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## Women's Economic Empowerment and Protection Social Rights in Preventing Domestic Violence

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### Abstract

Gender equality in terms of economic participation and social standing of women appears to have contributed to violations of women's rights. This paper aims to examine the economic empowerment of women in Malaysia, preserve their social rights in the face of domestic violence, and propose a framework as part of the Malaysian Government's inclusive development. The analysis is based on a qualitative and descriptive cross-sectional study. The research found that prejudice and oppression against women are not sufficiently addressed in Malaysia due to low economic participation and insufficient observance of social rights.

Keywords: Women Empowerment; Economy Involvement; Social Rights; Domestic Violence.

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### 1.0 Introduction

According to data from the COVID-19 Global Gender Response Tracker produced by UN Women and UNDP, most countries worldwide are not doing enough to safeguard women from the pandemic's economic and social repercussions (UN Women, 2020). The findings demonstrate that social safety systems have largely ignored the requirements of women as workers in hazardous occupations, with women's unemployment rates rising faster than men's, and as victims of domestic violence enslaved by their abusers (United Nations - Malaysia, Singapore, and Brunei Darussalam, 2021). Compared to their peers with higher social positions, women with poor financial and social status are more likely to be victims of domestic violence and abuse (M. Abdul Ghani, 2016). As a result, women's economic empowerment became critical to ensuring equal social treatment. Therefore, the objective of this study the:

1. To examine the current framework for women's economic empowerment and the protection of their social rights against domestic violence in Malaysia.
2. To provide a recommendation for women's economic empowerment and the protection of their social rights against domestic violence as part of the Malaysian Government's inclusive development.

The study employs qualitative methods of research. The content analysis entails reviewing relevant literature on all the primary and secondary materials on issues of women's economic empowerment and protection of their social rights toward domestic violence in

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Malaysia. Meanwhile, doctrinal analysis involves examining materials such as statutory provisions, treaties, and other legal and non-legal literature. From the Islamic legal perspective, the issue is examined from the perspective of the Qur'an and the Sunnah as primary sources of Islamic law.

## **2.0 Women's Economic Empowerment in Malaysia**

The Department of Statistics Malaysia (DOSM) issued Statistics on Women Empowerment in Selected Categories, Malaysia, 2021, which focuses on a core collection of gender indicators across eleven primary categories and is based on updated data from DOSM and other organisations. As a result, the Malaysia Gender Gap Index (MGGI) compares men and women across four sub-indices, including Economic Participation and Opportunity (score 0.718), where women's labour force participation ratio (P) remained low at 55.3 percent in 2020, compared to 80.3 percent for men. This demonstrates that women earn less than males, accounting for only 24% of senior management roles. Compared to countries in Southeast Asia such as Singapore (69.7%) and Thailand (65.8%). Malaysia was also placed 104th out of 149 nations in the WEF Global Gender Gap report in 2020, four places lower than its 2018 ranking compared to other South-East Asian countries such as Singapore (69.7%) and Thailand (65.8%) (United Nations - Malaysia, Singapore and Brunei Darussalam, 2021).

The Malaysian Government emphasised the importance of creating economic opportunities for women in the 10th and 11th Malaysia Plans and the Mid-Term Review of the 11th Plan (World Bank Group, 2019). A desire for a more inclusive, accessible economy is one of the most frequent messages of the 12th Malaysia Plan. To progress, it must invest in women, lifting them in all aspects of life (Simone Galimberti, 2021). Thus, increasing the number of women who can work in productive employment is a critical development aim for Malaysia.

The report "Breaking Barriers - Toward Better Economic Opportunities for Women in Malaysia" looked into the barriers to bettering women's economic opportunities, made policy suggestions, and served as the foundation for a comprehensive outreach and engagement plan. The report concluded that, on average, Malaysian women have more education than men in the workforce. Housework is the main impediment to women entering the workforce. To realise their full potential, policymakers must guarantee that women have equal access to economic opportunities (World Bank Group, 2019).

Women's engagement in the informal sector has risen and now outnumbers men's, hurting their productivity and social security. Women's typical salaries are much lower than men's in almost every major occupational and educational category,

Malaysia has also released the Women's Empowerment Principles Activator, which provides an overarching framework with instruments for businesses to become more women-centric, and the Government should support them domestically and regionally (Simone Galimberti, 2021).

The United Nations Development Program (UNDP) runs a project in Malaysia that helps low-income women entrepreneurs flourish in the cottage food business by assisting them in the conservative states of Terengganu and Kelantan (Liyanga de Silva, n.d).

