileges for women, such as liberty and impartiality, are demanded at the national level in the country, and the government must evaluate both of these rights. Nevertheless, when developing initiatives for female's basic liberties, all ethnic and religious communities must be included. The government can also assure that the religious committee's important topics are followed by nearly all of the country's residents.

**Opportunities of employment:**

The topic must be recognized at the state scale. Despite the reality, that the Pakistani government is aware of the problem, immediate action is required. Proper educational possibilities both for men and women should indeed be offered at the same levels in all families and communities. The allotment of seats should be gender-balanced, and women should have comparable participation in political party membership, career chances, and safety. More monies should be allocated to the advancement of women in the country.

**Inclusion of women's health programs at all levels:**

The state should make it compulsory for all healthcare institutions in Pakistan to provide proper surveillance of all types of family abuse and rape. Adequate emergency care, as well as therapeutic measures, should be provided. Domestic violence, its causes, alternative therapies, and preventative strategies should all be made available to all health care practitioners. Likewise, crisis centers should include qualified urgent care specialists who can manage any condition. All services ought to be readily available to all women in every environment around the world.

**Awareness programs:** Men and women should be included in awareness campaigns. This is possible with the assistance of experienced individuals such as doctors, and psychotherapists who work both with official and non-government groups (NGOs). This could be easily accomplished by explicitly or implicitly instruction. Direct tactics include one-on-one training, counselling, and public outreach. Indirect approaches include media, booklets, role - playing, theatrical, and conversational shows.

**Women's social and economic independence and proper law enforcement:**

The rules that govern women's rights must be properly followed. To prohibit and supervise important parts of domestic violence and to preserve experiences of the participants and integrity, defense advisor and assistance should be offered in a reasonable timeframe. Women in Pakistan can be economically and socially motivated by enhancing their access to state protection and consistency net resources, as well as technical training and work prospects. This will strengthen their claim for compensation.



## Conclusion

**Sura 9 Ayat 71:** “The Believers, men and women, are protectors one of another: they enjoin what is just and forbid what is evil: they observe regular prayers, practice regular charity, and obey Allah and His Messenger. On them will Allah pour His mercy: for Allah is exalted in power, Wise?”

It is disheartening to see that in a country founded on Islam, intellectual and Qur’anic concepts are routinely overlooked and misinterpreted, specifically when it comes to the position of women. Remarkably, the societal issues that Prophet Muhammad (Peace be upon him) dealt with during his lifetime are deeply engrained in Pakistani culture. Women are shunned and punished, according to so-called religious protectors. It is imperative that the present habit of supporting abuse in the guise of Religion be discontinued.

As a consequence, I concluded that frequent education and induction programs to teach women about their rights are essential in such a situation. Furthermore, current laws must be reviewed. More particularly, competent law enforcement is vital in sustaining a prosperous and secure environment for women's development in Pakistan's traditional society. A women's legal aid centre is also required at the federal and subnational levels. The main difficulty in Pakistan is that religious ideology is still not able to eradicate the country's awful and un-Islamic socioeconomic inequalities despite millennia of effort. Ethnic, regional, and local iconography has consequently grown more popular and practical than Islam. Jaliyah's horrific crimes are still being committed throughout Pakistan. Nonetheless, religious monks and preachers have been divinely compelled in the context of Islam to promote "ordinarily limitations." Furthermore, when women are mistakenly encouraged from infancy not to "question the scriptures," mass confusion and paranoia combine to violence against women.

They not only understand about their basic protections, but also about the "true fundamentals of Islam. As a result, evaluating the condition of women in Pakistan reveals that perhaps the nation is bound amid restricted norms and adopted inventiveness. Due to a lack of awareness, the belief has absorbed and is propagating the land's "non-Islamic" habits. Pakistan, on either hand, has been forced to upgrade, as has any more post-colonial state, but the nation has not fundamentally transformed. As a result, the ongoing rivalry between the two has a significant impact on the female populace.

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