



RESEARCH PAPER

The Ramifications of Sharia Violations on the Rights of Women and Children in Pakistan

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ABSTRACT

This study is conducted to analyse the Rights of women and children and how important they are to live in Pakistan. The given rights to children and women according to the Sharia principles are violated nowadays in Pakistan, and it has a deep impact on individuals. This study compares the rights of women and children provided by three different religions (Islam, Hinduism, and Christianity). Every religion has its way of guiding its people about worshipping methods and different aspects of life. However, every religion contains a common subject of Rights. Islam and Hinduism have acknowledged the equality of mankind irrespective of their social status and gender as far as their rights are concerned. For this study, secondary qualitative data is used by conducting in-depth interviews of the different religious participants, including opinionated personalities, civil society activists, human and feminine rights groups, eminent lawyers, and judges to draw the recommendations will also be included. In this respect inferences from other Islamic country's experiments shall also be included along with the in-depth thematic analysis of the current issues faced by the children and women of different religions. Every religion has some points which are not in favor of equal rights for women and children. It should be looked after with complete concentration and make sure that the people are providing rights to women and children. Future research must be taken to enlighten further aspects of rights which are still not fulfilling, and people are getting violated because of aspects other than gender and age.

KEYWORDS Christianity, Gender equality, Hinduism, Islam, Religious law, Women's Rights

Introduction

The world is a diverse place with thousands of different populations living in it. Among these populations are people with different religions, cultures, beliefs, and thoughts. About 33 principle world religions have been practiced (Chidester, 2018). Every religion has its way of guiding its people about worshipping methods and different aspects of life.

As mentioned in the Quran, Surat-ul-Hajj:77;

"O you who have faith! Bow down and prostrate yourselves, and worship your Lord, and do good, so that you may be felicitous."

In the Bible, it is also said that Galatians 5:13-14;

"For you were called to freedom, brothers. Only do not use your freedom as an opportunity for the flesh, but through love serve one another. For the whole law is fulfilled in one word: "You shall love your neighbour as yourself."

Worshipping according to Bhagwat-Gita, Chapter 6, Verse 47 is (VivekaVani, 2021);

"Even among yogis, he who worships Me with mind fixed in Me, full of faith, is deemed by me to be the most devout."

However, every religion contains a common subject of Rights. Different religions have their specific methods of providing and protecting the rights of believers. This topic mainly includes the rights of Allah and other Worshipping bodies and the rights of worshippers. Among these rights, there is also an inclusion of the rights of fellow beings. These rights also have a place given to the woman believers and the children.

As in Quran, Surah-ul-Hujraat: 11;

"O you who have believed, let not a people ridicule [other] people; perhaps they may be better than them; nor let women ridicule [other] women; perhaps they may be better than them. And do not insult one another and do not call each other by [offensive] nicknames. Wretched is the name of disobedience after [one's] faith. And whoever does not repent - then it is those who are the wrongdoers."

According to Bible Galatians 3:28;

"There is neither Jew nor Greek, there is neither slave[a] nor free, there is no male and female, for you are all one in Christ Jesus."

The choice of this topic is based on the concern that it is becoming a game for people to violate the rights and respect of other individuals. The main victims of this violation of rights are women and children, as these two human beings are weaker than the others. The violation of the right to respect, the right to safeguard, the right to education, and the right to heritage kept on increasing.

This study focuses on addressing the problem and disruption of peace and society due to the practice of these violations. This problem is an extensive overview so that the rights of women and children can be protected.

Pakistan came into being to practice Islam and to provide rights to every individual living in the state. The constitution of Pakistan ensures that the rights of every individual, whether a minority or a majority, should be protected and provided, especially for women and children.

As written in the Constitution of Pakistan (Constitution of Pakistan, 1973);

" The State shall safeguard the legitimate rights and interests of minorities, including their due representation in the Federal and Provincial services."

But nowadays, women and children are becoming the victims of violation of their rights. Woman and children are not given their rights in heritage, rights of choosing their life partner, rights of education as mentioned in Islam, Christianity and other religions and as declared in the constitution of Pakistan.

Literature Review

Women and throughout religious history have always faced social and cultural barriers. A woman was under the rule of a man, who had the power to trade or even kill

her. A woman had no right to choose her husband. Women used to be tolerated Polygamy, inhumane behaviour, and divorce, and most relationships were illegal. Unfortunately, most religions have not tried to clear the way for women to participate in society.

