

A PERSPECTIVE ON GENDER EQUALITY AND WOMEN'S RIGHTS IN THE ISLAMIC CONTEXT

*Ahmad Masum¹, Nurhazirah Pengiran Duraman²
& Mohammad Arif³*

ABSTRACT

As viewed through an Islamic perspective, gender equality and women's rights come about through the interaction of the religious, cultural, legal, and socio-political dimensions of the context. The principle of gender equality articulates the assertion that men and women are equal before God; as stated in the Qur'an (Surah Al-Hujurat 49:13), the Qur'an and the Hadith endorse this principle. More importantly, manoeuvring around socio-cultural norms and practices have, in some instances, exempted the very essence of the realization of this principle in most Muslim countries' frameworks, an example being Bangladesh, Saudi Arabia, and Afghanistan. The United Nations Development Program, UNDP states that women spend eight times more hours than men on unpaid care work. In 2022, the Labor Force Survey has revealed that only 42% of working-age women are in the labour force, and most of those in the labour force earn much less than men. Just 13% are female landowners, indicating significant inequalities in these two major areas of economic focus. What the article means to achieve is to outline and highlight a general understanding of the relationship between gender equality and women's

¹ Senior Assistant Professor and Dean, SHHB Faculty of Law, Universiti Islam Sultan Sultan Sharif Ali. Email: medi24my@yahoo.com.

² Faculty of Shariah and Law, Universiti Islam Sultan Sultan Sharif Ali. Email: hazirahduraman@gmail.com.

³ Vice Dean, Faculty of Law State Islamic University (UIN) of Sunan Ample Surabaya, Indonesia. Email: arif18@uinsa.ac.id.

rights within the Islamic context, therefore bringing out the complexity and subtlety that surrounds the roles that women play within Islam through qualitative research and conceptual exploration in this article.

Keywords: *Islamic concept, human rights, gender equality, Women's rights, CEDAW*

INTRODUCTION

The role of women in society one strongly fighting for gender equality is under-discharged in most Muslim-majority countries. In accordance with UNDP, women spend eight times more time on unpaid care work than men. The Labor Force Survey 2022 shows only 42 percent of women of working age participate in the workforce mostly earning less than men while only 13 percent are landowners. These disparities point to deeper issues of economic participation, wage inequality, and property rights of women. Gender inequalities are furthered by the social norms as well as legal institutions, which often work to the disadvantage of women.⁴

Problems of an economic nature are only the starting point for women in Islamic societies; they have also faced significant challenges in areas such as education, health, and political representation. For example, cultural norms, early marriage, and problems of security can affect the availability of education to girls, while women's health services are hampered by a relatively inferior health infrastructure and

⁴ Karbala, G., Kern, J. Eds. (2022) COVID-19 and Women's Labour Force Participation: A Look into Women's Labour Force Participation Through the Lens of the Pandemic. Amman, Jordan: Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH and UN Women.

gender bias. The political participation of women is usually curtailed by formal barriers and informal social pressures.⁵ The status and rights of women have changed many times throughout history. In the early period of Islam itself, women's rights were developing; the Prophet Muhammad *Sallallahu 'Alayhi Wasallam* laid stress on female education, property rights, and active public life for them. But with the growth and development of the Islamic societies, these incipient steps were frequently shadowed by cultural practices and patriarchal structures.⁶

Theologically, the standpoint of gender equality can be arrived at through the Qur'an and Hadith, in which the spiritual and moral equality of men and women is advanced. However, all these texts are open to wide-ranging interpretation, and their legal and social applications differ. For instance, classical jurisprudence generally subordinates the status of women compared to men, while modern Islamic feminists make attempts to return to the original egalitarian principles of Islam.⁷

Modern challenges involve the reconciliation of religious teachings with cultural practices. Indeed, in many countries with Muslim majorities, reform movements are underway, such as legal reforms for more gender equality in

⁵ Sakallı-Uğurlu, N. Quantitative Empirical Studies on Women's Issues in Islamic Cultures: Introduction to Special Issue. *Sex Roles* **75**, 535–542 (2016). <https://doi.org/10.1007/s11199-016-0689-8>.

⁶ McDonnell J, "Islam and Educational Equality for Muslim Women" "Islam and Educational Equality for Muslim Women" (2017) <https://scholarship.shu.edu/cgi/viewcontent.cgi?article=1908&context=student_scholarship> accessed 3 August 2024.

⁷ Fatma Osman Ibnouf, 'The Gender Equality and Women's Human Rights in Islamic Texts (Quran and Hadith)' April 14, 2015 <https://doi.org/10.13140/RG.2.1.3421.1367>.

inheritance and marriage laws, and initiatives that help women get access to education and employment.⁸

The Qur'an and the Hadith form the very basis of Islamic thought; therefore, the discourse on gender equality in Islam necessarily has to be framed from within both the Holy Qur'an and Hadith. The Holy Qur'an is considered to be of the highest order of guidance in that it contains verses emphasizing the inherent dignity and equality of men and women before God. For example, Qur'an 49:13 emphasizes their equal creation as human beings, regardless of gender;⁹

“O mankind, indeed, We have created you from male and female and made you peoples and tribes that you may know one another. Indeed, the most noble of you in the sight of Allah is the most righteous of you. Indeed, Allah is Knowing and Acquainted.”

