

Author:

¹Zainab Akmal, ²Sheikh Adnan Ahmed Usmani

Affiliation:

¹ Sheikh Zayed Islamic Center, University of Karachi, Pakistan
² University of Karachi, Pakistan

Corresponding author:

*zainabakmal@live.com

Doi: 10.32332/milrev.v3i1.8642

Dates:

Received 28 November, 2023
Revised 16 Januari, 2024
Accepted 04 April, 2024
Published 11 April, 2024

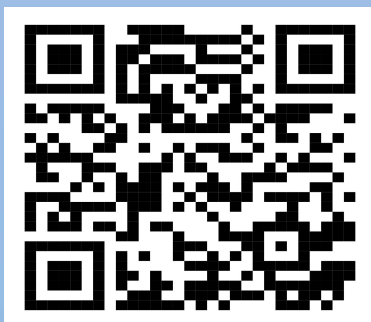
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DIGITAL RIGHTS AND WOMEN'S EMPOWERMENT IN PAKISTAN: AN ANALYSIS OF CONTEMPORARY ISLAMIC LEGAL PERSPECTIVES IN THE AGE OF SOCIAL MEDIA

Abstract: The examination of the convergence between digital rights and women's empowerment is conducted within the socio-legal framework in Pakistan, with particular emphasis on the influence of contemporary Islamic legal perspectives amidst increased social media engagement. Therefore, this study aimed to examine the evolving dynamics of women's participation in the digital space and the attendant impact on empowerment in Pakistan. The analysis discussed the origins and expansion of digital landscape and the influence of social media on people's lives. The qualitative study focused on Islamic teachings and the implications for rules in the digital world. In addition, data was collected through interviews with several women of different ages and backgrounds. Social media and digital platforms offered access to information, education, and opportunities for skills development. The results showed that women used digital platforms for entrepreneurship and economic empowerment. This supported economic independence and ethical business practices, in line with Islamic principles to seize opportunities. In the face of challenges and opportunities, the ethical dimensions were considered from an Islamic perspective. Emphasizing values such as justice, privacy, dignity, and the pursuit of knowledge could guide efforts to promote digital rights for women's empowerment in line with Islamic principles.

Keywords: Digital Rights, Women's Empowerment, Contemporary Islamic Law, Social Media

INTRODUCTION

In the context of contemporary Islamic legal frameworks, the challenges connecting women's

empowerment should be assessed as Pakistan transitions from the early history to a digital future. Social media is an iconic and more effective method to campaign for women's empowerment.¹ From the Qandeel Baloch controversy to the Aurat March, this study traces the historical currents that shaped the discourse around digital rights in contemporary Pakistan.² According to the PTA Annual Report in 2018-2019, internet usage has increased from 2,545 petabytes to 4,498 in 2019-2020.³

Approximately 60% of women in Pakistan cannot use internet due to the strictness of families.⁴ Only half of the female population possesses a mobile phone, in contrast to 81% of the male counterparts. In Pakistan, women show a 49% lower probability of using mobile internet compared to men.⁵ Besides the gap in internet coverage, less than 30% of women in the country have a bank account.⁶ However, there is a complex narrative concerning the influence of Islamic law perspectives on women's digital rights in a rapidly evolving socio-cultural context. In this context, digital and human rights are synonymous in the digital age.⁷

Accessing the internet includes complexities beyond the apparent simplicity. The basic surface includes a layer of apprehension, including fear of the unknown or things

¹ Aya Shata dan Michelle I. Seelig, "The Dragonfly Effect: Analysis of the Social Media Women's Empowerment Campaign," *Journal of Creative Communications* 16, no. 3 (November 2021): 331-46, <https://doi.org/10.1177/09732586211036551>.

² Shah Khadijah, "Digital Gender Gap in Pakistan: Men Dominate The Charts in All Categories," *ProPakistani* (blog), 3 Maret 2022, <https://propakistani.pk/2022/03/03/digital-gender-gap-in-pakistan-men-dominate-the-charts-in-all-categories/>.

³ Pakistan Telecommunication Authority, "Annual Report 2020," *Pakistan Telecommunication Authority* (blog), 15 Januari 2021, https://www.pta.gov.pk/assets/media/annual_report_2020_15012021.pdf.

⁴ Asad Jan, "Internet Freedom and Women Access to Internet in Pakistan," *asadjan.com* (blog), 2021, <https://www.asadjan.com/expert-analysis/internet-freedom-and-challenges-to-women-in-pakistan-voa>.

⁵ Mubashir Akram, "Digitalisation and Women in Pakistan" (Pakistan: National Commission on the Status of Women and United Nations Development Programme, 2023), <https://www.undp.org/pakistan/publications/digitalisation-and-women-pakistan>.

⁶ Anwar Iqbal dan Arifa Noor, "Only 29pc women have bank accounts in Pakistan: SBP chief," *Dawn* (blog), 2021, <https://www.dawn.com/news/1611498>.

