SEXUAL ACTS AND ESCALATION: AN ANALYSIS OF THE FACTORS LEADING TO SEX CRIMES

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ABSTRACT
Sex crime is a worldwide phenomenon, but being an Islamic state, Pakistan's position is very crucial. In Pakistan, the number of sex crimes is uncontrolled and increasing regardless of strong efforts at the government and non-governmental levels. The focus of the research at hand was to dig out the possible factors leading to sex crimes in Pakistani society. The study is conducted using a qualitative approach, applying interview protocol to such citizens who are professionals and serving in different fields of law; hence, the study is also abreast of the enriched experience and knowledge of learned officials. An in-depth interview for exploring these areas was developed and validated. Data were collected from 11 key informants with prolonged experience in their field of work. The study has important implications for dealing with such an obscene phenomenon for the government, judiciary, law enforcement departments, policymakers, non-governmental organisations linked with fields of law, personnel from grass-roots level administration, parents and teachers, and so on.

Keywords: Sexual Acts, Crimes, Sexual Abuse, Sexual Penal provisions, Pakistan.

INTRODUCTION
Sex crimes are a global phenomenon that affects almost every society. It is a crucial issue that penetrates tremendously into Pakistani society. Such issues may not be considered serious in other parts of the world, but Pakistan, as an Islamic state, is in a critical state for an escalation of such a curse. According to the Daily Times report (2022), 30,609 cases of harassment along with violence and 14,456 cases of rape were claimed in Pakistan during 2018–2021, which is a really serious matter for a state evolving on Islamic ideology.

Sexual crimes are a category of offenses that generally arise when violence occurs during a sexual act, when there is a lack of consent by one party to the sexual act, or when someone engages in sex with an individual who is legally incapable of consent or vulnerable, such as a child or woman, respectively. Sex crimes have serious repercussions for those found guilty because they often require not only jail time but also official registration as a sex offender, which has a definite impact on their social status, housing, and social opportunities for the remainder of their lives (Levenson & Prescott, 2014). In a broader sense, the term "sexual act" refers to anal interaction, or the penetration of any object into the genital or anal organ of someone opening another person's body (Markham, 2020).

The most significant of these acts are rape, forced pregnancies, rape of persons with a mental or physical disability, legal sexual abuses, child sexual abuse, fornication, adultery, violence against women’s sexual integrity and sexual exploitation (Urdari & Tudor, 2014).

Objectives of the Study
The study is mainly designed to dig out the factors leading to sex crimes in Pakistan from the perspective of intellectuals serving in different fields of law and having more than 15 years of professional experience, to know the statutory enactments, and to find ways to control this curse.
Significance of the Study
This is the first academic research conducted to identify the factors leading to sex crimes, for which an exploratory approach has been adopted. The study was conducted to analyse the leading factors behind the occurrence of sex crimes and to know the penal mechanisms drafted by the state to fix offenders for such crimes. The study would be helpful to policymakers to bring about reforms and also be valuable to the community in general because they may acquire some knowledge and awareness, which will certainly help curb sexual crimes.

Statutory Provisions On Prevention of Sexual Crimes
Protection from sexual acts is one of the fundamental rights guaranteed by the Islamic Republic of Pakistan's 1973 constitution. The fundamental rights to life and equality effectively prevent rape and sex abuse/assault. The Constitution also protects basic liberties and freedoms that entitle the state to incorporate particular provisions regarding women as well as minors. This equality is explicitly addressed in Article 14, which states that any form of abuse or violence violates the fundamental right to dignity as well as the constitutional guarantee of authentic due process under Section 25(1) of the Constitution. (Awais,2014) Sections 292 (A), 292 (B), and 292 (C) of the Pakistan Penal Code 1860 (Butt, 2008) prohibit sexual acts, as do sections 354, 354 (A), 376, 376/511, 377, 377 (B), 493 (A), and 496 (A) and (B). The Hudood Ordinances on Zina and Qazf on Zina (1979) are inflexible legislative measures taken to protect against sexual crimes, incorporating strict punishments like whipping, amputation, and stoning to death. These laws were intended to implement Shari’a law or bring statutory law into conformity with the injunctions of Islam by enforcing the punishments mentioned in the Quran and sunnah for Zina and Qazf. The Protection of Women (Criminal Laws Amendment) Act, 2006 is another statutory law related to sexual acts aimed at providing relief and protection for women against misuse and abuse of the law. The Act to Prevent Harassment of Women at Work (2010) The Khyber Pakhtunkhwa Child Protection and Welfare Act of 2010 is mainly for the overall protection of children.