The Hadith further supports this by pointing out that the rights of women were protected and upheld with regard to several instances of the sayings and actions of Prophet Muhammad *Sallallahu 'Alayhi Wasallam*, such as:

“Jabir ibn Abdullah reported: The Messenger of Allah, peace and blessings be upon him, said, “Fear Allah regarding women. Verily, you have taken them as a trust from Allah, and intercourse has been made lawful by the word

⁸ Nehaluddin Ahmad, Modern Debate on the Socio-Political Rights of Muslim Women. *Asia-Pacific Journal on Human Rights and the Law*, (2012) 13(1), 42-64. <https://doi.org/10.1163/138819012X13323234709785>.

⁹ Sulthan, Mohamed & M. S, Ismiya & Zul, Ismail & Yaakob, Azmi. ‘The Concept of Gender Equality and Equity: An Islamic View’ (2023) 2. 103-115.

of Allah. Your rights over them are that they do not let anyone in the house you dislike. If they do so, you may strike them without violence. Their rights over you are that you provide for them and clothe them in a reasonable manner.”
(Sahih Muslim 1218)¹⁰

However, currently in many Muslim communities' women are not consider according to the rights given them in Islam. In many societies Muslim are practicing their own cultures and customs and women are being subject to cultural issues, patriarchal features of their society and also political oppression. In Bangladesh as majority of the people are Muslim, Islam plays a significant role in the country. Though the Qur'an and the tradition of the Prophet *Sallallahu 'Alayhi Wasallam* emphasize gender equality, rights, dignity, and status of women, somebody uses it for exploiting and discriminating against women after tempering some verses of the text to dehumanize them.¹¹

Furthermore, in Afghanistan, the last couple of decades have witnessed several times dramatic changes in the legal status of women. The first regime of the Taliban was marked by extreme repression on women from 1996 to 2001: education and employment were forbidden, there were compulsory dress codes, and the freedom of movement was seriously restricted. The fall of the Taliban in 2001 ushered in sweeping albeit uneven reforms on women's rights, as a new constitution adopted in 2004 established equality before

¹⁰ Sahih Muslim 1218 Book 7.

¹¹ Patoari, M., (2019) 'The Rights of Women in Islam and Some Misconceptions: An Analysis from Bangladesh Perspective.' *Beijing Law Review*, 10, pg 1211-1224. doi: 10.4236/blr.2019.105065.

the law and guaranteed all citizens, regardless of gender, the right to an education and work.¹²

However, with the regain of power by the Taliban in 2021, this fear has come back. Preliminary reports suggest the reversal of most hard-won gains made during the last two decades, with the reinstatement of restrictions on girls' education and women's employment and participation in public life. Under the Taliban regime, the legal framework, too, remains fluid and impenetrable, thereby generating countrywide uncertainty and fear amongst Afghan women.¹³ The article is an attempt to engage and inform readers about the complexities and nuances of the roles of women in Islam, aiming at promoting a more informed and balanced perspective. It thus contributes toward an in-depth understanding of how gender equality might be attained within the framework of Islam and has to come up with perpetual efforts aimed at realizing women's rights in Muslim-majority societies by throwing some light on the religious teachings, and the realities of modern times.

LEGAL FRAMEWORK

The legal framework of gender equality and women's rights in Islamic contexts is very wide-ranging in nature, with influences that emerge from local interpretations of Sharia, national laws, and international human rights norms. Whereas the strict application followed in countries like Saudi Arabia leads to quite restrictive policies against women, in countries like Tunisia, the more progressive

¹² Amnesty International UK, 'Women in Afghanistan: The Back Story' (Amnesty UK 27 July 2022) <https://www.amnesty.org.uk/womens-rights-afghanistan-history>. Accessed 1 August 2024.

¹³ Ibid.

interpretations are merged with secular laws to give a fillip to the cause of women. International treaties, like CEDAW, are also slated to intervene, though how to implement these proves quite challenging when customary practices conflict with religious interpretations. In light of this backdrop, both complex and intricate, how gender equality can be implemented is usually what is declared in the countries spanning the Islamic world.¹⁴

1. Sharia Law

In the Qur'anic verse (33:35), Surah Al-Ahzab stated:¹⁵

“For Muslim men and women,- for believing men and women, for devout men and women, for true men and women, for men and women who are patient and constant, for men and women who humble themselves, for men and women who give in Charity, for men and women who fast (and deny themselves), for men and women who guard their chastity, and for men and women who engage much in Allah's praise,- for them has Allah prepared forgiveness and great reward.”

The above verse explains that there is no difference between men and women irrespective of the position and rank. It is also expressed that Allah *Subhanahu Wa Ta'ala* will raise both men and women into equal ranks and bless them equally depending upon the performance in worship and duties.

