

Factors Influencing the Pursuit of Legal Rights by Burn Victims of Domestic Violence

ZULFIQAR ALI BUZDAR¹, JAVAID MUNIR², REMSHA FATIMA³

¹Associate Professor, Forensic Medicine and Toxicology, Sahara Medical College, Narowal.

²Assistant Professor, Forensic Medicine and Toxicology, Pak Red Crescent Medical College, Lahore.

³House Officer, Shalamar Hospital, Lahore.

Correspondence to Dr. Zulfiqar Ali Buzdar, Email: forensicatitsbest@gmail.com, Cell No:+92 333 6011 24

ABSTRACT

Background: The decision to report domestic violence incidents, including burns, can be complex and influenced by various factors such as lack of confidence in police, delay in delivery of the just and social factors like that of fear, shame, and a belief that the family might be disturbed. Understanding this trend is crucial in developing effective strategies to support and protect survivors. In matters of domestic violence of burns the victims fear to register the case in police station or any health facility.

Aim: To understand the factors responsible for the failure of registering their burn incident as medicolegal issue.

Methodology: Study was carried out among the victims of burns of domestic violence in the catchment area of Mayo Hospital Lahore. The population of study comprises of urban and rural populations. The study sample comprised of 450 unfortunate victims of domestic burns for one whole year of 2018 from January to December brought in the Medicolegal Clinic of the King Edward Medical University Lahore. The data was collected on a predesigned questionnaire after due approval from Ethical Review Committee and Institutional Review Board.

Results: The study results revealed that literacy level play a pivotal role in registering the incident of domestic violence a matter of legal concern being significant with a p value as 0.029. The social factors like that of confidence in the local police, the delay of the justice system and physical or emotional disturbance of the family if the fight for a legal battle in criminal domestic burn incident was found grossly significant with p value as 0.000 being very valid in growing economies.

Conclusion: The study was found conclusive that literacy level and social factors like that of confidence in local law enforcement agencies, delay in delivery of the justice and family issues are the most vital social factors hindering to fight a legal battle in domestic burn incidents.

Keywords: Burns, Domestic Violence, Legal Rights, Law Enforcement, Medicolegal Burns, Justice System

INTRODUCTION

The under developed world with wide majority of population being illiterate face extricate problems in the search of justice¹. Domestic violence, including burns inflicted as a form of abuse, is a serious issue that affects individuals globally². The decision to report these incidents as a legal matter can be complex and influenced by various factors such as fear, shame, and a belief that the abuse is their fault³. Understanding the attitudes of victims towards reporting burns due to domestic violence is crucial in developing effective strategies to support and protect survivors⁴. Burns due to domestic violence refer to the physical injuries caused by intentional harm from a partner or family member in a domestic setting. These types of burns can be inflicted through various means, such as scalding, exposure to fire, or chemical substances⁵. Domestic violence is a serious issue that can have long-lasting physical and emotional effects on its victims⁶.

In the underdeveloped countries like Pakistan, the role of police often includes maintaining law and order, protecting citizens, and preventing crime⁷. However, due to various factors such as corruption, lack of training and resources, and political influence, the trust of the masses in the police can be low⁸. In some cases, police may be seen as oppressors rather than protectors, further damaging their reputation and relationship with the public. Building trust between the police and communities is crucial for ensuring safety and stability especially the trust of the public to seek police help^{8,9}.

Burns injury has wider variety of consequential factors which may play a role towards registration of a medicolegal case incorporating the law enforcement i.e. police and the medical man. The severity of injury is one of them. If the burn injury is severe, the victim may feel a strong urge to seek justice and may be more willing to register a criminal case^{5,10}. If the perpetrator is known to the victim, their relationship may affect the victim's decision to register a case. If the perpetrator is a close family member or friend, the victim may be reluctant to pursue legal action^{11,12}.

The core factor in the study was found to be the perception of the justice system hinged on the tripod of law enforcement agencies i.e. the police in this case, the medical man and the courts. In our settings if the victim has faith in the criminal justice system and believes that it will provide a fair outcome, they may be more likely to register a criminal case otherwise those who are helpless they simply avoid registration even in severe burns¹³. In rural areas where domestic violence burns are more commonly reported in the media the factor of fear of retaliation takes away the victims perception even to think about registering the case against the powerful perpetrator. If the victim fears retaliation from the perpetrator or their associates, they were always found reluctant to register a criminal case¹⁴.

Societal pressure in a spouse based relation is another factor that determines the registration of the medical case of burns. In our culture the spouses are advised to compromise and sometime that advice is tantamount to blackmailing of different natures. Besides this there may be other type of societal pressure not to pursue legal action or to resolve disputes through other means¹⁵. Ultimately, the decision to register a criminal case is a personal one and may depend on a complex interplay of emotional, social, and legal factors¹⁶.