REVIEW OF LITERATURE
Child sexual abuse is a mysterious but disquieting hazard in any politically organized society. The issue in every civilized society. A partial population of minors from around the globe is exposed to sexual violence each year. The perpetrators’ and fighters’ distress, along with its consequences, is normally hidden from the people living around them. In today's globalized world, there is a need to devote time to educating and empowering children to be aware of and empowered against such violent acts by offenders. The frequency of such offenses is increasing. There are daily reports, in either local or national newspapers, about different types of such acts (Avais et al., 2022). Sexual cases in Pakistan take years to prosecute and perpetrators often escape punishment because political influence leads to faulty police investigations. Moreover, rampant corruption in the lower judiciary can also help rapists seek favorable verdicts. They said that the circumstances often discourage women from seeking justice for fear of being shamed or persecuted by police or even their own relatives, largely due to some overwhelming social barriers in the country (Kaleem, 2022). Sexual acts are that category of offences that elevate society’s concern and sexual violence is a profound human rights violation and public health concern. The perpetrators of sexual crimes are most generally male and known to the sufferers and often a close companion or, in the case of a child, a reliable family or community member. Sexual viciousness is varied and includes a range of different victim-perpetrator relationships, a range of different sexual acts, a series of forms of compulsion and contexts of vulnerability and it happens in a variety of situations (Tshabalala, 2021).

The findings of cross-cultural anthropological studies diverged from the impression of the biological nature of rape and recommended that the sexual conduct of different human beings was an expression of different ethnic forces, with prevalent cultural practices impacting a person’s sexual conduct (Verson et al., 1995). A study conducted on different tribal societies observed that rape was more likely to occur where some specific cultural arrangements were in places, such as male domination and separation between sex and interpersonal violence (Zafar, 2018). According to analysis and research, the criminal justice system only recognizes a subset of sexual offenses. The majority of cases involving aggrieved parties remained covered. Sexual acts are definitely the most injurious category of offences. The impressions of such commissions are adverse and likely to be mentally shocking for a long time, sometimes a lifetime (Easton, 2014).

METHODOLOGY OF THE STUDY
A qualitative, exploratory approach was adopted to find the factors leading to sex crime in Pakistani society, considering both primary and secondary data. Primary data was collected through an in-depth
interview with 11 key informants. Senior professors from legal education, Islamic and religious studies, a session judge, the principal public prosecutor, senior advocates, young practicing lawyers, the university’s senior-most LLB students, the assistant superintendent police, and the superintendent jail comprised the panel. Secondary data was collected from other sources like law journals, reports, etc. The researchers recorded all the interviews, which were later transcribed. The data were analyzed using thematic analysis.

**Sample of the study**
In the present study, 11 key informants were selected from the Hazara division of the Khyber Pakhtunkhwa Province of Pakistan. The officials directly associated with the profession of law and nationals serving privately in the fields of law and society (see Table 1) were employed as the main participants in this study. Most of the participants (officials and nationals serving privately) were over 40 years of age with 10–15 years of service or more experience in their relevant fields. (see Column 05 Table .01)

