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## A Socio-Legal Study on The Impacts of Covid-19 Pandemic towards Domestic Violence Cases

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### Abstract

Covid-19 pandemic which has spread in nearly every country across the world that lead to total lockdown combined with isolation measures has a high potential for escalating domestic violence in Malaysia. The rise of domestic violence during the pandemic was due to economic, social, and psychological factors on individuals, families, and communities. Therefore, this paper seeks to identify the impacts of Covid-19 pandemic on domestic violence cases in Malaysia. Hence, using qualitative methods of research that include content analysis, this paper aims to analyse the impacts of Covid-19 pandemic on domestic violence cases in Malaysia and the available mechanisms, and the active parties that offered the assistance to the victims of domestic abuse in Malaysia. The paper describes that all parties especially the Government of Malaysia are actively helping the victims and preventing the rising of the domestic case although it is reported some of the mechanisms are not available during Covid-19 lockdown. Apart from that, although domestic violence is categorized as a crime in Malaysia, the positive impacts, the occurrence of domestic violence during the pandemic allows the intellectual impacts to prosper concurrently.

**Keywords:** Domestic Violence, Impacts, Pandemic Covid-19.

### Introduction

Coronavirus (Covid-19) is a global pandemic that was initially found in Wuhan, China in December 2019 and has impacted millions of individuals in practically every country in the world. To counteract the spread of Covid-19 across Malaysia's states, the government ordered total lockdown on 18 March 2020, prohibiting people's movement. Most working parents must work from home except for essential workers. Total lockdown combined with isolation measures has a high potential for escalating domestic violence, economic stress such as financial problems and job loss, as well as individual mental health (Nicole et al., 2021).

Domestic violence is a common occurrence in Malaysia. There have been several reports of domestic violence through Talian Kasih of Ministry of Women, Family, and Community Development (MWFC) during the pandemic, with a total of 5260 cases reported from January to December 2020, mainly during the implementation of the movement control order (Arifin, 2021). Domestic violence increased during the pandemic, according to the Women's Centre for Change (WCC) (n.d), due to economic, social, and psychological pressures on people, families, and communities. Covid-19 does not only affect the global economy growth but to the tiny social units of family as well. The silent disease of domestic violence escalated and spread out miserably in the outrage of Covid-19. Criminologists come out with many theories on the impact of this dangerous disease to human life issues: the lock down and movement control order, the disturbance to economic stability, losing jobs, high rate of unemployment, stressful life at home, all these have direct connection with the rise of violence to family members (Pereda & Diego, 2020). Domestic violence victims are substantially more likely to experience a variety of mental health issues, therefore if there are no efficient strategies to prevent its widespread influence, the beneficial national evolution will be thwarted (Parker, 2019). Covid-19 may make patterns of coercive behaviour worse, such as sexual harassment and financial oppression, which can leave victims with physical harm as well as psychological and emotional suffering (Mohammed et al., 2021). The majority of the reports found online noted that victims' inability to obtain support services may strain them and increase their difficulties (Nigam, 2020; Humphreys, 2020). Even better, under movement control order, shelter support services and other organisations were expected to be the women's lifelines by assisting them in coping with domestic abuse or violence. The previous studies, however, indicated that they were not regarded as critical service providers, which made it challenging for them to function efficiently and react quickly to emergency calls. Also, Mohammed et al (2021) say that it is likely that mothers and their children will feel the harmful effects of any previous domestic abuse during the time after the pandemic.

Therefore, this paper will use qualitative research methods like content analysis, which involves reviewing relevant literature, and doctrinal analysis, which involves examining materials like statutes, treaties, and other legal and non-legal literature, to look at the effects of the Covid-19 pandemic on domestic violence cases in Malaysia, the available mechanisms, and the active parties who helped domestic violence victims. From the point of view of Islamic law, the issue is looked at through the Qur'an and the Sunnah, which are the main sources of Islamic law.

### ***Factors lead to Domestic Violence Cases***

According to the United Nation (n.d), domestic violence can occur in many ways:

- i. Physical abuse: Hitting, kicking, scorching, grabbing, squeezing, shoving, slapping, hair-pulling, biting, withholding medical care or forcing drinking and/or drug use, or employing other physical force are all examples of physical abuse.
- ii. Emotional abuse: Emotional abuse is when a person is humiliated or made to feel worthless by the use of words, either directly or through online or social media applications.
- iii. Sexual abuse: When a partner uses sex to dominate or humiliate the victim, such as frightening the victim into engaging in risky sex or sexual activities in which she does not want to participate, this is referred to as sexual abuse.

