

Legal And Islamic Approach Towards Women's Status And Empowerment Analytical Study Of Pakistani Society

Dr. Sardar Ali¹, Dr. Muhammad Ismail², Dr. Muhammad Baqar Khan Khakwani³,
Dr. Muhammad Nasir Mahmood⁴, Dr. Nabeela Falak⁵,
Dr. Mazhar Hussain⁶

¹Assistant Professor, Islamic Studies, Qurtuba University of Science and Information Technology, Peshawar, KPK, Pakistan

²Assistant Professor, Islamic Studies, Qurtuba University of Science and Information Technology, Peshawar, KPK, Pakistan

³Ex-Dean, Faculty of Arabic and Islamic Studies, Allama Iqbal Open University, Islamabad, Pakistan

⁴Assistant Professor, the University of Punjab, Hailey College, Lahore, Pakistan

⁵Assistant Professor, HOD, Islamic Studies Department, University of Lahore, Sargodha Campus, Pakistan

⁶Assistant Professor, Islamic Studies, University of Narowal

Abstract

This research study explores the complex dynamics between legal and Islamic frameworks in relation to the position and empowerment of women in Pakistani society. This study aims to provide a thorough examination of the legislative framework and teachings of Islam, in order to elucidate the points of convergence, divergence, and obstacles encountered in the pursuit of gender equality and the empowerment of women. This analysis focuses on the legal framework, encompassing legislation and constitutional provisions, which are designed to protect the rights of women, combat gender-based violence, and foster equal opportunity. Simultaneously, the examination of Quranic verses, the Charter of Madinah, and the final speech of Prophet Muhammad ﷺ provides an in-depth analysis of the Islamic viewpoint, which serves as a foundation for the recognition of women's rights and their inherent dignity within societal matters. This study provides a critical evaluation of the intersection and potential divergence between these two approaches in their endeavors to strengthen the social, economic, political, and familial responsibilities of women.

The study explores key elements including women's education, economic engagement, political participation, and family rights, examining the intricate relationship between legal requirements and Islamic principles. Furthermore, the article delves into the many societal obstacles that consistently hinder the achievement of women's empowerment in both paradigms. Through the examination of these difficulties, the research underscores the significance of tackling ingrained patriarchal norms and promoting educational and awareness programs that bring about transformative change. In conclusion, this study highlights the importance of integrating legal and Islamic perspectives in order to foster a more inclusive and empowered future for women in Pakistan. Achieving this goal necessitates a cohesive combination of legal reforms, religious interpretations, and cultural shifts to dismantle obstacles and advance gender equality.

Keywords: Women status, Women empowerment, Status of Women in Islam, Legal status of Women, Pakistani Society.

Introduction

The status and empowerment of women in Pakistani culture are shaped by a complex interaction of tradition, law, religion, and cultural norms. Despite efforts made through legal reforms to ensure gender equality and provide women with rights and protections, the implementation of these reforms continues to face obstacles due to deeply entrenched patriarchal systems and a lack of widespread awareness (Chaudhry, Nosheen, & Lodhi, 2012). The teachings of Islam serve as a crucial basis, promoting the principles of women's dignity, education, and economic empowerment. Nevertheless, there is a range of interpretations that exert an influence on gender roles and societal attitudes. Attaining genuine empowerment necessitates a comprehensive strategy that integrates legislative advancements, religious tenets, and transformative education in order to deconstruct obstacles, question prejudices, and cultivate a society that embraces inclusivity, enabling women to prosper and make substantial contributions (Abrar-ul-Haq).

The legislative framework pertaining to the status and empowerment of women in Pakistani society is characterized by a comprehensive effort to address longstanding gender inequalities. The Pakistani constitution ensures the provision of fundamental rights to all individuals, regardless of their gender, hence establishing a legal structure that endeavors to promote gender equality. The legal framework, while indispensable, functions within the confines of a profoundly ingrained patriarchal social system and requires supplementary endeavors in the realms of education, consciousness-raising, and cultural change (Weiss, 2003).