**Table No. 1 List of Participants of the Study**

<table>
<thead>
<tr>
<th>Sr.No.</th>
<th>Participants of study</th>
<th>Age</th>
<th>Code Name Of Each Participant</th>
<th>Experience In years</th>
</tr>
</thead>
<tbody>
<tr>
<td>01</td>
<td>Professor of Religious and Islamic Studies (male)</td>
<td>45</td>
<td>Officer from Religious Education (ORE 01)</td>
<td>22</td>
</tr>
<tr>
<td>02</td>
<td>Professors of Law. (male)</td>
<td>47</td>
<td>Officer from Legal Education (OLE 01)</td>
<td>18</td>
</tr>
<tr>
<td>03</td>
<td>Professors of Law. (female)</td>
<td>43</td>
<td>Officer from Legal Education (OLE 02)</td>
<td>17</td>
</tr>
<tr>
<td>04</td>
<td>Public Prosecutor</td>
<td>39</td>
<td>Officer from Court (OFC 03)</td>
<td>19</td>
</tr>
<tr>
<td>05</td>
<td>Session Judge</td>
<td>41</td>
<td>Officer from Court (OFC 04)</td>
<td>22</td>
</tr>
<tr>
<td>06</td>
<td>Assistant superintendent Police</td>
<td></td>
<td>Officer from Police (OFP 05)</td>
<td>20</td>
</tr>
<tr>
<td>07</td>
<td>Superintendent Jail</td>
<td>42</td>
<td>Officer from Jail (OFJ 06)</td>
<td>16</td>
</tr>
<tr>
<td>08</td>
<td>Senior Advocate (male)</td>
<td>51</td>
<td>Officer from Bar (OFB 08)</td>
<td>21</td>
</tr>
<tr>
<td>09</td>
<td>Senior Advocate (female)</td>
<td>57</td>
<td>Officer from Bar (OFB 09)</td>
<td>29</td>
</tr>
<tr>
<td>10</td>
<td>Senior Law Student ( male)</td>
<td>23</td>
<td>Senior Law Student (SLS 01)</td>
<td></td>
</tr>
<tr>
<td>11</td>
<td>Senior Law Student (female)</td>
<td>23</td>
<td>Senior Law Student (SLS 01)</td>
<td></td>
</tr>
</tbody>
</table>

**Data Collection**
Data was collected using a semi-structured interview protocol. During the data collection process, semi-structured interviews are useful data collection tools for qualitative research studies. The first author of the paper conducted interviews with professors of Islamic and religious studies, law (male and female), senior advocate (female) and district public prosecutor. Their responses were noted through the audio recording, except for participant No. 3, where the author used a writing pad during the interview process. The rest of the interviews were recorded by the second author (serial no.05 to no.08 and nos.10 and 11 of chart no.01). As audio recording was not permitted (except for participant no. 8 of the given Table), responses were recorded by taking rich and detailed written notes during the interview process.

**Data Analysis**
The data were analyzed using thematic analysis. Thematic analysis is a useful method for probing the viewpoints of different participants and highlighting comparisons and variances of data in depth. It is also a well-structured and adaptable method for analyzing word-based data from interviews (Braun & Clarke, 2006). Use was made of the various steps of thematic data analysis as recommended by Braun and Clarke (2006).

**Ethical Considerations**
Ethical considerations were ensured as a top priority throughout this study. All participants ensured that the data obtained would be used for academic purposes only. Before conducting interviews, the
willingness to participate was freely and voluntarily secured. No compulsion was imparted upon them. All participants’ privacy was protected, and code names were used instead of their real names. (See columns 02 and 03 of Table 01).

FINDINGS OF THE STUDY
The following section describes the main themes that emerged in the study.

Deprivation from Islam teaching
Data revealed that deprivation from Islamic teachings was investigated as one of the major factors leading to sexual crimes in society. This factor was reported by two officers from legal education, who stated, respectively: "One of the predicaments of our society is that we do understand the teachings of Islam but don’t practically implement them. (ORE.01) Another stated: "We live in an Islamic society and know Islamic laws to a great extent, but the result of the weakness of faith and distance from the original teachings of Islam is that the nafs overpowers and led astray by sin and commits sexual offenses." (OLE.02) Another participant responded: "One of the themes of Islam is eye protection. This is necessary so that human sexual desires do not overwhelm them and prevent them from becoming beasts. But where it is not practiced, sexual crimes are promoted and liberated." (OFJ. 06)