Women and Children's Rights in Judaism

Among Jews, women are considered part of their father's inheritance (Haque et al., 2020). The birth of a son brings celebration and joy, but the birth of a daughter brings sadness. Judaism was distorted after Moses (PBUHs). Eve's creation is believed to have been created from Adam's left rib, and he was deceived by the devil, and being kicked out of paradise was also blamed on Eve as a woman. In Judaism, women are more sinful and polluting than the impurity of men, and, in some cases, her impurity is part of Judaism's religious text. Jews never considered women equal to men in the Worship of God, happiness in the afterlife, rewards for good deeds, etc (Setzer, 2021). In Judaism, boys say this in prayer: "God, we thank you for you did not create us heathens and women" Moreover, child rights in Jewish law obligates parents to provide for their children's day-to-day care and their physical and mental health and also includes the responsibility to provide them with education, trade, and self-preservation skills. Judaism thus sets norms not only for the relationship between parents and children but also for society's relationship with its children, especially those who do not enjoy parental protection, providing them with food, clothing, health, and education, as well as providing for them as they mature A means to get later married and start a family.

Women and Children's Rights in Christianity

In some societies, women were deprived of the right to an independent life, and their lives depended on their husbands' lives, so they had no right to live after the death of their husbands. As in many advanced societies of the past and present, women had no right to own their property (Mokhtaripour, 2012). Furthermore, Christianity grants children a right to life. To a name, social identity and the care and concern of both parents; on education, health care, recreation, rest and play; opinion, thought, on freedom of association, freedom from neglect or negligent treatment, and conscience and religion; from physical and sexual abuse (Bunge, 2001).

Women and Child Rights in Hinduism

According to Hinduism, Brahman created women in an imaginative sense of duality to provide for men's careers and to support fertility, progeny, and family relationships (Leslie, 1992). If we study ancient history, we will find that women held the highest religious and social roles during the Vedic era. On the other hand, according to tradition, women have very little independence. She is a dependent individual in a family dominated by male members. Moreover, In 1955, four different statutes, typically known as the Hindu Code Act, granted rights and privileges to Hindu women. The Act brought about fundamental reforms in Hindu marriage practices. It provides provisions for Hindu marriages and their registration. Section 5 discusses the essentials of Hindu marriage, Section 6 discusses the rituals, and Section 8 discusses marriage registration. The concept of the Hindu marriage is completely sacred, and the marital relationship is unbreakable. Even the death of the husband cannot free the wife from the bondage of marriage. The bill, while preserving the sacred nature of marriage, also gives women privileges and massive relief that they have historically been denied (Menski & Solanki, 2019).

Along with this child rights in Hinduism say, according to Hindu law, a marriage is considered valid if it fulfils all the conditions specified in Section 7 and Section 5 of the Hindu Marriage Act, 1955, 18. Only children born of such a valid marriage were considered legitimate. If the conditions specified in Section 5 of the Act are not fulfilled, the resulting marriage may be void or voidable under Sections 11 and 12 of the Act (Singh, 2021). Moreover, in Inheritance rights, children born out of marriage have no right to inherit from their father. However, under the Hindu Succession Act, children born out of wedlock are considered to be illegitimately related to their mother and each other.

In contrast, their legal descendants are considered to be legally related to them and each other, so Mutual inheritance is possible under the Act. Children born out of marriage can inherit property from their mother or an illegitimate brother or sister (uterine descent). Mothers can also inherit property from children born out of marriage. The father has no right to inherit the property of a child born out of marriage (Nair, 2023).

Women and Child Rights in Islam

Islam is the first religion in the world among other religions to accept and grant women all the rights that men have enjoyed. Islam has freed women from slavery, equal treatment was given to them and as human beings acknowledged their individuality. By instituting rights of inheritance, land, schooling, possession, marriage and divorce, Islam enhanced the status of women (Stack, 2020). The Quran has issued an extreme argument for their responsibilities that the rights of men and women are equal. It made an open announcement of gender equality (Muzaffar, et. al. 2017; Mir-Hosseini, 2019). Islam is the first religion in the world to accept and give women all the rights enjoyed by men. Islam liberates women from slavery, treats them as equals and recognises their individuality as human beings. Islam enhanced the status of women by establishing rights to possession, education, land, inheritance, marriage and divorce (Minnie, 2022). The Quran has made the radical argument that the rights of men and women are equal to their responsibilities. It publicly declares the status of women. Along with this, Between Muslims marriage is not a sacrament but a civil arrangement solemnised by the recitation of some Quranic verses (Muzaffar, et. Al. 2018; Black, Esmaeili & Hosen, 2013).