According to Amdadullah Baloch Lasbela et al. (2018), income disparity is persistent for working women in developed and developing countries despite continuous macroeconomic growth. Due to the socio-economic transformation globally, women can hold various positions in public and private agencies. However, it has been reported in the previous research that, due to the male-dominated atmosphere, women are not fairly treated, especially in the provision of several high management posts (Kalthum Hassan and Rohana Yusof, 2015). According to Zaiton Othman and Nooraini Othman (2015), despite their ongoing good performance, women were under-represented at all management levels due to discrimination in the promotion to higher ranks. This indicates that women are discriminated against regarding promotion possibilities. Following recruiting, women perceive unequal advancement prospects. Women workers must also work more and longer to establish their credibility to make the same advancement as men and obtain the same compensation for equal labour. Nevertheless, concerning the issue of gender discrimination in economic involvement, Priscilla Shasha Devi, CJ Jacobs et al. (2017) recommended that Malaysia move forward without delay and come out with an idea to improve the women's rights in the workplace.

Alexandra Bernasek and Julie Hasen Gallaway (1997) confirmed that the mere introduction of policies does not guarantee their effectiveness. Some women may benefit while others do not if there are problems with their execution, which could make them useless. Hence, Priscilla Shasha Devi, CJ Jacobs et al. (2017) agreed that women are significant contributors, and the Government should recognize working women. Legislation protecting their rights has to be passed. The Government should follow the convention on the Elimination of all Forms of Discrimination against Women (CEDAW) on this matter.

As a result, women's economic empowerment will need to remove barriers to more productive employment for women, notably in education, labour force participation, and work. A crucial issue is the enormous gender difference in access to well-paying jobs with benefits, social protection, and career prospects. Malaysia still has room to tighten up its rules and regulations and enforce the existing laws more efficiently (World Bank Group, 2019). This is because it is reported that women with poor financial and social status are more likely to be victims of domestic violence and abuse (M. Abdul Ghani, 2016). Socio-economic status has been recognised as a risk factor for domestic violence (Kyriacou et al, 1999). Therefore, to create effective resources and interventions to address the issue, it is crucial to recognise socioeconomic status as a risk factor for domestic violence (Lubker, 2004).

### **2.1 Protection of Women's Social Rights Toward Domestic Violence in Malaysia**

Through laws and practices, Malaysia has made tremendous progress in protecting survivors of domestic violence. Women's organisations praised the state's bold gesture because it obliged it to fulfill its duties under the CEDAW Convention. Gender is one of the prohibited categories of discrimination under Article 8(2) of the Federal Constitution.

The number of domestic abuse complaints registered in Malaysia increased by 57% from March 26, 2020, to March 26, 2020, according to the Malaysian Government (Tharanya Arumugam, 2020). Between January and December 2020, the Royal Malaysian Police (PDRM) investigated 5,260 occurrences of domestic violence cases, while 2,540 cases of domestic violence were received through Talian Kasih of the Ministry of Women, Family, and Community Development (MWFCD). Additionally, from January to April of 2021, 902 domestic violence cases were reported (Latifah Arifin, 2021).

Domestic abuse is a felony, and the Domestic Violence Act (DVA), passed in 1994 and implemented in 1996 made it such, and provided a strong statement that the Government intends to address it to assist victims of domestic violence (Manuela Columbini et al., 2011). The DVA must be studied in connection with the Criminal Procedure Code and the Penal Code and proceedings for offenders and criminals because criminal laws are federal concerns that impact all Malaysians. Muslim and non-Muslim residents, however, have different family regulations. The Domestic Violence Act, recently added to the Penal Code, now applies to all residents (Bahare Fallahi et al., 2015). This Act provides protective orders, such as Emergency Protection Orders (EPO), Interim Protection Orders (IPO), and Protection Orders (PO), as well as compensation and counselling to battered women (Farah Nini Dusuki, 2017).

The social welfare department (JKM) issues the Emergency Protection Order (EPO), which can be obtained quickly and may include the following orders:

- making it illegal for the perpetrator to use domestic violence against the victim;
- banning the perpetrator from influencing others to engage in domestic abuse against the victim; or
- preventing the offender from visiting the survivor's haven, shelter, residence, shared residence, or alternate residence.