Westernization
Westernization is identified as another factor leading to sexual crimes. One of the participants (ORE.01) responded that people in Pakistani society have started to adopt the western way of life, which seems to them to be an attractive and luxurious life. Different roles or typescripts in the plays in westernized outfits have influential effects on the minds of people in society and they try to act like fictional heroes. On fire with ego and lust, people are inclined towards immoral acts like sex crimes. Another stated: "It is a fact that modern technology, like different websites on the internet and various applications on gadgets, has changing effects on the lives and minds of the people and such websites on the internet promote a western lifestyle and provide videos outside the realm of morality." (OFC.04)

Destructive Use of Modern Technology
Other factors that contribute to sexual crime include unrestricted access and the destructive use of modern technology. Two interviewees shared the same opinion. One stated: "Instead of constructive use of modern technology, it is more attractive to use it in a destructive way, because of which a person becomes a victim of bad perceptions and then he also gets ready for crime to bring pleasure." (OFJ. 06)

In the modern age of technology, mobile phones are considered one of the easiest and fastest ways of communication, but no one realizes the drawbacks of the destructive use of such gadgets. One of the participants endorsed the same and stated: "Mobile technology was a great discovery in the world, but if inventors knew the impacts of misuses, they would probably feel regret as destructive use creates various issues and sex crime is one of them." (OFP. 05)

Poor implementation of Laws
Poor enforcement of the law is explored as another major factor leading to sex crimes in society. One of the participants stated: "The prevalence of a poor system of punishment encourages like-minded people in society rather than creates deterrence among them, which is a clear message that the system cannot penalize offenders for such evils." (OLE.01)

Another participant (OFC.03) shared the same view that the law enforcement system has become so useless that the culprit can easily be protected by applying financial or political jacks that ultimately promotes such crimes. Unfortunately, when the offender is not punished, so-called deterrence may be completely eliminated, opening doors for delinquency for sex crimes.

Late Marriages
Late marriage contracts were investigated as another increasing factor in sex crimes. One of the senior students of legal studies shared his viewpoint: "As the desires of adult persons dominate most of their nafs, they cannot endure, which eventually causes them to satisfy their sexual desires through wrong
ways and means." (SLS. 01) The same view is supported by one of the senior female advocates:"

Delaying marriages of adults is also one of the factors in sexual crimes. "When an adult person fails to control his/her sexual desires, it can also influence them to commit a sexual crime." (OFB. 09)

Lack of Awareness and Education
Lack of awareness and education is identified as another factor leading to sex crimes. An interviewee (OFB.09) of this study stated that lack of knowledge on sex-related matters is one of the major factors leading to sex crimes, as young people do a lot in ignorance. Furthermore, our society is structured in such a way that issues on a subject are never openly discussed, but it is assumed that those who live in it are familiar with them. Another risk is that our society is becoming more ignorant by the day. The new generation's awakening has been difficult because they always turn deaf ears to the elders' words and believe they are the most intelligent and wise.

On the other side, one of the youngest interviewees shared her viewpoint: "Awareness or education on sex is the dire need of the hour, but unfortunately, homes and schools are not able to speak freely for various reasons, and because of this, children are deprived of sex education and later commit such crimes." (SLS. 02)

Another participant said: "Children and women are fragile and easy to target. They must be taught how to defend themselves against people who want or intend to have sex with them". (OFJ. 06)

Substance Addiction
Substance (ice, alcohol, nicotine drugs, or other narcotics etc) addiction is another factor that stemmed from the data analysis. Various participants have expressed their viewpoint about this harmful factor. One of the participant of this study stated: "In present era various substances used for addiction, easily available and subjects of no restrictions and check therefore people are valiantly engaged in buying and selling. Using these drugs, people become insensible and then indulge in sexual desires that leads to sexual crimes." (OFB.08)

Another participant stated: "intoxication overpowers consciousness of persons and leads them to the level of brutality and under the state of intoxication no one hesitates to commit crimes."(OFC.04)

Frustration
Frustration in society is revealed as another factor leading to sex crimes in society. One of the officers (OFC 01) stated that frustration happens usually from routine hassles, domestic issues, finance and relational clashes etc. and it is not easy to handle frustration in some healthy way so it turns persons to involve in immoral activities to sort out their anxious or angry feelings or to appease themselves. Another participant (OFJ.06) in this study also shared the same view that most frustrated people go through maladaptive ways to adjust their state of frustration. The state of frustration adversely affects the ability of a person to apply his mind positively, so in such a situation there are more chances to be misled, which often results in the commission of such immoral acts. To seek peace and get rid of frustration, people just commit sex crimes.