MATERIALS AND METHODOLOGY

The study was conducted on the common population of the Lahore. It included the rural and urban population being drained to Mayo Hospital Lahore. The victims of burns even from the far flung areas of the country were referred to Mayo Hospital Lahore were registered for their participation in the study after taking informed consent. The data was collected on an already tested questionnaire. The study was carried out after due approval of the Institutional Review Board (IRB) and Ethical Review Committee (ERC).

The study was aimed at include the unfortunate victims of domestic violence where burn was used as mode of violence. It incorporated all kinds of burns like that of scalding i.e. hot liquid/fluid burns, fire or flame burns and corrosive burns. The study was stretched over a period of one whole year from January

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2018 to December 2018. We interviewed and examined a total of 450 victims of burns of all above mentioned categories and summed them up for study after fulfilling criterion of inclusion and exclusion. The victims were brought to Accident and Emergency Department of Mayo Hospital Lahore and filtered at the Medicolegal Clinic of Mayo Hospital Lahore. As all were the victims of domestic violence so each case was informed for their participation in the study to analyze the factors detrimental for their attitude towards registering the incident as a legal matter.

The study included all the cases of burns of both the genders. No age restriction was set for inclusion in the study. For the minor cases the consent was taken from their blood related legal heirs or parents or guardians accompanying them. Based on the age different categories were set for better understanding of the scope behind a specific age strata (Table 1)

RESULTS

Age and Gender: The study included all the age groups of burn victims of domestic violence. The first strata was of pediatric age up to 12 years of age. The second class consisted of the age 13 to 25 years of adolescents' class. The third category was those of adults from 26 to 50 years of age. The last group consisted of geriatrics from age 51 years and above.

In Table 1 there were maximum cases in the adolescent age group with 247 (55%) case making more than half of the sample

under study. The least number of the cases were in the pediatric age group with 6(1.3%) cases only.

Table 1: (n=450)

Age Group	Frequency	Percent
Pediatrics (Up to 12 years)	6	1.3
Adolescents (13 years to 25 years)	247	55
Adults (26 years to 50 years)	68	14
Geriatrics (51 years and above)	129	29.7

Table 2: (n=450)

Gender	Frequency	Percent
Male	194	43
Female	256	57

In table 2 there were 256(57%) female cases and 194(43%) male cases presented in the study setting during the year of the study. The female dominated by 14% in burns incidents of domestic violence as compared to that of male.

Assessment of the Factors Influencing the Pursuit of Legal Rights: The attitude of the victims of burns was assessed towards their willfulness for seeking legal rights or registration as a medicolegal case. The factors assessed were age, gender, literacy level and causes for non-reporting the burn incident as medicolegal case (Table 3).

Table 3:

Parameters of Influence	Will for Registration as Medicolegal Case		Total (n=450)	p value
	Yes (n=94)	No (n=356)		
Literacy Level				
Illiterate	40 (19.3%)	180 (81.8%)	120 (48.8%)	0.029
Primary	35 (24.8%)	106 (75.2%)	141 (31.4%)	
Secondary	15 (45.5%)	18 (54.5%)	33 (7.3%)	
Higher Secondary	01 (3%)	34 (97%)	35 (7.8%)	
Graduate	03 (14.3%)	18 (85.7%)	21 (4.7%)	
Social Factors				
Lack of confidence in police	33 (14%)	204 (86%)	237 (52.7%)	0.000
Delay in justice system	54 (33.4%)	113 (67.6%)	167 (37.1%)	
Fear of family disturbance	06 (18%)	26 (82%)	32 (7.1%)	
Other causes	0 (0%)	14 (100%)	14 (3.1%)	

Table 3 shows that only 21% (94 victims of burns of domestic violence) were willing to pursue their legal rights while 79% (356 cases) were reluctant to register the incident as a legal matter. The factors analyzed for the willingness of the victims to pursue about their legal rights in the burn incidences of domestic violence were literacy level other factors like that of confidence in police, delay in justice system and family issue were as follows.

Education: Literacy level was found significantly playing a role with p value 0.029 towards registering the burn incident of domestic violence as legal matter as shown in table 03 above. Education was analyzed and literacy level was placed in five different strata. There were 120 illiterate victims among which only 40 were willing to register the incident as a matter of legal concern and rest 180 were not of the opinion that they should pursue for any legal fight. Whereas the group of primary level of literacy contained 141 cases out which only 35 were willing to fight on legal grounds and rest 106 thought that they should avoid the same. Among the 33 secondary school literate victims their opinion was equally divided either to fight or not a legal battle. Surprisingly the victims of literacy with higher secondary school level only 01 victim showed interest for a legal fight and rest 34 avoided the legal battle. The same level of dispersion of interest was found in 21 victims of graduate level of education where only 03 were willing to pursue for legal rights and remaining 18 simply wanted to avoid it.