The Islamic perspective about the status and empowerment of women in Pakistani culture is firmly grounded in the teachings of Islam, which prioritise the recognition and honor of women. Islam bestows to women a range of entitlements throughout several spheres of existence, encompassing education, employment, ownership, and engagement in public matters. The Quran promotes the pursuit of knowledge among women and portrays them as equal participants in matters of faith. Throughout history, certain interpretations of Islamic teachings have been characterised by a restricting nature (Chaudhary, Chani, & Pervaiz, 2012). However, in modern times, scholars and activists are actively engaged in a process of reassessment, seeking to shed light on the progressive and liberating dimensions inherent within these teachings. The illustration of Prophet Muhammad's ﷺ engagements with women, exemplifying reverence, consultation, and empowerment, serves as an archetype for gender dynamics. The task of reconciling conventional interpretations with progressive understandings of women's rights within the framework of Islamic teachings continues to be a significant endeavor in advancing the position and empowerment of women in Pakistani society (Critelli, 2010).

The discourse and advancement of women's status and empowerment have been enduring topics of discussion and evolution within Pakistani society. This article examines the legal framework and Islamic values that govern the lives of women, analyzing the ways in which these elements interact and influence one another.

The legal framework concerning the status and empowerment of women in Pakistani society:

The legal perspective on the status and empowerment of women in Pakistani society is closely intertwined with the constitutional framework established in 1973. This framework serves as a strong basis for promoting gender equality. Article 25 of the Constitution explicitly ensures equal rights for all individuals, irrespective of their gender, so creating a foundation for legislation modifications aimed at improving the societal standing of women. Following this, the Women's Protection Act of 2006 was implemented with the objective of reconciling customary practices with constitutional norms (Nawaz, Koser, & Shabbir, 2021). The aforementioned legislation aimed to amend antiquated statutes pertaining to sexual assault and acts of violence committed in the name of preserving honor, in order to bring them in line with constitutional safeguards and international obligations concerning the protection of human rights. This initiative exemplified a notable advancement in the efforts to combat gender-based violence and promote gender justice for women.

The legal framework for promoting women's empowerment also includes legislation that seeks to cultivate more secure work conditions. The enactment of the Protection of Women Against Harassment at Workplace Act 2010 recognized the urgent necessity to address the issue of workplace harassment. Consequently, this legislation mandates that organizations must form committees dedicated to addressing and resolving instances of harassment. The primary objective of this Act was to establish a conducive climate that would enable women to actively engage in their professional pursuits, free from all forms of discrimination or harassment (Waseem, Muneer, Hoor-Ul-Ain, Tariq, & Minhas, 2020). Moreover, the Acid Control and Acid Crime Prevention Act of 2011 was enacted as a direct response to the abhorrent act of acid attacks. The legislation implemented severe penalties for offenders and established channels for victims to pursue legal recourse and rehabilitation. The aforementioned bills signify a legal endeavor to demolish systemic obstacles that impede the advancement of women and safeguard them against acts of violence (Syed, 2008).

In addition, the legal framework also incorporates amendments pertaining to family and personal legislation. The implementation of the Punjab Marriage Restraint (Amendment) Act 2015 resulted in an increase in the

minimum age for marriage among girls, so bringing it in line with global norms. This legislative amendment underscores the significance of education and emotional development prior to entering into matrimony. These changes recognize the necessity of protecting the rights of adolescent females from coerced marriages and premature pregnancies. The commitment was further strengthened by the enactment of the Child Marriage Restraint (Amendment) Act 2018 at the federal level (Ahmed, 2009).

Therefore, the legal framework pertaining to the status and empowerment of women in Pakistani society, as outlined by the Constitution of 1973 and subsequent legislative measures, exemplifies the nation's dedication to promoting gender equality and ensuring fairness. The aforementioned law amendments represent a significant and transformative change aimed at facilitating women's empowerment by granting them opportunities to exercise their rights, partake in economic endeavors, and actively contribute to the public sphere. Nevertheless, there are still obstacles in the execution process and cultural opposition that persist, underscoring the significance of continuous endeavors to narrow the divide between legislative measures and societal change (Shah, 2006).