The Magistrate Court issues an Interim Protection Order (IPO) which stops the perpetrator from abusing the victim in the home while the police investigation is ongoing and until the case is concluded in court. After that, the Magistrate Court issues a Protection Order (PO) after the matter is charged in court. The court may also include a provision prohibiting the perpetrator from inciting others to conduct domestic abuse against the survivor.

The severity of domestic violence sentences varies depending on the crime's nature. Domestic violence charges are not limited to the Penal Code; anyone can be charged with a crime against anyone.

In addition, the Ministry of Women, Family, and Community Development released Garis Panduan Pengendalian Kes Keganasan Rumah Tangga (Garis Panduan) in 2015, which explains the roles and responsibilities of the nine government entities responsible for dealing with domestic abuse cases.

Additionally, the rights of women are also embedded in the Islamic Family Law (Federal Territory) Act 1984, among others, rights to dowry (provided by Section 57), the right to receive good treatment by the husband (offered by Section 127), right to get fair treatment in the case of polygamy (provided by Section 23(4)), right to apply/get a divorce (offered by Section 49 and 52), and right to maintenance (provided by Section 59). There are also various remedies available, such as victim rehabilitation programmes.

The 6th Malaysia Plan (1991–1995) and Seventh Plans (1996–2000), which focused on strengthening women's status in society, included women as a significant priority and issue of violence against women. The Eighth Malaysian Plan (2001–2005), which considers female rights and concerns, reordered female responsibilities in the household and reproductive activities. Furthermore, the Eight Plan has considered problems such as increasing female economic involvement through occupation and training and family law obstacles. The violence against women's lower ranking in the Eight Plan is entirely due to sexual harassment issues, and no particular rule defines sexual harassment.

Malaysia also ratified the CEDAW (Convention on the Elimination of All Forms of Discrimination Against Women) in 1995. In 1976, the National Advisory Council for the Integration of Women in Development (NACIWID) was formed to the United Nations' decision to include women in the expansion process, as well as the establishment of the Secretariat for Women's Affairs (HAWA) in 1983 (Bahare Fallahi et al., 2015).

A distinct Ministry for Women's Affairs was established in 2001 to boost women's status in society. The ministry's four organisations include the Department for Women's Development (JPW), the Malaysian Social Welfare Department (JKMM), the National Population and Family Development Board (LPPKN), and the Malaysian Social Institute (ISIM). Also, the Ministry of Human Resources has launched a voluntary code of practice for preventing and eradicating sexual harassment at work. The anti-sexual harassment campaign has begun as Malaysia's strategy to reduce violence against women in this area (Bahare Fallahi et al., 2015).

Apart from that, Women's Aid Organisations (WAO) has operated Malaysia's first domestic violence shelter since 1982, providing free housing, counseling, and crisis care to women and children victims of abuse. WAO is now recognised as Malaysia's largest service provider for domestic abuse survivors. WAO aims to prevent violence against women in Malaysia and promote gender equality. The social welfare department (JKM) also plays a role by issuing the victims an Emergency Protection Order (EPO).

In addition, Malaysia has implemented specific methods to combat violence against women, among others:

- In 1996, all hospitals were required to establish One-Stop Crises Centers (OSCC) to assist victims of violence. The goal of these facilities is to provide support to victims of abuse, including domestic violence and sexual assault, to receive therapy in one location. The facility includes investigation, final care, proper medical appointments, and medical reporting to victims of assault, with priority given to female doctors. This is a multi-sectoral collaboration to control violence (Hii 2001).
- Creating the "Talian Nur 15999" system, a 24-hour-a-day hotline dedicated to assisting victims of violence with early intervention.
- The Islamic Religions Department arranges temporary shelters for Muslim survivors of domestic violence, while the Social Welfare Department provides safe houses for battered women.
- Considering the Welfare Department's hotline number 1-800-883040, the public can call if they observe any violence and give law enforcement officers all their information (Bahare Fallahi et al., 2015).

## 2.2 Women's Economic Empowerment and Protection of Their Social Rights Toward Domestic Violence based Islamic Law

As one of Islam's two significant pillars of society, women have many responsibilities to their families and communities. There is no differentiation between men and women in Islam when it comes to employment, and both are obligated to work. On the other hand, the command "and stay in your houses.." in verse 33 of Surah Al-Ahzab is a ruling applied only to wives of the Prophet PBUH, not to other women.

Women in Islam have the freedom and right to choose their job; however, they must keep in mind that they have some constraints owing to their physical constitution. Although women in Islam have the freedom to choose their occupations, there are some restrictions. A married woman cannot choose a career that would deny her husband of his conjugal rights or her children of maternal love, care, devotion, and appropriate education and training.