⁷ Media Defence, *Training Manual on Digital Rights and Freedom of Expression Online* (Columbia: Global Freedom of Expression Columbia University, 2018), <https://teaching.globalfreedomofexpression.columbia.edu/resources/training-manual-digital-rights-and-freedom-expression-online>.

heard from others.⁸ Therefore, this study plans to illuminate the confusing relationship between sophisticated privileges, legitimate viewpoints according to Islam, and women's empowerment. The questions posed are, How does the contemporary Islamic legal system impact women's digital usage activities? What level of influence does the internet have on women's advancement? What pressures arise between traditional qualities and the scene of women's empowering progress in the domain of computerization?

This study attempts to add to a deeper understanding of the difficulties and potential of open doors by analyzing the layered features of the convergence from the verifiable echoes of women's battles to contemporary signs in web-based entertainment. Legitimate complexities are analyzed, offering pieces of knowledge that resonate across Pakistan to illuminate worldwide conversations on orientation, innovation, and freedom. The exploration is poised to unravel the layers of digital rights and women's empowerment in the context of unique contemporary socio-cultural and Islamic legal landscape, showing a discourse to promote inclusivity, justice and progress in the digital age.

Several studies have been conducted, such as Devesh Pratap Singh who examined the role of social media in women's empowerment concerning Bhopal (MP) where YouTube and Facebook are reported as better sources for content than others.⁹ Furthermore, Melissa, et al. discussed the growing trend to open businesses through social media, where social media entrepreneurship was suitable for women in Indonesia due to the unique characteristics of mobility and flexibility.¹⁰ Amit Kumar Mandal's study stated the pros and cons of over-reliance on social media platforms in the path of women's

⁸ Madhu Kumari, "Cyber Crime and Children in Digital Era," *International Journal of Scientific Research in Science and Technology*, 9 Februari 2021, 151-60, <https://doi.org/10.32628/IJSRST218124>.

⁹ Devesh Pratap Singh, "Role of social media in women empowerment in reference of Bhopal (M.P.)," *The Asian Thinker: A Quarterly Bilingual Peer-Reviewed Journal for Social Sciences and Humanities* 3 (2019).

¹⁰ Swiss German University, Indonesia dkk., "Social Media Empowerment: How Social Media Helps to Boost Women Entrepreneurship in Indonesian Urban Areas," *IAFOR Journal of Media, Communication & Film* 1, no. 1 (8 Agustus 2013): 77-90, <https://doi.org/10.22492/ijmcf.1.1.06>.

empowerment. The results showed that the use of social media platforms should be promoted in advocating for women's rights.¹¹

Therefore, this study aimed to examine the evolving dynamics of women's engagement in digital spaces in Pakistan, assess the impact on empowerment and agency within a sociocultural and legal framework shaped by contemporary Islamic principles, and contribute to the broader academic discourse by offering insights on policy discussions, legal reforms, and advocacy efforts.

RESEARCH METHODOLOGY

The qualitative study focuses on contemporary Islamic tenets of ethics and morality, and the implications for rules in the digital world. In addition, it allows for an in-depth study of the subjective experiences and perspectives of women in Pakistan regarding the Internet. For a better understanding of the real-life issues and successes associated with digital literacy and rights in the country, interviews are conducted with a range of 4 women of different ages and backgrounds. The combination of qualitative study and interview findings provides a nuanced and detailed argument about digital rights and the shortcomings, as well as strengths.

RESULTS AND DISCUSSION

Digital Rights: An Overview

Digital rights are possessed by individuals and organizations concerning the creation, use, distribution and disposal of information and technologies. These include right to access, create, share and protect digital information, right to privacy and security of personal data, right to freedom of expression and opinion online, right to participate in digital governance and decision-making, and right to benefit from the opportunities and

¹¹ Amit Kumar Mandal, "A STUDY ON IMPACT OF SOCIAL MEDIA ON WOMEN EMPOWERMENT IN INDIA," *EPRA International Journal of Multidisciplinary Research (IJMR)*, 18 Februari 2022, 168-70, <https://doi.org/10.36713/epra9558>.

innovations offered by digital technologies.¹² In addition, digital rights comprise right to protection from various forms of abuse and exploitation, provisions to support age-appropriate online education, recreation and leisure, as well as participation and consultation in matters affecting online experience.¹³ In this context, digital and human rights are similar in the digital age.¹⁴

In 2020, World Human Rights Day was celebrated by stating the importance of fundamental human rights in a digitally globalized world.¹⁵ The observance continued with the slogan that digital and human rights are similar due to a new dimension. Similarly, women's rights and empowerment have not been affected by the digital revolution. The internet and associated advancements in information technology, economics, and education serve as important tools for unlocking numerous opportunities for prosperity and success but are not immune to online safety concerns. Meanwhile, women are more vulnerable to information that is easily accessible. In this context, UN Women Deputy Secretary-General and Executive Director Sima Bahous recognized and raised the point of technological change innovations to ensure equal opportunities and unbiased digital safety.¹⁶

A Digital Declaration of Rights is needed to ensure respect for individuals, specifically for women.¹⁷ The main issues are the underrepresentation of women in tech offices, masculine influence and prejudice in policy-making, bias in AI, stereotypes, lack of education, and positive encouragement from society.¹⁸ Women are underrepresented in

¹² Luci Pangrazio dan Julian Sefton-Green, "Digital Rights, Digital Citizenship and Digital Literacy: What's the Difference?," *Journal of New Approaches in Educational Research* 10, no. 1 (15 Januari 2021): 15, <https://doi.org/10.7821/naer.2021.1.616>.