- iv. Psychological abuse: Intimidation, threats of physical harm to self, partner, or children, destruction of pets and property, “mind games”, or forced isolation from friends, family, school, and/or employment are all examples of psychological abuse.
- v. Financial or economic abuse: Making or attempting to make a person financially dependent by keeping entire control over financial resources is referred to as financial or economic abuse.

There are several factors that can lead the abusers engage in domestic violence:

- i. Family or individual factors: Some of the abusers may have grown up in a violent house environment. They may have grown up with family violence and learned violent behaviour from their parents. Aside from that, drinking is a common occurrence in families and is directly linked to domestic violence. According to some study, it appears that up to 70% of the attackers were under the influence of alcohol or other substances at the time of the attacks (Tittlova & Papanek, 2018). It is reported that the number of people using more alcohol or drugs during lockdown increased during lockdown (Nicole et al., 2021).
- ii. Social Factors: Abusers often hold traditional views about women's and men's roles, believing that women should be subordinate to men. Domestic violence against women has been linked to male authority in society and culture in various research. According to several studies, low-educated women and unemployed women who opt to be full-time housewives are more likely to be victims of violence (Afkhamzadeh et al., 2019). Domestic violence, according to some women who have been victims of abusers, stems from emotions of powerlessness about cultural belief systems (Spruin, 2017).
- iii. Psychological Factors: Abusers may have psychological issues and personality disorders, which are linked to significant mood swings, lying, sexual issues, substance misuse, and suicidal behaviour. Some of the abusers felt lonely as a result of working from home and thus having less contact with their co-workers. (Nicole et al., 2021). Other research shows that implementing isolation during a pandemic crisis can lead to psychological suffering, loneliness, sadness, stress, post-traumatic stress disorder, hostility, sleep difficulties, and problematic drug usage (Muldoon et al., 2021).
- iv. Economic or Financial Factors: Pandemic crisis which continue for much longer than expected led to the consequences that most people affected and facing economic or financial problems (Nicole et al., 2021). Not just individual but small and medium-sized enterprises (SME) or large companies are affected as well until many companies downsized the operation to minimize losses. When corporations downsize, it results in high unemployment rates in society, causing Malaysia to enter a period of recession. This is corroborated by the Malaysian Department of Statistics, which revealed that jobless rates rose to 4.8 percent in 2020, up from 3.3 percent the previous year (Bernama, 2021). The pandemic has pushed unemployment rates to their highest levels ever, forcing many families into poverty (Lyons & Brewer, 2021). As a result, persons who are unemployed are more likely to experience stress and are more likely to engage in aggressive behaviour. The other study found that a family's poor economic condition is linked to an increase in the occurrence of violence against women (Sheikhbardsiri et al., 2017). Due to economic stress and reliance on others, unemployed men have a tendency to harass their wives. Individuals' tolerance levels appear to be reduced and hostility is induced as a result of economic troubles (Afkhamzadeh et al., 2019).

- v. Crisis or Environmental Factor: When total lockdown being implemented, research found eventually people became in stressful condition because of isolation measures. People must stay at home at longer period, not allowed to go anywhere and finally lead into changes in behaviour by showing attitude short temper easily (Nicole et al., 2021). According to an article written by Abramson (2021), a victim could avoid a violent situation by staying with a family member, going to a shelter, or seeking a protective order with the police before the epidemic. In a pandemic situation, however, shelters are shutting or under-resourced, families are hesitant to receive visitors, and individuals are afraid of contracting Covid-19 in public, trapping victims in an escalating cycle of tension, power, and control by the abuser. Isolation during pandemic prevent victims from seeking helps from others and became an opportunity to abusers to control their victims (Lyons & Brewer, 2021).

### ***The Impact of Covid-19 Towards Domestic Violence Cases***

Domestic violence during current pandemic and future ones, if no serious enormous curbing actions taken by the whole world, will slowing down the pace of Sustainable Development Goals namely SDG 3 and 5: Good Health and Well Being as well as Gender Equality. The emotional and intellectual qualities of women are equally needed to develop the nation, socially and economically, but as women become the most affected gender in this violence issues, their contribution has been and will continuingly be interrupted (Carrington et al., 2021).

Malaysia is part of this dark history and still hiking the statistic's hill. Minister of Women, Family and Community Development, Datuk Seri Rina Harun, said the Social Welfare Department has been handling a total of 1,578 cases of domestic violence nationwide since March 2020 until September 2021, involving 1,432 women and 146 men (Parzi, 2021). Since the movement control order (MCO) last year to August 2021, a total of 9,015 police reports on domestic abuse have been filed, according to the Dewan Rakyat (Yunus, 2021). Domestic violence cases in 2020 were recorded at 23%, up from 15% in 2019, according to statistics released by the Sisters in Islam (SIS). Among the forms of violence experienced were physical abuse (37%), psychological abuse (31%), social abuse (11%), financial abuse (16%), and sexual violence (5%) (Bakar, 2021).