Aside from that, Muslim women are permitted to engage in economic pursuits and provide services for the welfare of society under certain conditions. During the Prophet's PBUH time, women went to the market or their farms. Women are not prohibited from leaving their homes for medical reasons.

In an emergency, the Prophet PBUH did not prevent a woman in her iddat from leaving her home. According to Jabir ibn Abdullah, my aunt's husband divorced her, and while she was spending her iddat in the house, she wanted to go outside and harvest and sell some of her date palms. Someone stopped her and told her she wasn't permitted to leave the house during iddat." She inquired of the Prophet (peace be upon him) about her ability to leave the house, and the Prophet (peace be upon him) replied, "You go out and get the date trees harvested (and sold) so that you may be able to do some other good work (Abu Dawud).

## 3.0 Proposed Recommendation

Women entrepreneurs and informal traders in countries like Togo, Georgia, and Morocco get cash transfers or subsidies to help them achieve economic empowerment.

Malaysia has achieved significant progress in socio-economic development, and Malaysian women have made considerable success in several areas. As a result, it is advised that the Government encourage women to participate actively in economic leadership and decision-making processes (The World Bank, 2020). To promote fair access to productive jobs, Malaysia should investigate legislative alternatives that boost economic opportunities for women. These include:

- Expanding child and senior care availability, quality, and affordability as part of a larger policy plan to assist more women in staying in the workforce and working more productive jobs.
- To realise women's full economic potential, we must strengthen the protection and productivity of informal workers and business owners.
- Implementing planned legal improvements and strengthening the monitoring, enforcement, and monitoring of laws and regulations.
- Improving parental support in line with international legal requirements.
- Gender norms and attitudes in school and the community should be addressed (World Bank Group, 2019).

To end domestic violence against women, we need a society that values and respects women's rights and dignity. The community needs to be primarily exposed to the right of women, especially in reasonably social treatment of women. In addition, the Government should create policies that forbid domestic violence, focusing more on providing facilities and services such as shelters for victims. The Government should also support NGOs to acknowledge their significance in reducing violence against women (Bahare Fallahi et al., 2015). Domestic abuse is also considered a private affair that should be kept confidential; therefore, many victims are embarrassed or afraid to go to court. The current legal system's ineffectiveness in dealing with a sensitive crime demands special attention and contributes to the problem. As a result, Nazli Mahdzir (2016) believes it is time for the Malaysian Government to rethink the domestic violence statute and establish a special court to expedite the resolution of domestic violence cases. There are also some recommendations, among others:

- The survivor-centered response approach must inspire trust from all parties.
- The Government should examine current data collection protocols and refocus data collection on domestic violence problems, including data disaggregated by age, gender, and perpetrator-survivor relationship, to better understand the complexities of domestic abuse.
- Stopping abuse and guaranteeing the survivor's support are critical responsibilities for all stakeholders. Using a uniform learning platform, all front-line state service providers and judicial authorities should receive intensive training on the Garis Panduan.
- To prevent survivors from further harm, the law should be altered to extend the duration of the PO. A PO should be valid until the abuser can show that the survivor is no longer in danger.
- Domestic violence shelters should be given more resources.
- The Ministry of Women, Family, and Community Development is well-positioned to launch a comprehensive and focused public awareness campaign that includes information on women's rights and where to find support services.
- Basic methods for dealing with trauma victims should be taught to all police officers.

The DVA, the Garis Panduan, and other applicable laws and procedures and how to properly communicate with domestic abuse survivors should be familiar to every front-line cop (Natasha Dandavati, 2017).

## 4.0 Conclusion

The research stated that discrimination and oppression against women are not sufficiently addressed in Malaysia, particularly regarding

economic participation and social treatment. Violence against women is a significant impediment to civilization's growth. Malaysian policies seek to alleviate this problem to advance women's status. To improve the status and rights of women, the Government should implement policies that reduce domestic violence and emphasize providing facilities and services for victims. However, there is still room for improvement, such as further analysis of how other jurisdictions react and respond to this issue which could be the model of the proposed law in Malaysia.

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## Paper Contribution to Related Field of Study

This study generates a new finding relating the issue of women's economic empowerment and domestic violence. The research found that prejudice and oppression against women are not sufficiently addressed in Malaysia due to low economic participation and insufficient observance of social rights. Women in Malaysia are still susceptible to various forms of violence perpetrated by their spouses, despite international concern about violence as a crime against humanity.

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