¹³ Sonia Livingstone, "Children's digital rights: a priority," *Intermedia* 42 (2014): 20-24.

¹⁴ Media Defence, *Training Manual on Digital Rights and Freedom of Expression Online*.

¹⁵ Digital Freedom Fund, "Digital Rights are Human Rights - Digital Freedom Fund," *Digital Freedom Fund* (blog), 2020, <https://digitalfreedomfund.org/digital-rights-are-human-rights/>.

¹⁶ UN Women, "Speech: Shaping a more inclusive digital transformation with SDG 5 at the core," www.unwomen.org (blog), 2023, <https://www.unwomen.org/en>. <https://www.unwomen.org/en/news-stories/speech/2022/09/speech-shaping-a-more-inclusive-digital-transformation-with-sdg-5-at-the-core>.

¹⁷ Yuval Shany, "Digital Rights and the Outer Limits of International Human Rights Law," *German Law Journal* 24, no. 3 (April 2023): 461-72, <https://doi.org/10.1017/glj.2023.35>.

¹⁸ Judy Wajcman, Erin Young, dan Anna Fitzmaurice, "The Digital Revolution: Implications for Gender Equality and Women's Rights 25 Years after Beijing" (UN Women, 2020),

digital policymaking due to a lack of education and training for women in the fields of Information Technology and Artificial Intelligence. Cybercrime is a growing field of crime on social media such as pornography, and sexual harassment.¹⁹

Implementation of Digital Rights in Pakistan

The Digital Rights Foundation of Pakistan published its 2023 mid-year review,²⁰ stating that approximately 30 digital crimes were reported in the country in that year, of which 8 were gender-based and the others were state-sanctioned or related to the digital economy. In 2016, Pakistan introduced the Prevention of Electronic Crimes Act (PECA) to address internet governance. This law imposes severe penalties for a range of offences, including hacking, cyberstalking, and cyber-terrorism.²¹ Digital Rights Foundation is a leading organization focused on promoting digital rights and addressing issues such as online harassment, data security, freedom of speech, and women's digital rights. In 2020, the majority of the population was between the ages of 15 to 64, and the lowest age group was 65.²² The average age was 20.6 years in 2023,²³ constituting a young demographic. The increase experienced in the digital arena is mainly due to the young population, but the initiatives taken by the government cannot be ignored. In 2019, Imran Khan launched the "Digital Pakistan" plan consisting of incentives, regulatory measures, and laws to mainstream internet usage and digital consumption.²⁴ The government also brought back

<https://www.unwomen.org/en/digital-library/publications/2020/08/discussion-paper-the-digital-revolution-implications-for-gender-equality-and-womens-rights>.

¹⁹ Kumari, "Cyber Crime and Children in Digital Era."

²⁰ Maham Sohail dan Rameen Durrani, "Digital Rights in Pakistan: A Review of 2023" (Pakistan: Digital Rights Foundation, 2023), https://digitalrightsfoundation.pk/wp-content/uploads/2023/07/Digital-Rights-in-Pakistan_-A-Review-of-2023-1.pdf.

²¹ European Center for Populism Studies (ECPS) dan Neo Sithole, "Report on Mapping Global Populism – Panel 4: The Role of Populism, Radicalization and Hindutva in India" (European Center for Populism Studies (ECPS), 10 Oktober 2023), <https://doi.org/10.55271/rp0042>.

²² Pakistan Bureau of Statistics, "Pakistan Demographic Survey 2020," Statistics (Pakistan: Pakistan Bureau of Statistics, 2020), https://www.pbs.gov.pk/sites/default/files/population/publications/pds2020/Pakistan_Demographic_Survey-2020.pdf.

²³ Worldometers, "Pakistan Demographics 2023 (Population, Age, Sex, Trends)," *Worldometers* (blog), 2023, <https://www.worldometers.info/demographics/pakistan-demographics/>.

²⁴ Hija Kamran, "The Year in Review: Digital Rights in Pakistan," *Digital Rights Monitor* (blog), 1 Februari 2020, <https://digitalrightsmonitor.pk/the-year-in-review-digital-rights-in-pakistan/>.