Covid-19 creates new atrocious term for domestic violence. Not only wives can be abused silently during lock down period, but the dreadful crime can pan out to children as well (Jan, 2021). The social and functional isolation prevent victims of domestic violence from reaching immediate help and support from the nearest family members and the related authorities that previously were ready to offer fast rescue actions (Bright et al., 2021). The interrelation between disaster i.e. long crisis and domestic violence is unrebuttably truth.

It is a perilous fact that domestic violence victims include innocent children. Cappa and Jijon (2021) have the numbers of article reported on this incident since the outbreak of Covid-19 pandemic, all over the world. There are an increase numbers of abuse related injuries on children testified by medical officers. Parents surprisingly admit that they are more violent during the lock down period than before. As total lockdown took effect for a period due to the rapid number of Covid-19 cases, there was increasement of domestic violence cases. The movement strict restriction resulted unstable financial condition, losing jobs which led to frustration and distress. Occurrences of violence against children are also on the rise, with the Ministry of Women, Family, and Community Development (MWFCD) reporting 4349 cases of child abuse in 2020 (Hasbullah & Chong, 2020).



Domestic abusers took advantage of Covid-19's quarantine order to channel their fury and rage toward their partners and infants under their care. But at the same time, the order did teach us the need to have better prevention plans in curbing the rise of domestic violence cases for future global health issues (Qistina, 2020).

Domestic abuse cases increased during the Covid-19 pandemic and preceding endemics such as the Ebola and Zika virus outbreaks, with 20.5 percent of women experiencing it, owing to a loss of income, uncertain financial support, and more time spent.

Covid-19 has showed that beside some actions taken that believed to be the best way to prevent massive danger to the public, it does not necessarily mean that the action will benefit other situations as well (Bradbury-Jones & Isham, 2020). Total lock down is such a blessing in disguise for abusers who acted aggressively without having to worry about the risk of being caught and reported.

From March 28 to April 16, 2020, battered women in India reported 239 incidences of domestic violence to the National Commission for Women. It is believed that the actual number is more than reported but due to the restraint movement order, victims of domestic violence were trapped with the abusers (Das et al., 2020). Domestic abuse incidents increased considerably in Mexico, India, and Kazakhstan during the Covid-19 pandemic, while Canada's Assaulted Women's Helpline got 20,334 calls between September 1 and December 31, 2020, compared to 12,352 during the same period in 2019. This shocking data represents the huge impact of Covid-19 on the shadow illness during pandemic (Ranee, 2021). A list experiment survey was conducted in Peru about the impact of Covid-19 and proven to testify the increase number of domestic violence cases. The result further showed that the victims with previous experiences of domestic violence, appeared to be abused again during the Covid-19 lock down period (Porter et al., 2021).

As countries all over the world show increase number of domestic violence cases, Italy ironically has reported oppositely, the statistic of call to toll-free anti-violence numbers drop significantly, may be due to the inability of the victims to escape from their houses, searching for help. Weird situation did exist upon total lock down order by the authority such as buying alcohol and firearms in United States of America (USA) (Sacco et al., 2020).

There is another impact of Covid-19 on domestic violence cases that can be termed as intellectual impact. It cannot be denied the massive unwelcomed impact to the human when discussing issue on violence. But at a brighter side, this pandemic allows the intellectual part to prosper concurrently. Thousands of articles all over the world are recorded online and offline. Candace Forbes Bright et al (2021) outline three major intellectual impacts on violence research namely articles forecast a rise in domestic violence, articles describe an increase in domestic violence, and articles inform victims on how to obtain resources.

Violence researchers benefited a lot when coming to this kind of Covid-19 impact. Deeper understanding is established on the social, psychological and economic factors that contribute to the rising numbers of violence cases. Hundreds of mechanisms were offered to overcome the bitter consequence of the stay at home campaign. Some of the mechanisms offered can be carried out promptly but some are not as they need collaboration with certain bodies and need ample time to be executed. For example, United Nations International Children's Emergency Fund (UNICEF) prohibits doing epidemiological research on children unless their safety can be ensured, preventing the proper procedure for dealing with child abuse cases from being implemented in a timely manner (Pereda & Diego, 2020).

While pandemic and its isolation mechanism are believed to prevent the fast-contagious disease from spreading, they did not manage to stop another old disease from

torturing weaker parties. The number of victims kept increasing at all part of the world and need speedy attention from relevant stakeholders and community as well.