Islam gives equal rights to men and women. Both spouses are equivalently dependent; to live in harmony with each other they are created. As the Holy Quran says, HE created you from a single soul. Quran Surah Az-Zumar (39:6). Islamic law respects women and provides them with an equal role as active members of society and autonomous. Even after marriage, a Muslim wife preserves her unique personality; Islam respects women and gives them dignity. Thus, marriage as a civil contract gives wives additional rights under Sharia law, in addition to the rights they already have, such as the right to preservation in keeping with her status, and if the husband keeps more than one wife, the right to be treated equally and fairly. In the Holy Quran, parents give their children the right to inherit, women have the right to inherit their husbands, and mothers have the right to inherit their children. The Holy Prophet protected women by creating rights of property, ownership, and inheritance. By granting women inheritance rights, Islam changed the status of women in unexpected ways. Moreover, child rights In Islam say that children have the right to food, clothing and protection until they reach adulthood, children must be respected by their parents in order to enjoy their parents' love and affection, children have the right to be treated equally with their brothers and sisters with regard to financial gifts, children have the right not to be coerced by stepparents or biological parents, children have the right to education. Parents are advised to provide adequate funds for their children to inherit (Islam, 2015)

Material and Methods

This study is structured using Saunders's onion model approach. The research onion approach is a descriptive tactic consisting of several onion layers, each of which has a thorough description of the procedures and methodologies used in this investigation (Sanda, Anigbogu & Molwus, 2016). The subsequent sections provide an explanation and justification for the methods used to assess the study's hypothesis.

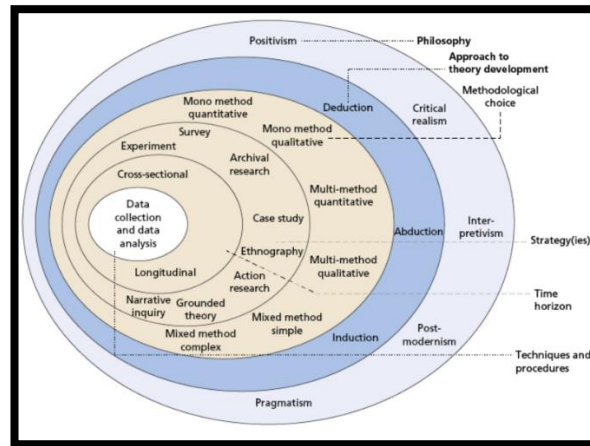


Figure 1 Saunders' Research Onion

Research Philosophy and Approach

The term research philosophy refers to a system of collecting data and analysing it according to the phenomenon. It is associated with the beliefs, assumptions, or principles that underlie the development or the nature of knowledge. The data collection and analysis of this research were based on interviews by a secondary approach, which includes the interpretivism method and inductive approach to acknowledge health and safety risks in industries effectively (Khan et al., 2021). The inductive approach refers to the health and social study area and follows the most persistent and commanding codes to confront the zone of analysis. Significant authors' findings and results of qualitative data in articles and review papers to explain the procedures classify as an 'Inductive Approach' (Pearse, 2019). The inductive approach is also called inductive reasoning. It is a process that is based on observational results and findings. Inductive reasoning is accordant with experience.

Inductive does not follow the structure of the hypothesis and presumptions of the research, and the researcher is on the loose to adjust the recorded data according to the needs (Sibeoni et al., 2020). The important factor of inductive research is that it's totally based on research inquiry and study purpose, and it does not set aside the assumptions of individuals when drawing the questionnaires. In addition, this technique interprets the findings with a focus on configuration regarding a theory. However, the inductive approach allows the researcher to collect data from recorded postulations to inspect more research questions (Timmermans & Tavory, 2022). On the other hand, interpretivism refers to social, cultural, and demographic standards and beliefs that are used to study qualitative data related to human psychology. Interpretivism is connected to assurance and analytical findings that are used in collaboration with different approaches, such as Constitutional.

Data Collection Method

The term "data collecting method" refers to the process utilised to gather information about the research or necessary topic. The data-gathering strategy is based on the characteristics that are allocated to the statistics collection for the research aims (Mazhar et al., 2021). Qualitative research designs are the main focus of experimental research designs. On the other hand, qualitative methods convey people's gender, race, and colour while collecting extensive data via focus groups, observational research, and interviews. Theta type is composed of behavioural and natural inclinations (Song et al., 2020). Videos, quotes, and reviews are used to display the data. Interviews were used in this study to gather data, with a primary emphasis on qualitative research design.

This research was a unique study of its kind in Pakistan, which required extensive research and consultations with experts from civil society:

- Opinionated personalities
- Human and Feminine rights groups
- Eminent lawyers
- Media Representatives
- Judges

A half-day consultation meeting with the Technical Advisory Panel was held to create a set of definitions and quantifiable indicators for the research. Their input was considered while drafting the interview, considering their comments and conversations with the Advisory Panel. Five in-depth interviews with the knowledge carriers in the selected districts confirmed the qualitative insights obtained from the focus group discussions.