Tania Aidrus, a technologist working at Google in Singapore, to oversee the "Digital Pakistan" program.²⁵

An important reason for the rejuvenation of the internet in the country is COVID-19. Pakistan experienced a very rapid growth in internet usage due to COVID-19 crisis and quarantine which forced people to switch to communication, business, work, and education by using the internet.²⁶ During the lockdown season of the pandemic, cell phones and laptops were seen as windows to the outside world. During the pandemic, viewers indulged in binge-watching programs, and educational institutions conducted classes through online platforms such as Zoom, Microsoft Teams, and Google Classrooms. Meanwhile, e-commerce experienced unprecedented growth, social gatherings transitioned to virtual settings, and the global community opted to maintain many of the digital habits cultivated.

Despite all the government efforts, there is a considerable gap in mobile phone ownership, income, and schooling between men and women. There are still many families that exist in Pakistan where female members cannot have cell phones. In some homes, there is a social stigma against women who spend extended periods using cell phones or computers.²⁷ These inequalities hinder full participation in the digital economy. Closing the gender gap requires a multi-stakeholder approach with specific targets and strategies to promote digital inclusion, provide training and create employment opportunities. This empowers women to contribute more to tax revenues and the development of digital society.²⁸ The restriction of having access to the World Wide Web prevents women from contributing to society. A UNDP report was published in 2023, which posed the question

²⁵ The News, "Who is Tania Aidrus?," *The News International* (blog), 29 Juli 2020, <https://www.thenews.com.pk/latest/693855-who-is-tania-aidrus>.

²⁶ Jahanzaib Haque, "Pakistan's internet landscape 2020" (FES, 2021), <https://pakistan.fes.de/e/pakistans-internet-landscape-2020>.

²⁷ Akram. Mubashir. (2023) 'Digitalisation and Women in Pakistan', National Commission on the Status of Women and United Nations Development Programme, Pakistan, Islamabad. <https://www.undp.org/pakistan/publications/digitalisation-and-women-pakistan>

²⁸ Akram, "Digitalisation and Women in Pakistan."

of what would happen when women were given access to the digital world.²⁹ Despite the rural background and low digital literacy, women have worked around the monetary, health and communal benefits of constructive mobile phone use.

Digital rights awareness in Pakistan benefits from an active civil society network that collaborates to raise awareness.³⁰ The internet has empowered women by allowing easy access to information,³¹ and the movement is needed to shape the future. Social media can become an icon and a more effective method to campaign for women's empowerment.³²

Pakistan is subjected to a digital evolution, but "women cannot voice views without being harassed".³³ Since access to the internet is controlled, or rare, girls and young women do not have the opportunity to fully understand the challenges and risks that come with the internet. This naivety makes women in the country easier prey to harassment, fraud and misinformation. Furthermore, women are not getting the same opportunities to learn, earn, and participate in society as men.³⁴ A study conducted by Digital Rights Foundation in Pakistan showed that while more than 60% of internet users use Facebook IDs, 72% are unaware of cyber laws. The majority of women do not feel comfortable sharing personal information online since 50% were bullied or harassed.³⁵

²⁹ Javeria Masood, "DigitAll: What happens when women of Pakistan get access to digital and tech tools? A lot!" *United Nations Development Programme* (blog), 2023, <https://www.undp.org/pakistan/blog/digitall-what-happens-when-women-pakistan-get-access-digital-and-tech-tools-lot>.

³⁰ European Center for Populism Studies (ECPS) dan Sithole, "Report on Mapping Global Populism – Panel 4."

³¹ Fathima Ibrahim, "Social Media And Women Empowerment: A Brand New Facet," *Legal Service India.com* (blog), t.t., <https://www.legalserviceindia.com/legal/article-6896-social-media-and-women-empowerment-a-brand-new-facet.html>.

³² Shata dan Seelig, "The Dragonfly Effect."

³³ Nighat Dad dan Hija Kamran, "How the Digital Rights Foundation is empowering women to defend their rights," *Access Now* (blog), 2017, <https://www.accessnow.org/digital-rights-foundation-empowering-women-defend-rights/>.

³⁴ Anmol Irfan, "The digital gender gap, a major obstacle to the fight for equality for women in Pakistan," *EL PAÍS English* (blog), 2023, <https://english.elpais.com/international/2023-11-14/the-digital-gender-gap-a-major-obstacle-to-the-fight-for-equality-for-women-in-pakistan.html>.

³⁵ Digital Rights Foundation, "DRF Launches New Report on Online Violence Against Women in Pakistan" (Pakistan: Digital Rights Foundation, 2017), <https://digitalrightsfoundation.pk/drflaunches-new-report-on-online-violence-against-women-in-pakistan/>.

Impact of Social Media on Women Empowerment in Pakistan

The impact of social media on women's empowerment in Pakistan has positive and negative aspects. Even though social media has provided women with new opportunities for self-expression, networking and activism, different challenges and risks have been reported.³⁶ A total of six interviews were conducted to gain a real and empirical understanding of the effects of social media on women.