### **The Available Mechanisms/Parties in Combating the Domestic Violence in Malaysia**

The United Nations Entity for Gender Equality and the Empowerment of Women, also known as UN Women (2020) declares that domestic violence is one of the greatest human rights violations. Despite the implementation of numerous strategies and initiatives to address this social issue, it remains unsolved. This is due to the law's ineffective execution and the few significant impediments that women face while seeking legal protection. As a result, good collaboration among all stakeholders, including government agencies, law enforcement, social services, and judicial agents, is vital in ensuring that victims receive aid and that perpetrators are brought to justice. The parties that actively helping the victims and preventing the rising of the domestic case, among others are:

- a) Ministry of Women, Family, and Community Development (MWFCD): The Ministry of Women, Family, and Community Development (MWFCD) is a government agency in charge of issues affecting women, the elderly, children, families, and communities, as well as combatting domestic abuse. Among the initiative is promoting 'Skwad Waja' that giving information related to the issue of violence and crime such as domestic violence, sexual harassment, cybercrime, human trafficking, rape, obscenity, and drug mules that often involve women as the victim. The volunteers will be trained by using E.A.R.S. Module (Empathy-Attention-Response-Support). Astro Awani (2022) reported that up until now, the Skwad Waja has 304,982 members. Apart from that, MWFCD is also establishing three 'One Stop Social Support Centre' (PSSS) as an effort to help the victim of domestic violence in providing shelter, counselling as well as legal protection to the victims. Besides, this organization is actively involved in spreading information in website on violent issues which usually involving women, the elderly and children. This information creates awareness and guides the victims on how to react when they are facing unwanted circumstances. Apart from that, there are a number of facilities accessible such as Teledera toll-free hotline 1-800-88-3040, Talian Nur 15999, Telenita helpline, Talian kasih, MyCareCov19, women aid organization hotline which is available 24 hours a day seems good effort by the government in helping the victim to access their rights (Choo et al., 2016).
- b) Department of Social Welfare: Department of Social Welfare is a government body responsible for the management and protection of the victim of domestic violence established on Domestic Violence Act 1994. This department provides five main services to protect domestic violence victims: providing a safe haven; obtaining an Emergency Protection Order (EPO); obtaining an Interim Protection Order (IPO); obtaining a Protection Order (PO); and providing guidance and counselling to the victim and those affected by the problem. Although the Department of Social Welfare only involves these five main functions literally, these roles are significant in helping the victim to get physical and legal assistant.
- c) Counselling and Psychology: There are many approaches applied by the counsellor in a therapy session with the domestic violence victim. For example, the research conducted by Jais et al (2018) introduced the Post Traumatic Growth Counselling Module (PTGC) which consist of five training modules namely Introduction to Post Traumatic Development; Introduction of Domestic Violence; Symptoms and Effects of Domestic Violence; Intervention of Domestic Violence; and Self Care which includes eleven activities. Other modules used by counsellors while dealing with cases of

domestic abuse, for example, are Module Skwad Waja which was introduced by the Ministry of Women, Family, and Community Development (MWFCDD), IBT Module (Islamic Brief Therapy Module), ACE-MIND Module, clinical mental health counselling and many more.

- d) Judicial Agent - Referring to Domestic Violence Act 1994 (Act 521) (DVA): The DVA's principal goal is to provide legal protection for women and their families against domestic violence and related issues. As a matter of legal protection, the victim can seek protection under the law by applying the Emergency Protection Order (EPO) from the Department of Social Welfare, applying Interim Protection Order (IPO) from the police station and applying Protection Order (PO) from the court, to protect the victim's safety and prevent the perpetrators from continuing harming the victim and entitle the victim to get the necessary assistance under the law. Section 10 of the Act granted the rights for compensation to the victim due to the injury or damage to the property sustained from the violence. The compensation made are based on consideration of the pain and injuries of the victim, the cost of medical treatment, any loss earning, or in the case of property damage, the court will investigate the amount of value of the property destroyed and any other relevant expenses (Na'aim et al., 2019). Under this Act, the victim also has the right to find shelter as well as a counselling session. If the victim is Muslim, the case can be referred to Islamic Religious Affairs Department. On the other hand, if the victim is non-Muslim, the case may be referred to the Department of Social Welfare. The amendments of the DVA has expands the definition 'domestic violence' which includes mental, emotional and psychological abuse, enlarges the scope of protection which covers not only the perpetrator's action but also inhibits the third party from abusing or even communicating with the victim, and the categorization of domestic violence from a non-seizable offense to a seizable offense.
- e) Mosque: Jabatan Agama Islam Wilayah Persekutuan (JAWI) in collaboration with the Ministry of Women, Family and Community Development (MWFCDD) making the mosque a transit center for domestic violence. This is an initiative under the Federal Territory Mosque Enlightenment Plan 2020-2024 under the core of social, community and environment with the brand of 'Masjid Prihatin' (Idris, 2021). Till date, there are two mosques are appointed as pioneer in this program namely Masjid Wilayah Persekutuan and Masjid Al-Ghufran Pinggiran Taman Tun Dr Ismail. Meanwhile, another 12 mosques in Federal territory has been selected as a center for complaints and counselling services and 19 of JAWI officers have been trained under Skwad Waja course session which entitles them to become counsellor (MyMetro, 2021). The mosque act as a transit center temporarily before the victim is sent into court or any appropriate shelter center. During in the transit center, the victim will be given a counselling session and spiritual guidance from the well-trained counsellor.