Communication Gape Between Parents and Children
Role of parents to educate and groom their children can never be ignored. Huge communication gap between parents and children is explored as a key factor that adds up sex crimes in society. One of the participants of this study stated: "Parents must avoid hesitant approach to provide awareness on sex related matters to their children otherwise they learn about it from peers around them." (OFFP.05) One of the officers from legal education shared same point of view and stated: "Parents never educate their children about physiological changes that occur during puberty, perhaps because of communication gap. Children face troubles and discuss with other people around them who often respond with carelessness or may instigate or misguide them to commit such obscene acts."(OLE.01)

Contents of TV Shows and Dramas
The content of television shows and dramas has also been identified as a major source of obscenity, leading to sexual frustration in society. One of the participants (OFC.03) openly stated that the contents of TV shows and dramas todays, offer a market for depravity that directly captures the minds of youngsters and plants like a seed in their fertile minds. People are influenced to commit such immoral crimes for a variety of reasons. Another participant stated: "Immoral contents shown through western movies attract youngsters easily. Homosexuality and the idea of living relations are properly promoted through such movies that cause people to fall into sexual brutality."(OFB. 07)

Another participant stated: "The content of most of today's dramas, including Pakistani dramas, is merely imaginative and promotes western fashion that pushes younger and especially female viewers into the world of fantasy. Whatever is shown in the name of fashion incites people to go through such crimes." (OFJ 06)
**Women Deprivation from Inheritance and Inequalities**

Another major factor in the occurrence of sex crime in Pakistani society is a lack of inheritance rights and inequality. It also causes a woman to leave the straight path and do a lot under duress which leads to sexual crimes. One of the participants stated: "*In order to get rightful share in the inheritance, women go round various offices and fall into the hands of lustful people and thus unknowingly become the target of people’s lust.*" (OFP. 05)

It is dilemma that in male dominating society women is taken as commodity and not equally treated. One of the participants shared his viewpoint and stated: "women are considered inferior, they are not given the right to inherit and this is the reason why we are forced to think of using women as one thing only for sexual needs. Inequalities done with women also lead them to take the wrong path and become victims of sexual crime." (OLE. 02)

**Open Availability of Pornographic Material**

One of the participants (OLE.01) stated that the availability of pornographic videos without any restriction is also a reason behind the increase of this evil and unfortunately, pornography is broadly open to the public with no policy towards restriction. Many youngsters (male and female) are indicted for such evil. Similar views were shared by another participant: “Pornographic websites and videos are a big cause of sex crime. Over the last thirty years, videos and websites that are a constant source of crime have sprung up.” (OFP. 05)

Another young participant stated that pornographic websites are widely used these days, which do not satisfy people's inner horror and entice them to commit sexual crimes for the sake of satisfaction. (SLS. 01)

**Pornographic Dressing**

One of the major factors contributing to crime in society is pornographic clothing. One of the participants responded: "Dressing plays a very important role in human character. Wearing obscene and open clothes attracts and induces others to be spoiled sexually, which eventually results in sexual commissions." (OFC.03) Another participant expressed: “Pornographic dressing is very popular nowadays; it is also becoming a major cause of sex crime in society. The women seem comparatively attractive when they wear pornographic dresses, especially at wedding ceremonies or at some other gatherings and parties etc.” (OFP.05)