Table 1. Impact of Social Media on Women Empowerment

No	Subject	Age	Positive Impact	Negative Impact
1	U	35	Attended several online courses on freelancing, graphic design, and content writing to earn a comfortable amount of money each month	
2	P	17	Found an online forum where he could publish his books and get paid	
3	H	27		Her photos and videos were leaked by irresponsible people and edited explicitly
4	D	54		Someone had taken her picture from the school website and edited it into a meme with porn actors and actresses

Data Source: Interview with Pakistani Women

³⁶ IDRC.CRDI, "Protecting Digital Rights Pakistan," IDRC.CRDI (blog), 13 Februari 2017, <https://idrc-crdi.ca/en/stories/protecting-digital-rights-pakistan>.

Positive Impact: Women's Empowerment Through Online Business

At the age of 35, U residing in Multan faced the challenge of having to discontinue formal education after getting married while in university. Within the first four years of marriage, she became a mother of two children. Despite facing financial constraints within the family and being unable to pursue traditional employment, U proactively followed alternative opportunities for income generation. She enrolled in online courses focusing on freelancing, graphic design, and content writing. Initially encountering difficulties in securing online gigs, her persistence yielded positive results. Presently, she earns a comfortable income each month, enjoys flexible working hours, and can efficiently manage household responsibilities.

P, aged 19, from Karachi, is a student of professional psychology. She enjoyed reading books and wanted to be an author. She wrote a few novellas and showed the works to the family but was snubbed because of the romance stories, and girls writing romance is not encouraged in the traditional backdrop of the country. She found online forums where she could publish her books, anonymously or under pseudonyms. Her first book was popular on Instagram and TikTok, and she also got publishing offers. P also published six novellas and novels through the internet with a substantial amount of money saved as royalties to the books.

The use of internet can propel individuals towards achieving success and positive outcomes for women's empowerment.³⁷ The effects of social media on women influence

³⁷ Jafrah AlAmmary, "The Impact of Social Media on Women's Empowerment in the Kingdom of Bahrain," *Gender, Technology and Development* 26, no. 2 (27 Juni 2022): 238-62, <https://doi.org/10.1080/09718524.2022.2040217>.

entrepreneurial intentions in the digital world.³⁸ Digital technology can play an important role in promoting financial inclusion³⁹ and the development creates dependence.⁴⁰

The Government is encouraging digital inclusion and women's participation in the digital economy. These initiatives and policies are crucial in addressing digitalization and women's empowerment in Pakistan and are expected to contribute to bridging the gender gap and promoting participation in the digital economy.⁴¹ The main reason for online business is the flexibility provided, which allows transactions to be carried out.⁴²

Negative Impact: Online Sexual Harassment of Women

Even though internet has the potential to elevate individuals to success when used effectively, this is not universally applicable. In the context of Pakistan, the digital field can also be fraught with challenges and fears for women.

H, aged 27, from Rawalpindi, was married to a narcissist, who never hesitated to berate her. After three years of marriage, she filed for Khula and got a separation. This did not sit well with her husband and he leaked photos and videos by editing explicitly. This was painful for H and her family, but the police did not pursue the case effectively and her husband was not punished or held accountable.

D, aged 52, worked in a school for more than fifteen years and was excelling in her job. When the principal retired, the management made her the principal. During one instance, the boys of 10th grade caused a disturbance directed towards a female teacher in the classroom. D scolded and suspended the boys for misbehaving towards a teacher. As a revenge against D, the boys photoshopped her photograph with porn actors and actresses.

³⁸ Uttam Chakraborty dan Santosh Kumar Biswal, "Impact of Social Media Participation on Female Entrepreneurs towards Their Digital Entrepreneurship Intention and Psychological Empowerment," *Journal of Research in Marketing and Entrepreneurship* 25, no. 3 (16 November 2023): 374-92, <https://doi.org/10.1108/JRME-03-2021-0028>.

³⁹ World Bank, "Global Findex Database 2017" (Pakistan: World Bank, 2017).

⁴⁰ Amit Kumar Mandal, "A STUDY ON IMPACT OF SOCIAL MEDIA ON WOMEN EMPOWERMENT IN INDIA."

⁴¹ Akram, "Digitalisation and Women in Pakistan."

⁴² Swiss German University, Indonesia dkk., "Social Media Empowerment."

Furthermore, a fake Instagram ID was created with her name to upload the pictures. These are stories of ordinary women trying to make a mark in a world where men created hindrances.