Social Factors: The social factors analyzed included the confidence of the common masses in police, the delay in the legal system for deliverance of just and the family emotional or physical disturbance. The association of these social factors were found grossly significant with p value 0.000 for determining the

willingness or reluctance of the unfortunate victim of burns of domestic violence. There were more than half of the population under study who were grossly short of the confidence in the police for helping them to deliver the justice being 237 and despite that fact 33 were still willing to fight a legal battle while the rest 204 simply abandoned the idea due to no confidence in the police and police system.

There were 167 victims who were worried about the justice system of the country as not being able to deliver the justice in time. Out of those 167 only 54 despite the delay in justice system should the spirit to pursue for their legal rights while 113 were of the view that there is simply waste of time and money to fight for legal rights in current system of justice. There were a total of 32 cases among the grand sum of 450 who were fearing the family disturbance in wake of the fact if they fight for a legal battle. Only 6 out of those 32 despite the fear of disturbance of the family were willing to register a medicolegal case and rest 16 were of the idea not to let the family suffer emotionally or physically in case they decide to register the burn incident as a matter of legal concern. There still were 14 cases who could not opine the cause upon which they could tell why they do not want to register the burn of domestic violence as a legal issue.

DISCUSSION

Lack of confidence in Police: Lack of confidence in the police for failing to register a burn case as a criminal offense can stem from several reasons. If police officers lack proper training in responding to the aggrieved, they may be unable to properly identify and

classify the nature of the crime, leading to a failure to register the case¹⁷. Corruption within the police force can lead to officers ignoring or failing to properly investigate burn cases¹⁸. If the police have a bias against certain groups, high ups, elites and higher category of the society, they may be less likely to properly investigate and register burn cases involving those individuals. That is why it is considered one of the prime factors of failure by the victim and makes the one reluctant to register a criminal case¹⁹. Political influence also play a role in the failure to register burn cases. If a political figure is involved, they may exert pressure on the police to ignore or downplay the crime. This lack of confidence in the police can further undermine the public's trust in law enforcement and the criminal justice system, making it more difficult to solve and prevent crimes²⁰.

Delay in the Justice System: Delays in the delivery of justice can be a significant factor in causing victims not to file a criminal case registration. Some reasons for this include like that of the court system if is overburdened with a high volume of cases, it can lead to long delays in processing cases and delivering justice. If the processes involved in criminal cases are slow and inefficient, victims may become frustrated and lose confidence in the justice system²¹. A shortage of resources, such as personnel and technology, can also contribute to delays in the delivery of justice. Corruption within the justice system can lead to delays, as well as to the decisions that are not based on the evidence or the law²². In some cases, political influence can also play a role in delaying the delivery of justice, especially in cases that are politically sensitive. These delays can cause victims to feel frustrated and powerless, and may lead them to not pursue legal action²³.

Fear of Family Disturbance: Fear of causing emotional, physical and economic disturbance to their family can play a role in a burn victim's decision not to register a criminal case. Some factors that can contribute to this fear include: Projected or anticipated disturbance in the family relationships is one of the prime cause in a joint family system; the one more prevalent in Pakistan. If the perpetrator is a close family member, the victim may fear causing harm to the family dynamic or ruining relationships²⁴. If the victim is economically dependent on the perpetrator or their family, they may be reluctant to pursue legal action for fear of losing their support²⁵. In our culture, pursuing legal action may carry a social stigma and result in shame or ostracism for the victim and their family. If the victim anticipate reaction from the criminal or their associates, they may be not willing to seek legal help, especially if the victim and their family feel vulnerable and at risk²⁶.

CONCLUSION

In conclusion, the attitude of victims of burns of domestic violence towards registering the incident as a legal matter can vary greatly. Some victims may be hesitant to come forward due to fear of retaliation, shame, or a belief that the abuse is the victim's own fault. Others may feel empowered to seek justice and hold their abuser accountable for their actions. It is important to recognize that the decision to report domestic violence is a personal one and should be made with the support and guidance of trusted law enforcement personnel, friends, family members, or professionals. Regardless of the victim's attitude, it is crucial for law enforcement as well as the society to prioritize the protection and support of survivors, and for legal systems to respond effectively to burns inflicted through domestic violence.

RECOMMENDATIONS

It is recommended that the scope of the research is broadened to dig deeper in the factors that could possibly be reason of reluctance to register the incidence of burn as a medicolegal case beside the literacy level and social factors as discussed in this article. This could then provide a better sketch to emphasize on the issues of reluctance of common masses.

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