Data Analysis Method

The qualitative information gathered from the in-depth interviews will be subjected to the theme analysis method. The investigation's objective of developing a hypothesis in light of the results is supported by the inductive kind of analysis known as thematic analysis, which looks for themes in fresh data (Morgan & Nica, 2020). Any prior research did not support the idea; thus, the researcher chose to use theme analysis. The investigator stressed how flexible doing a thorough literature review and qualitative inquiry may be. By enabling researchers to alter the data analysis methodology to achieve their objectives, the thematic analysis provides process flexibility (Braun & Clarke, 2022; Morgan & Nica, 2020). The analysis of the qualitative data has a major impact on the study's conclusion. Using theme analysis, as this research does, is the most effective approach to quantify the impact of Sharia principles being violated in Pakistan, which leads to the denial of women's and children's rights within the communities of Islam, Christianity, and Hinduism. The researcher will use the thematic analysis approach, which comprises contrasting and comparing the opinions, assertions, and reflections of the meta-analysis to find the themes in the data (Lester, Cho & Lochmiller, 2020). A theme is an interpretation of the direct conceptions and observations that create the paradigm of the facts or the indirect element of an event. A subject offers a structure for evaluating and comprehending the information gathered (Altaweel, Mukkath & Kamel, 2023).

This type of study is important for women and children to empower their rights and their laws as per the laws set by their respective religions. In-depth interviews of opinionated personalities, civil society activists, human and feminine rights groups, and eminent lawyers and judges based on their religion can help give recommendations according to their religion. In this respect, inferences from religions shall also include a perfect in-depth thematic analysis of the existing laws in Pakistan and their impact on violation based on the respective religions.

Results and Discussion

The following chapter herein comprehensively presents and discusses the research findings. The results are based on the methods described earlier in Chapter 3: "Methodology" of this dissertation. The qualitative findings presented and discussed within this chapter relate to investigating the impact of violating the rights of women and children in Pakistan based on religion. The systematic review was conducted using the thematic analytical method discussed in this section. Details regarding the selection process have been discussed. Moreover, the thematic analysis results have also been discussed, and the data collected via peer-reviewed secondary sources have been evaluated.

The search/surveying for study selections utilised an appropriate keyword search strategy (Mazhar et al., 2021). The researcher employed a broadened and high-impact term search to identify as many possible studies that fit the eligibility criteria as possible. Using the above string, the researcher extracted different suitable literature materials for the systematic study. Thematic analysis used in this study and the search strategy involved in the collection of literature is from three reputed databases: Web of Science (WoS), Scopus, and Google Scholar. The use of these databases is popular among academics and researchers.

Themes of the study

Theme 1: The Rights of Women and Children in Different Religions:

Islam, Christianity, and Hinduism advocate women's protection due to their innate compassion and the duties they bear. Islamic law does not prohibit women from acquiring any property or from inheriting from their husbands and parents. Nevertheless, it was discovered that because males are expected to take on more duties, including those of their wives, the allocation of property in Muslim households seems to be uneven and skewed in favour of the male child.

Participant 1 (Islam) is saying:

"As per the Quran, I have my rights to retain after marriage and to get a share of my father's property. I am entitled to every security and provision by my father, and no one can take that away from me as these rights are given to every woman by Almighty Allah."

Thus, a further twist to the debate over (biased) Islamic inheritance rules is that males are entitled to a larger portion due to their family obligations. A Muslim lady may also use her own money to buy any property. However, Christianity does not specifically address women's property rights, with the exception of a few cases in which women were allowed to sell their late husband's property or inherit their father's share of the allocated land.

As per Participant 2 (Christian):

"I cannot do anything if my brother takes my share of the property because the father told me that I had to keep silent, according to the guidance of the Bible."

"let a woman learn in silence with all submissiveness. I permit no woman to teach or to have authority over men; she is to keep silent." (Chapter 1 Timothy 2:12)

Therefore, religion does not justify discrimination against women and has no bearing on issues pertaining to their property rights. Patriarchal standards are the cause of the pervasive discrimination against women's property rights in Pakistan (Minnie, 2022). The primary finding of this study is that religious doctrine is often culturally construed to conform to societal norms toward women. The belief that men and women are of equal merit is widely accepted in many contemporary Hindu societies. It is thus possible for a Hindu woman to decide to work and wind up becoming the household income earner. Most significantly, in Hinduism, mothers are and have always been regarded as the most precious and respected individuals.