The Internet has an insane ability to make or break a person. Dananeer Mubin used to be a lifestyle blogger and she went on vacation with friends. A video of 5 minutes she posted became viral and turned her into an overnight star in Pakistan and South Asia. She started acting in drama serials, and advertisements and gained thousands of followers on social media handles.⁴³ Similarly, there was the scene of a girl from Okara, Ayesha, who danced at a friend's wedding and the video went viral. Within a couple of days, she earned more than twenty million rupees from online views and was invited to television interviews.⁴⁴

The most significant case from Pakistan, where the internet became a death trap for a girl was undoubtedly Qandeel Baloch. She was probably the first woman in the country who garnered popularity and fame from social media. She was strangled by her brother, at the age of 26, in Multan and the parents did not condemn the action but rallied for his penalty to be lessened. The family made multiple statements that Baloch was the reason for the humiliation. This is because people used to make degrading comments concerning the daughter dancing on social media.⁴⁵

The development of technology creates a dependency on technology and has a direct impact on women's empowerment.⁴⁶ The ideals of an open, inclusive and participatory internet have been undermined by the rise of gender-based and misogynistic

⁴³ Saira Asher dan Vikas Pandey, "'Pawri girl': A five-second video brings India and Pakistan together," *BBC* (blog), 2021, <https://www.bbc.co.uk/news/world-asia-india-56107941>.

⁴⁴ ARY News Desk, "Mera Dil Ye Pukare Aaja' girl reveals story behind viral video," *ARY News Desk* (blog), 2022, <https://arynews.tv/mera-dil-ye-pukare-aaja-story-behind-girls-viral-video/>.

⁴⁵ Sanam Mehr, "Viewpoint: Qandeel Baloch was killed for making lives 'difficult,'" *BBC* (blog), 2019, <https://www.bbc.com/news/world-asia-49874994>.

⁴⁶ Amit Kumar Mandal, "A STUDY ON IMPACT OF SOCIAL MEDIA ON WOMEN EMPOWERMENT IN INDIA."

harassment on social media platforms.⁴⁷ Hate against women online is a violation of human and digital rights.⁴⁸ The issue of online harassment is important in Pakistan, where women participate in public life by pursuing higher education, working as journalists, or using social media. May face significant obstacles, both offline and online.⁴⁹ Technology-facilitated gender-based violence will hinder women's development in the digital world in Pakistan. Women who face online violence or harassment may be reluctant to participate in digital platforms, limiting their opportunities for personal and economic empowerment.⁵⁰

Contemporary Islamic Law Perspective on the Digital Rights

The intersection of digital rights, women's empowerment and contemporary Islamic perspectives is a dynamic and evolving field. The concept reflects the interaction between technological advancements, cultural norms and religious values. Even though the primary sources of Islamic law are the Quran and Hadith, *Ijmah*, *Ijtihad* and *Qayyas* absorb the constant changes happening in the world.⁵¹ The *Maqasid-e-Shariah* tend to ensure the safety of religion (*deen*), life (*jaan*), possessions (*maal*), intellect (*aql*), and lineage (*nasl*).⁵²

Islamic teachings provide a framework for understanding women's empowerment in the context of social justice and ethical behavior. Quranic principles of dignity, justice and equality show the potential balance between Islamic values and women's empowerment

⁴⁷ Kim Barker dan Olga Jurasz, "Text-Based (Sexual) Abuse and Online Violence Against Women: Toward Law Reform?," dalam *The Emerald International Handbook of Technology-Facilitated Violence and Abuse*, ed. oleh Jane Bailey, Asher Flynn, dan Nicola Henry (Emerald Publishing Limited, 2021), 247-64, <https://doi.org/10.1108/978-1-83982-848-520211017>.

⁴⁸ Nabamallika Dehingia dkk., "Violence against Women on Twitter in India: Testing a Taxonomy for Online Misogyny and Measuring Its Prevalence during COVID-19," ed. oleh Mahdi Zareei, *PLOS ONE* 18, no. 10 (25 Oktober 2023): e0292121, <https://doi.org/10.1371/journal.pone.0292121>.

⁴⁹ IDRC.CRDI, "Protecting Digital Rights Pakistan."

⁵⁰ Akram, "Digitalisation and Women in Pakistan."

⁵¹ Ahmed Gad Makhlof, "Evolution of Islamic Law in the 20th Century: The Conception of Collective Ijtihād in the Debate Between Muslim Scholars," *Oxford Journal of Law and Religion* 9, no. 1 (1 Februari 2020): 157-78, <https://doi.org/10.1093/ojlr/rwaa019>.

⁵² Zezen Zainul Ali, "The Urgency of Patriotism in Maintaining the Unity in the Republic of Indonesia in the Perspective of Maslahah," *El-Mashlahah* 11, no. 2 (23 Desember 2021): 116-26, <https://doi.org/10.23971/elma.v11i2.2958>.

in the digital age. Rapid technological advances have changed understandings and norms around privacy and trust globally. The important role of Islamic law in protecting individual privacy and promoting trust primarily focuses on the guidelines set out by the Qur'an and Sunnah.⁵³

The laws in Islam revolve around these five principles, and the same rules are applied to the cyber world.