**DISCUSSION**

The findings of the study at hand explored possible factors leading to sex crimes in Pakistani society, which cannot go unnoticed in any case. According to this study, various factors are the cause of sexual crimes, in which distance from Islamic teaching is significantly prominent. Islamic teachings and values are standards only; Islam is strictly against committing the act of sexual rape. The Almighty stated unequivocally: "And stay away from illegal sex. Verily, it is a shameful deed and an act of evil, opening the road to too many other evils." (Al-Quran 17:32). There is no place in Islam for any type of immoral activity that proceeds through pornographic clothing, videos, or any other means like substance addiction, as it is injurious to humans. A study by Amir (2019) also revealed that the evils of pornography gradually upset people's physical and mental well-being. Pornographic images are stored in the mind, and females, in particular, are strictly forbidden from rendering their adornments for males other than their husbands, because it is the source of temptation for men that leads the evil force (Satan) to create the opportunity to entice both males and females. Al-Shari (2016) clearly endorsed the idea that addiction is one of the prime triggers of sex crimes. The risk of commissions of sex crimes can certainly be comprehended by connecting alcohol addictions. To some extent, the negligent role of parents and the communication gap between parents and children also cause obscene commission (Irmgard, 2018). Focused on parental involvement to secure children from such sexual evils by creating harmless environments for their children and by aiding them to feel safe and confident. Although there is a rarity of research on parental role as educators but parental communication with children about the risks of sex crimes is acknowledged as an effective and preventive approach.

In Pakistan, where sex crime is one of the major human rights concerns, we have a market for obscene dramas and TV shows that have an extensive range of deleterious values that they unconsciously transmit in the minds of viewers, which are difficult to antedate. The findings of the study by Faiz (2022) were that teenagers are easily influenced by reality television shows as the contents have detrimental effects on their exposure, living style, and overall culture.
RECOMMENDATIONS
The findings of the present research are crucial facts prevailing in society. The ratio of these flourishing factors can be eliminated or minimized through the following recommendations.

1. Inflexible legal measures with strong implementation may certainly be effective in controlling such commissions.
2. Education and awareness must be brought among people in pertaining to the adverse impacts of commissions of sex crimes, individually, on psyche, personality and life of a person and collectively on the general environment of a nation. It can be achieved through conduction of awareness sessions for general community specially parents, children and adults in collaborations with educational and professional experts.
3. Consultative and training workshops must be arranged consistently, to discuss the hazards in the effective execution of law and its way outs between the law enforcing officers, judicial personnel, advocates and law makers.
4. Media is the most operative and influential source to spread awareness and can play strong role to educate people on such lethal issue or to diminish its ratio from the society.
5. Additionally, it is a dire need of the hour to get people out of egotism and to organize awaken moral sense of people, which can be achieved through religious sermons and advice for the purification of mental attitudes.
6. Consequences of such crimes are the innumerable disorders in society that has made people suffer from, can only be effectively treated through a general environment of moral training. Keeping in consideration the socio-cultural and religious values and moral standard of the society; the role of law enforcing agencies and the judicature is equally significant, which can bring remarkable change in minimizing the ratio through enforcement of Hadd punishment against the offenders.
7. Further proper investigation, trial, verdict and timely execution of punishment without duress is likely to stretch message of deterrence throughout the society.
8. Drug mafia must be treated with severe legal mechanisms on broader, national, provincial, divisional and district level to overcome this curse. In this regard massive campaign can be launched, especially by district management involving youth from local community. Effective results can be achieved if such mechanisms are implemented by a wide range of extra-legal preventive programs developed in mutual co-ordination and with support of governmental organizations, relevant experts, local administrations, educational institutions, etc. in close alliance with the law enforcement agencies.
9. Constructive use of gadgets or latest technology can be ensured through creating awareness amongst parents, teachers, youth and children by introducing short courses and trainings. However parents at home and teachers at schools must self-monitor the activities of children while using gadgets.
10. Government should take substantial measures to clean out jumbled pornographic material from social media in collaboration with such media regulatory managers. Mafia behind uploading obscenity and filth on social media or websites need to be treated with iron hands.
11. Strict compliance of Islamic provisions and Islamic law regarding the inheritance rights of women must be ensured rather to custom prevailing about dowery.
12. Reviewal of Child marriages restraint act is necessary to overcome this curse. In this regard Islamic Ideological Council must play its significant role.

REFERENCES
Al-Quran (17:32)