The Islamic Perspective on the Status and Empowerment of Women in Pakistani Society:

The Islamic perspective on the status and empowerment of women in Pakistani culture is derived from the teachings of the Quran, which highlight the inherent dignity and equal spiritual value of every human, regardless of their gender. The teachings of the Quran refute the idea of gender hierarchy and advocate for the principles of mutual respect and partnership amongst individuals of all genders (Yilmaz, 2011). The significance of Quranic verse 33:35 lies in its emphasis on the equal distribution of rewards among individuals, regardless of gender, who demonstrate their submission to God, faith, and engagement in virtuous actions. This verse serves to underscore the fundamental principle of equity within the Islamic faith.

Surely 'for' Muslim men and women, believing men and women, devout men and women, truthful men and women, patient men and women, humble men and women, charitable men and women, fasting men and women, men and women who guard their chastity, and

men and women who remember Allah often—for 'all of' them Allah has prepared forgiveness and a great reward. (Al-Quran, 33:35)

The Charter of Madinah (Sahifah) serves as a notable illustration of Islam's strong emphasis on the principles of unity and justice. The charter, formulated by Prophet Muhammad ﷺ subsequent to his relocation to Madinah, served to establish a covenant among Muslims, Jews, and several other communities, therefore confirming their collective entitlements and obligations. The document especially pertained to the rights of women, emphasising their legal status and safeguarding within the framework of Islamic administration. The incorporation of inclusivity and acknowledgment of women's rights within the Charter of Madinah established the foundation for a society that is equitable and enables women to exercise their agency (Ashraf, Abrar-ul-Haq, & Ashraf, 2017).

The final speech delivered by Prophet Muhammad ﷺ effectively articulated fundamental ideas of the Islamic faith, which encompassed the concepts of gender equality and the rights of women. In the present valedictory discourse, the speaker placed significant emphasis on the equitable entitlements and inherent dignity of all adherents, asserting that no individual possesses a position of superiority over others on the grounds of gender or ethnicity. The concept of global brotherhood and sisterhood espoused in Islam aligns with its strategy to fostering women's empowerment, which involves questioning patriarchal standards and advocating for justice (Weiss, 1999).

Islamic history provides other instances of women's empowerment. The life of Hazrat Khadijah, the wife of the Prophet Muhammad ﷺ and a prominent figure in early Islamic history, serves as a notable illustration of the Islamic society's endorsement of women's active involvement in economic pursuits. Hazrat Aisha, a notable individual, has scholarly attributes and played a substantial role in the dissemination of the teachings of the Prophet Muhammad ﷺ. These illustrations underscore the significance of education and the active involvement of women across diverse domains of society (Ahmad, Batool, & Dziegielewski, 2016).

Islamic traditions also emphasise the entitlement of women to inherit. The Quranic passage 4:7-11 delineates a systematic methodology for the distribution of inheritance, with the aim of guaranteeing equitable proportions for women.

For men there is a share in what their parents and close relatives leave, and for women there is a share in what their parents and close relatives leave—whether it is little or much. 'These are' obligatory shares (7). If 'non-inheriting' relatives, orphans, or the needy are present at the time of distribution, offer them a 'small' provision from it and speak to them kindly (8). Let the guardians be as concerned 'for the orphans' as they would if they were to 'die and' leave 'their own' helpless children behind. So let them be mindful of Allah and speak equitably (9). Indeed, those who unjustly consume orphans' wealth 'in fact' consume nothing but fire into their bellies. And they will be burned in a blazing Hell!(10) Allah commands you regarding your children: the share of the male will be twice that of the female. If you leave only two 'or more' females, their share is two-thirds of the estate. But if there is only one female, her share will be one-half. Each parent is entitled to one-sixth if you leave offspring. But if you are childless and your parents are the only heirs, then your mother will receive one-third. But if you leave siblings, then your mother will receive one-sixth—after the fulfilment of bequests and debts. 'Be fair to' your parents and children, as you do not 'fully' know who is more beneficial to you. 'This is' an obligation from Allah. Surely Allah is All-Knowing, All-Wise. (11) (Al-Quran, 4:7-11)

The aforementioned Quranic directive serves to foster economic autonomy and stability among women, while challenging prevailing societal prejudices.