“O believers! Avoid many suspicions, (for) indeed, some suspicions are sinful. And do not spy, nor backbite one another. Would any of you like to eat the flesh of their dead brother? You would despise that! And fear Allah. Surely Allah is (the) Acceptor of Repentance, Most Merciful.” (Q.S Al-Hujurat: 12)

Digital rights in Islam are an evolving and nuanced area, subject to interpretation within the framework of Islamic jurisprudence. The principles emphasize the protection of individual privacy, dignity, and freedom of expression in line with fundamental aspects of digital rights.

“(O Prophet!) Tell the believing men to lower their gaze and guard their chastity. That is purer for them. Surely Allah is All-Aware of what they do.” (Q.S An-Nur: 30)

Islamic teachings show the importance of justice and fairness, calling for equitable access to digital resources and opportunities. However, the application of the principles to the digital field requires careful consideration of the specific context and the potential impact on societal norms. Islamic scholars address issues related to online privacy, freedom of expression, and ethical conduct in the digital space with advancements in technology.

⁵³ M. Lubis dan M. Kartiwi, “Privacy and trust in the Islamic perspective: Implication of the digital age,” dalam *2013 5th International Conference on Information and Communication Technology for the Muslim World (ICT4M)* (2013 5th International Conference on Information and Communication Technology for the Muslim World 2013 (ICT4M), Rabat: IEEE, 2013), 1–6, <https://doi.org/10.1109/ICT4M.2013.6518898>.

Islam is all for equal and fair treatment for all, regardless of their gender, race or creed.

“O humanity! Indeed, We created you from a male and a female and made you into peoples and tribes so that you may (get to) know one another. Surely the most noble of you in the sight of Allah is the most righteous among you. Allah is truly All-Knowing, All-Aware.” (Q.S Al-Hujuraat:13)

Islam has always kept women in the highest esteem and the dignity and honor are seldom experienced. Islamic Law has ensured that the life, integrity and emotional well-being of women are not compromised. Prophet صلى الله عليه وسلم came across a man who was in charge of taking women on a journey, on camels. He صلى الله عليه وسلم advised that man to “be gentle” while carrying “fragile vessels” on the camels.⁵⁴ He related women to the delicate glass, which has to be handled with care.

The digital rights of women empowerment under Islamic laws.

Confidentiality and privacy of users are part of the foremost digital rights. Women are more subjected to data leaks and more than 45% have faced online data breaches.⁵⁵ Quran (Surah Al-Hujraat 49:12) emphasizes the importance of guarding privacy and avoiding suspicion. This principle can be extended to digital identity and privacy of information.

Freedom of expression and speech is a core right of all human beings, but women are not given the privilege to exercise the right. This is due to the early age teaching that “being silent is a virtue”. The voices of women are suppressed and a large part of the

⁵⁴ Imam Bukhari, *Sahih Bukhari*, Book 78, *Good Manners and Form (Al-Adab)*, Hadith 6202, t.t.

⁵⁵ Tara Seals, “Women, Minorities Are Hacked More Than Others,” *Threatpost* (blog), 2021, <https://threatpost.com/women-minorities-hacked/175038/>.

population is discriminated.⁵⁶ Another issue associated with freedom of expression is the use of foul and abusive language against women on online forums.⁵⁷

“Whoever commits to (performing) pilgrimage, let them stay away from intimate relations, foul language, and arguments during a pilgrimage. Whatever good you do, Allah (fully) knows of it. Take (necessary) provisions (for the journey) surely the best provision is righteousness. And be mindful of Me, O people of reason!” (Q.S Al-Baqarah:197)

This Quranic verse suggests the importance of mindfulness before speaking, responsibility, and wise speech. Prophet صلى الله عليه وسلم states that the believers do not use offensive and insulting speech toward each other.⁵⁸ These principles of positive communication can be transmitted to online forums, specifically when dealing with female users.

Another problem is the tarnishing of reputation, slander, and misinformation. Cyberbullying, hate speech, identity theft, and all the vices are a boon to the women using internet. Among the most serious concerns is the issue of revenge porn, which includes the unauthorized sharing and dissemination of intimate images or videos, resulting in severe repercussions.⁵⁹ Studies have shown that at least one in every three people has been subjected to cyberbullying in the UK, USA, New Zealand, and Australia.⁶⁰

“O believers! Do not let some (men) ridicule others, they may be better than them, nor let (some) women ridicule other women, they may be

⁵⁶ Fardowsa Hussein, “Sexism and misogyny’ heightened; women’s freedoms suppressed,” *UN News* (blog), 2021, <https://news.un.org/en/story/2021/10/1103382>.

⁵⁷ Knops, “The Virtue of Silence: An Ode to Those Who Can Keep Silent,” *Knops.co* (blog), 2023, <https://knops.co/magazine/the-virtue-of-silence/>.

⁵⁸ Imam Bukhari, “Sahih Bukhari, Book 27: Chapters on Righteousness And Maintaining Good Relations With Relatives, Hadith 1977,” t.t.