### **Discussions and Recommendations by the Previous Research**

The Ministry of Women, Family, and Community Development (MWFCDD) declared that the Talian Kasih hotline's operations would be discontinued along with other non-essential services following the announcement of the movement control order (MCO) in March 2020. However, later on, the Minister of Women, Family, and Community Development (MWFCDD) declared that the hotline services would continue to be offered in response to criticism from other government officials. It was unclear whether both government-run shelters and



numerous non-government organization (NGO) shelters remained operational during the MCO's initial phase because shelters had not been identified as critical service providers. However, it is reported by the Women's Aid Organisation (WAO), numerous non-government shelters are either open or running at a reduced capacity as a result of the former Prime Minister Tan Sri Muhyiddin Yassin's declaration of the Recovery Movement Control Order (RMCO) on June 8, 2020. It is also reported that the Emergency Protection Orders (EPO) and Interim Protection Orders (IPO) were still available; however, in some instances, survivors were told to return after the movement control order (MCO) period had ended and were turned away from police stations, where they would normally obtain a referral letter for an IPO after filing a police report. It was unclear how survivors would be able to obtain court-issued IPOs due to the reduced court operations, and survivors received conflicting information about whether they could apply for an IPO. Some were told they could, but they had to make arrangements with the court, while another was advised to wait until they received an in-person court date. Therefore, at this stage, the Women's Aid Organisation (WAO) urged the government to advise survivors on obtaining Emergency Protection Orders, which are issued by the Department of Social Welfare (WAO, 2020).

In the previous research, to some extent, the provision in DVA is still obsolete and needs to be replaced. Rahman et.al (2019) has listed a number of weaknesses in the Act:

- i. The definition of domestic violence should include stalking and intimidation.
- ii. Domestic violence is only defined as abuse, whereby domestic violence must be addressed as a specific crime punishable by new penalties under the Penal Code.
- iii. Section 7 of the DVA only focuses on physical injury, whereby there should be an element of preventive order to hinder further injury.
- iv. The DVA provides that the protection to the victim can only be granted when the victim lodged a police report.

Ismail et al (2021) in her research outlines the methods to overcoming the problem of domestic abuse. The steps are awareness; sharing the problem; get assistance; get help from a government hospital; applying Emergency Protection Order (EPO) from Department of Social Welfare; applying Interim Protection Order (IPO) from Police Station; runaway.

Therefore, the Covid-19 lockdown requires authorities and departments in charge of women's welfare to keep on the lookout for domestic violence's effects on society. The psychological effects of the lack of a Covid-19 vaccine and the ambiguity surrounding the pandemic's end could drive more abuse. Hence, it is necessary to reduce domestic violence through present and future public policy (Mohammed et al., 2021).

## Conclusion

As a result, good collaboration among all stakeholders, including government agencies, law enforcement, social services, and judicial agents, is vital in ensuring that victims of the domestic violence receive aid and that perpetrators are brought to justice especially during pandemic Covid-19. Although the positive impacts of the occurrence of the domestic violence during the pandemic allows the intellectual impacts to prosper concurrently, it needs to be noted that the negative impacts are greater especially to the wife and the children and therefore, this violence needs to be fought and eradicated.

### Contribution

This paper originates a study for the impacts of Covid-19 pandemic towards domestic violence cases in Malaysia. It is submitted that domestic violence categorized as a crime in Malaysia and all parties especially the Government of Malaysia are actively helping the victims and preventing the rising of the domestic case. However, the study found that a very little of the positive impacts from the occurrence of the domestic violence during the pandemic allows the intellectual impacts to prosper concurrently and therefore, this domestic violence must be fought and eradicated.

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