The Islamic perspective recognises and affirms the autonomy of women in topics pertaining to consent and decision-making. Verses 2:221 and 4:32 of the Quran underscore the need for mutual agreement within the context of marriage engagements and partnerships.

Do not marry polytheistic women until they believe; for a believing slave-woman is better than a free polytheist, even though she may look pleasant to you. And do not marry your women to polytheistic men until they believe, for a believing slave-man is better than a free polytheist, even

though he may look pleasant to you. They invite 'you' to the Fire while Allah invites 'you' to Paradise and forgiveness by His grace. He makes His revelations clear to the people so perhaps they will be mindful. (Al-Quran, 2:221)

And do not crave what Allah has given some of you over others. Men will be rewarded according to their deeds and women 'equally' according to theirs. Rather, ask Allah for His bounties. Surely Allah has 'perfect' knowledge of all things. (Al-Quran, 4:32)

This highlights the need to demonstrate respect and ensure equitable involvement in the process of decision-making.

While Islamic teachings promote the concept of gender parity, the understanding and application of these teachings might differ among individuals and communities. Certain conservative interpretations have resulted in the implementation of gender-specific limitations, which stand in opposition to the initial ideas of empowerment. The ongoing process of reclaiming the progressive essence of Islamic teachings is supported by numerous scholars and activists who advocate for an interpretation that promotes equality and corresponds with the spirit of the Quran (Abbas, Isaac, Zia, Zakar, & Fischer, 2021).

The challenge of integrating Islamic ideals with cultural practises persists within the framework of Pakistani society. Achieving a harmonious equilibrium between conventional readings and a modern comprehension that supports the empowerment of women is of utmost importance in cultivating a societal environment wherein women are able to actively engage, make valuable contributions, and prosper.

Convergence and divergence on legal and Islamic status of Women:

The Legal and Islamic perspectives on women's status and empowerment in Pakistani society exhibit both similarities and differences, highlighting the intricate nature of gender dynamics within this particular setting. Both approaches share a collective understanding of the significance of women's education in promoting empowerment. The legal structure places significant emphasis on promoting educational equality and access, while Islamic teachings actively promote the pursuit of knowledge for both genders, so developing a collective dedication to the intellectual

advancement of women. Additionally, both systems have the objective of mitigating gender-based violence and advancing the protection of women, thereby demonstrating a mutual commitment to their welfare (Awan, 2020).

Nevertheless, a gap emerges when contemplating the interpretation of women's societal positions. The legal framework priorities the promotion of gender equality across multiple domains, with the aim of reducing instances of discriminatory behaviors. On the other hand, varying interpretations of Islamic teachings have occasionally resulted in the unequal treatment of women in familial and societal domains. There exists a group of scholars and activists that argue in favor of interpreting Islamic principles in a manner that promotes equality. However, the presence of discrepancies between the envisioned Islamic values and prevailing cultural norms has resulted in a significant disparity, hence posing obstacles to the empowerment of women (Mehmood & Pakeeza, 2021).

Another aspect of diversity relates to the political participation of women. In order to enhance the representation of women, legal strategies such as the implementation of reserved seats in legislatures have been employed. However, it is important to note that Islamic principles place significant emphasis on the practise of consultation, known as Shura, as a mechanism for fostering inclusive decision-making. The execution of these two techniques may exhibit variations, hence emphasising the necessity for harmonization (Nawaz et al., 2021).

Hence, the convergence of the Legal and Islamic Approaches pertaining to Women's Status and Empowerment in Pakistani Society becomes apparent via their acknowledgment of the significance of education and their dedication to ensuring women's safety. Nevertheless, there is a disagreement that arises when it understands women's duties and their involvement in political activities. The establishment of a unified framework necessitates the recognition of shared principles across different methods, as well as the consideration of nuances in interpretation, cultural dynamics, and practical application. Achieving this equilibrium is crucial for the progression of women's status and empowerment in a manner that is culturally sensitive and inclusive.