⁵⁹ Hija Kamran dan Meher Ahmad, “Pakistan’s revenge porn law is stronger than most. For one woman, that made no difference,” *Rest of World* (blog), 2021, <https://restofworld.org/2021/pakistans-revenge-porn-law-is-stronger-than-most-for-one-woman-that-made-no-difference/>.

⁶⁰ Chance Carter, “An Update on the Legal Landscape of Revenge Porn,” *National Association of Attorneys General* (blog), 2021, <https://www.naag.org/attorney-general-journal/an-update-on-the-legal-landscape-of-revenge-porn/>.

better than them. Do not defame one another, nor call each other by offensive nicknames. How evil it is to act rebelliously after having faith! And whoever does not repent, it is they who are the (true) wrongdoers.” (Q.S Al Hujurat: 11)

Even though the Quran and Hadith do not address the technological advancement of the modern day, the principles of ethics can be applied to information.

“O believers! Stand firm for Allah and bear true testimony. Do not let the hatred of a people lead you to injustice. Be just! That is closer to righteousness. And be mindful of Allah. Surely Allah is All-Aware of what you do.” (Q.S Al-Ma'idah: 8)

Islam has given freedom of speech and the necessity to pay attention to ethics and benefits in social media. Freedom of speech has restrictions and can be carried out without disturbing the interests of others. This restriction is based on considerations to protect each other as well as the morals and honor (*hifz 'ird*) of the community.⁶¹ Therefore, freedom of speech in the view of *maqāṣid ash-sharī'ah* is an assessment of the priority scale of the resulting *maslahat*.⁶² The greater the benefit (*maslahat*) generated, the more favorable the outcome and in the presence of harm (*mafsadat*), the principle is subject to restriction.⁶³ Freedom is related to religion, belief, ownership of property, business, choice of residence, thought, and opinion.⁶⁴ In the context of *maqāṣid ash-sharī'ah*, the benefits do not contradict the values of the Shari'ah. Therefore, Islam has taught the ethics of communication, as indicated by *qawlan sadīda* (honest, not lying: Al-Nisā, 9 and Al-Ahzāb, 70), *qawlan balīgha*

⁶¹ Isna Fitria Agustina dkk., “Political Hoaxes in the Post-Truth Era: An Islamic Political Analysis,” *Al-Istinbath: Jurnal Hukum Islam* 8, no. 2 November (28 November 2023): 645, <https://doi.org/10.29240/jhi.v8i2.8457>.

⁶² A. Gad Makhlouf, “The Doctrinal Development of Contemporary Islamic Law: Fiqh Academies as an Institutional Framework,” *Oxford Journal of Law and Religion* 10, no. 3 (2021): 464–86, <https://doi.org/10.1093/ojlr/rwac005>.

⁶³ Abdurrahman Kasdi, “Maqashid Syari'ah Dan Hak Asasi Manusia (Implementasi Ham Dalam Pemikiran Islam),” *Jurnal Penelitian* 8, no. 2 (2014): 247–68, <https://doi.org/10.21043/JUPE.V8I2.836>.

⁶⁴ Muhammad Tahir Azhary, *Negara Hukum: Suatu Studi Tentang Prinsip-prinsip Dilihat dari Segi Hukum Islam, Implementasinya pada Periode Negara Madinah dan Masa Kini* (Jakarta Pusat: Sinar Grafika, 2003).

(straightforward, effective: al- Nisā, 63), *qawlan ma'rūfa* (kind and polite words: al- Nisā', 5 and 8, al-Baqarah, 235 and 263, al-Ahzāb, 32, and Muhammad, 21), *qawlan karīma* (respectful: Al-Isra), *qawlan layyina* (gentle: Thaha, 44), and *qawlan maisūra* (easy to understand: Al-Isra, 28).⁶⁵

CONCLUSION

In conclusion, internet and social media were reported to offer a myriad of challenges with multi fold opportunities to women. Social media and digital platforms offered access to information, education, and opportunities for skill development. Women could also leverage digital platforms for entrepreneurship and economic empowerment. These platforms allowed connection with global audiences and established online businesses. Islam also promoted knowledge and the use of digital platforms for educational purposes in line with this principle. Furthermore, the religion supported economic independence and ethical business practices, as well as women's pursuit of opportunities. In navigating the challenges and opportunities, the ethical dimensions from an Islamic perspective should be considered. Emphasizing values such as justice, privacy, dignity, and the pursuit of knowledge promoted digital rights for women's empowerment. The integration of these values into policies and initiatives contributed to a more inclusive and equitable digital landscape for women in Pakistan.

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⁶⁵ Agus Purnomo dkk., "Characteristics of Hate Speech and Freedom of Expression in the Perspective of Maqāsid Al-Sharī'ah," *JURIS (Jurnal Ilmiah Syariah)* 22, no. 1 (26 Juni 2023): 171, <https://doi.org/10.31958/juris.v22i1.9446>.

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