As per participant 3 (Hindu):

"our religion teaches us to be equal with men, and we have all the rights to divine attendance, bias and discrimination against anyone who violates my rights."

Theme 2: Impacts that occurred by the violation of these rights after colourisations

The more these rights are violated, the more often colourisation occurs. Children's rights are seldom completely safeguarded, despite the fact that Pakistani law adheres to the principles and recommendations of the United Nations Convention on the Rights of the Child. Although regulations have been approved in every province in Pakistan, they still need to be properly implemented, and there have been cases of individuals disobeying the law. The laws still need to be appropriately applied even after they have been approved. The younger age group comprises fifty per cent of the population (15 years old).

As per Participant 4 (Islam):

"Everyone is nowadays criticising us about the hijab we wear and the about the clothing of abaya we feel secure with it, but despite this clothing, we are not able to save ourselves from the evil eyes of people around us."

Given the circumstances, Pakistan's government must treat this matter seriously enough to safeguard the interests of these youngsters. Together, the interim administration and the federal government had to create policies that would benefit every province. It was essential to achieving the policy-making objective.

As per Participant 5 (Christian):

"I have my right to get legitimacy and a good name. and I also have a right to complete health care as I am not able to earn for myself, but my parents are too old to support my education and my healthcare, so I have to earn for myself."

A mechanism for overseeing and adjusting such a framework must be established, along with making sure that all laws pertinent to children's rights are appropriately applied. Installing both systems together is the best option.

Theme 3: the rights of women and children given in Islam with the other religions

Islam stands apart from other faiths in that it takes a unique stance on the rights of both men and women in the household. Certain rights, obligations, and penalties are seen to be more appropriate for males, whereas other aspects are considered to be more suitable for women. Men and women must respect one another's human dignity and acknowledge that they have equal rights before there can be any legal preference or advantage. Alternatively, it mandates that there be a division of labour or other duties at work, as well as that men and women have equal and comparable rights. It should be understood that men and women should be treated equally in terms of their human rights, human dignity, and interpersonal relationships. What about equivalent rights, though? Islam has undoubtedly never granted males more rights than women, but it has also never established equality between the sexes. Islam has upheld the equality of men and women as fellow humans. Not the equality of men and women but the comparability of their rights is what Islam rejects. Although there is no denying that men and women vary from one another in terms of their natural formation, this difference does not make one of them superior to the other. Islam treats the rights of women in the same way as it does those of men. Islam maintains that men and women must not be the same in many aspects since one is a woman and the other is a man. Since they were not intended to be the same, the rules of nature and creation do not provide them the same privileges, obligations, or penalties.

Discussion

As per the conducted study, it is concluded that many women in Pakistan are unaware of their rights according to their religions; the only way a woman can have equality and pleasure with men is to take away their equality rights and provide men rights based on their numbers as well as rights commensurate to her own. A woman may achieve a level of happiness that matches or surpasses a man's only in this manner when genuine closeness and oneness are formed between a man and a woman. Even while religious principles safeguard women's rights to own, use, and inherit property, cultural standards nonetheless subject them to discrimination in Pakistan. Because of their honesty and purity, women will have equal privileges to men, if not greater ones. To the degree that nature has put men and women in distinct conditions, everyone has separate rights; this is more suited for justice and natural rights; it also improves family happiness and effectively advances society.

This research is focused on the rights of women and children that are provided in Islam and its comparison between the rights provided to them in religions other than Islam. From the literature review, it can be clearly seen that women are considered weaker beings, and others have easily violated the rights of women in other religions. Moreover, if there is a birth of a girl in other religions, it is considered a shame for them, which is also a violation of children. But when Islam came, it prohibited every Act of violation and provided respect and equal rights to women and children. And proposed strict punishes on the persons that cross these lines.

Conclusion

This research provides detailed briefings about the rights provided to women and children in Islam and compares these rights with those provided in other religions. To conclude, Pakistan is a Muslim state, and the points in the constitution of Pakistan are also suggested according to Islam. And in Islam, the rights of women and children are equally protected as that of other rights. Islam gives equal protection and rights to

women and children as compared to other religions. As in other religions, some points are not in favour of equal rights for women and children. It should be looked after with complete concentration and make sure that the people are providing rights to women and children. If not, the violating acts should be complained to the human rights authorities, and the authorities should take strict legal actions to safeguard these rights.

Recommendations

Future research must be taken to enlighten further aspects of rights which are still not fulfilling, and people are getting violated because of aspects other than gender and age. These things still need strict follow up and strict watch so that the country will become peaceful and prosper.

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