Social and Cultural Challenges

One of the key issues that societies face is the presence of social and cultural challenges. These challenges encompass a wide range of factors that impact the functioning and development of communities. They can include issues related to social inequality and cultural constraints faced by Pakistani Women (Naseem, Nosheen, & Malik, 2021).

In the specific setting of Pakistan, the advancement of women's position and empowerment is impeded by significant social and cultural barriers, which pose considerable obstacles to both the legal and Islamic frameworks. Gender-based violence, discrimination, and limitations on women's autonomy persist due to deeply ingrained patriarchal traditions. Despite the existence of legal safeguards, cultural phenomena such as honor killings, forced marriages, and domestic abuse continue to endure, driven by the concepts of familial honor and societal regulation of women's autonomy (Naseem et al., 2021). Frequently, cultural obstacles serve to impair the effective execution of legal reforms, resulting in a disconnection between the law and individuals' actual experiences. Furthermore, the challenges women encounter in exercising their rights are often exacerbated by cultural norms and traditional understandings of Islamic principles. The social marginalization of women who question or defy these societal norms can result in their isolation and the reinforcement of conventional gender roles. To effectively tackle these challenges, it is imperative to implement extensive educational initiatives, foster community involvement, and undertake endeavours to reshape detrimental cultural beliefs that impede the progress of women's empowerment (Chaudhry et al., 2012).

The convergence of social and cultural obstacles also has an influence on women's ability to get justice inside legal and Islamic systems. Women frequently encounter obstacles when it comes to disclosing instances of gender-based violence, mostly attributable to societal stigmatization and inadequate comprehension of available legal remedies. In addition, it is important to note that informal methods of resolving disputes, which may be influenced by cultural practises, have the potential to perpetuate injustices by marginalizing the rights of women (Mehmood & Pakeeza, 2021). These problems underscore the necessity of raising awareness among legal experts, clerics, and communities to guarantee the respect and preservation of women's rights

within both systems. Through the facilitation of discourse between legal and Islamic scholars and the amplification of women's perspectives within these discussions, Pakistani society has the potential to progress towards a more just and comprehensive framework that effectively tackles the intricate social and cultural barriers. Consequently, this endeavour can result in enhanced women's status and empowerment (Nawaz et al., 2021).

Conclusion

In conclusion, the examination of the legal and Islamic perspectives on the position and empowerment of women in the context of Pakistani culture demonstrates a multifaceted terrain characterized by advancements, obstacles, and prospects. The legal measures implemented with the objective of promoting gender equality, safeguarding against harassment, and enacting changes in family legislation demonstrate the government's dedication to the progression of women's rights. Islamic teachings place significant emphasis on the simultaneous recognition of the inherent dignity, equal worth, and empowerment of women. This emphasis is derived from various sources, including Quranic precepts, the Charter of Madinah, and the exemplary conduct of Prophet Muhammad ﷺ. Nevertheless, the pursuit of genuine empowerment for women encompasses various dimensions and is hindered by socio-cultural barriers profoundly rooted in the structure of Pakistani society.

The convergence and divergence observed in the legal and Islamic methods exemplify the delicate equilibrium necessary to reconcile contemporary legal frameworks with longstanding religious doctrines. Despite notable advancements, progress remains hindered by prevailing social norms, patriarchal customs, and orthodox understandings of Islamic doctrines. Addressing these disparities requires a comprehensive approach that involves education, consciousness-raising, and constructive communication. The process is actively collaborating with conventional religious experts and community leaders to reevaluate and adapt Islamic teachings, thereby fostering an inclusive approach that promotes women equality and empowerment.

The convergence of legal and Islamic perspectives offers a positive trajectory for the promotion of women's position

and empowerment within Pakistani society. By integrating these methodologies, it is possible to establish a trajectory in which legal frameworks and religious doctrines operate harmoniously, fostering an atmosphere conducive to the advancement of women. This, in turn, enables women to actively participate and make valuable contributions across various domains within society. Through a comprehensive examination of the complex dynamics among legal, religious, social, and cultural aspects, Pakistan possesses the capacity to establish a path towards a future that is characterized by inclusivity, equity, and empowerment for its female population. This transformative process has the ability to enhance the overall development and prosperity of the nation.

References

1. Al-Quran, Surah Al-Ahzab : Verse 35
2. Al-Quran, Surah Nisa : Verses 7-11
3. Al-Quran, Surah Al-Baqarah: Verse 221
4. Al-Quran, Surah Nisa: Verse 32
5. Abbas, S., Isaac, N., Zia, M., Zakar, R., & Fischer, F. (2021). Determinants of women's empowerment in Pakistan: evidence from Demographic and Health Surveys, 2012–13 and 2017–18. *BMC Public Health*, 21(1), 1-14.
6. Abrar-ul-haq, M., Jali, M. R. M., & Islam, G. M. N. (2017). Empowering rural women in Pakistan: empirical evidence from Southern Punjab. *Quality & Quantity*, 51, 1777-1787.
7. Ahmad, M., Batool, M., & Dziegielewska, S. F. (2016). State of inheritance rights: Women in a rural district in Pakistan. *Journal of Social Service Research*, 42(5), 622-629.
8. Ahmed, Z. (2009). Pakistani feminist fiction and the empowerment of women. *Pakistaniaat: A Journal of Pakistan Studies*, 1(2), 90-102.
9. Ashraf, S., Abrar-ul-Haq, M., & Ashraf, S. (2017). Domestic violence against women: Empirical evidence from Pakistan. *Pertanika Journal of Social Sciences & Humanities*, 25(3), 1401-1418.
10. Awan, S. Z. (2020). Role of civil society in empowering Pakistani women. *South Asian Studies*, 27(2).
11. Chaudhary, A. R., Chani, M. I., & Pervaiz, Z. (2012). An analysis of different approaches to women empowerment: a case study of Pakistan.
12. Chaudhry, I. S., Nosheen, F., & Lodhi, M. I. (2012). Women empowerment in Pakistan with special reference to Islamic viewpoint: An empirical study. *Pakistan Journal of Social Sciences*, 32(1), 171-183.
13. Critelli, F. M. (2010). Women's rights= Human rights: Pakistani women against gender violence. *J. Soc. & Soc. Welfare*, 37, 135.
14. Mehmood, F., & Pakeeza, S. (2021). Women Empowerment in Pakistani Law: An Analysis from the Islamic Perspective. *Al-Adwa/Al-Azvā*, 36(55).
15. Naseem, F., Nosheen, F., & Malik, N. (2021). Women economic empowerment in Pakistan: a critical analysis of legal framework. *Pakistan Journal of Social Research*, 3(3), 77-88.
16. Nawaz, S., Koser, M., & Shabbir, M. S. (2021). The conceptual framework of study to analyze the status of women in Pakistani family system. *Pakistan Journal of Educational Research*, 4(4).
17. Shah, N. (2006). *Women, the Koran and international human rights law: the experience of Pakistan* (Vol. 4): Brill.
18. Syed, J. (2008). A context-specific perspective of equal employment opportunity in Islamic societies. *Asia Pacific Journal of Management*, 25, 135-151.

19. Waseem, J., Muneer, R., Hoor-Ul-Ain, S., Tariq, R., & Minhas, A. (2020). Psychosocial determinants of divorce and their effects on women in Pakistan: a national review. *International Journal of Human Rights in Healthcare*, 13(4), 299-315.
20. Weiss, A. M. (1999). Women, civil society and politics in Pakistan. *Citizenship Studies*, 3(1), 141-150.
21. Weiss, A. M. (2003). Interpreting Islam and women's rights: Implementing CEDAW in Pakistan. *International Sociology*, 18(3), 581-601.
22. Yilmaz, I. (2011). Good governance in action: Pakistani Muslim law on human rights and gender-equality. *European Journal of Economic and Political Studies (EJEPS)*, 4(2).