¹⁴ Otto, J. M. (2008). *Sharia and National Law in Muslim Countries: Tensions and Opportunities for Dutch and EU Foreign Policy*. Leiden: Leiden University Press. Retrieved from <https://hdl.handle.net/1887/20694> accessed 1 August 2024.

¹⁵ Al-Ahzab (33:35) Translated by Yusuf Ali.

Based on the Qur'an and Hadith, supplemented with Ijma and Qiyas, the Sharia law provides an elaborate legal and ethical framework for Muslims. However, its interpretation might vary considerably with respect to different contexts.

Changes in the rights of women were gradually uplifting in the early period of Islam. The Prophet Muhammad *Sallallahu 'Alayhi Wasallam* insisted on women's education, property rights, and participation in public life. For example, the Prophet Muhammad *Sallallahu 'Alayhi Wasallam* said, "*Seeking knowledge is obligatory for every Muslim*" (Sunan Ibn Majah, book 1, Hadith 224), which includes both men and women. It also gives women the right to inheritance, for instance, in Surah An-Nisa (4:7):

"For men is a share of what the parents and close relatives leave, and for women is a share of what the parents and close relatives leave, be it little or much—an obligatory share."¹⁶

Theologically, gender equality's position is well-inscribed within the framework of the Qur'an and Hadith. The latter makes it very clear that men and women are to be viewed as spiritually and morally equal.¹⁷ Thus, Surah An-Nisa, verse 4:1 says,

"O mankind, fear your Lord, who created you from one soul and created from it its mate and dispersed from both of them many men and women."

¹⁶ Ali SS, 'Islam and Gender: Major Issues and Debates' (2020) 57
Journal of Postcolonial Writing 576.

¹⁷ Ibid.

However, the interpretations of these texts are far apart, hence producing a number of different legal and social consequences. For example, classical jurisprudence has typically been seen as prioritizing women below men, while on the other side of the coin, feminist Islamic scholars have called for returning to pristine, egalitarian principles of Islam. Scholars like Amina Wadud and Asma Barlas encourage a reinterpretation of the Qur'an to provide expression to gender equality.¹⁸

Many countries with a Muslim majority participate in reform movements aimed at bettering the status of women, including legal reforms to improve gender parity with respect to inheritance and marriage laws and improving access to education and employment. For example, Tunisia has huge strides in advancing women's rights, having debated laws on equal inheritance, which is much nearer to the Qur'anic principle of justice laid down in Surah An-Nisa 4:135.¹⁹

In contrast, all other opinions of Sharia have been constructed or have been used to excuse gender discrimination. According to these opinions, women are typically restricted to their roles, after which their rights with regard to marriage, divorce, inheritance, and dress code become limited. Such interpretations usually restrict women's freedom and opportunities and further establish patriarchal structures. The varied understandings of Sharia demonstrate the adaptable nature of Islamic law and the difficulties in creating consistent gender equality in diverse cultural and social settings within the Islamic community.²⁰

¹⁸ Mubarakah NF, Hasanah N and Mahmudah U, 'The Concept of Feminism in Islamic Education' (2021) 4 *Nazhruna: Jurnal Pendidikan Islam* 646.

¹⁹ *Ibid.*

²⁰ *Ibid.*

2. International Convention

Numerous countries with large Muslim populations are signatories to these international instruments is a reflection of an even broader global commitment to the principles of gender equality and women's rights. Of these, the Convention on the Elimination of All Forms of Discrimination Against Women has been a cardinal instrument. The CEDAW is directed toward the abolition of every kind of discrimination against women in every walk of life: education, employment, health, legal rights therefore, the pursuit of gender equality according to the criteria of international human rights.²¹

Other international instruments, besides the CEDAW, play an important role in the promotion of gender equality. The ICCPR primarily elaborates on basic civil and political rights and, particularly, on equality before the law and non-discrimination in political and public life with regard to men and women. One more international treaty emanating from the Universal Declaration is the ICESCR, which concerns economic and social rights, including the right to work under just and favourable conditions that comprise such principles as equal pay for equal work.²²

The act is also further supported by a number of ILO conventions in the workplace. Among others, ILO Convention No. 100 prescribes equal remuneration for men

²¹ UN Women, 'Convention on the Elimination of All Forms of Discrimination against Women' (*Un.org*2009). <https://www.un.org/womenwatch/daw/cedaw/>. Accessed 1 August 2024.

²² United Nations, 'International Covenant on Civil and Political Rights' (OHCHR 16 December 1966). <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights>. Accessed 1 August 2024.

and women for work of equal value, while ILO Convention No. 111 forbids discrimination in employment and occupation based on sex, among other grounds. The above instruments spell out a framework that represents a global consensus toward the promotion of gender equality and protection of the rights of women.²³

However, translation or implementation of such international standards is usually hindered time and again by local interpretations of Sharia law. There could be perceived or real conflicts between the international provisions and traditional Sharia-based practices on family law, inheritance, and personal status laws.²⁴

For example, where CEDAW demands equal rights to inheritance, the classical interpretations of Sharia could grant different shares to male and female heirs. This is bound to create serious reservations or conditional acceptance of some of the articles of CEDAW by signatory states in order to keep them in tune with the spirit of Sharia.²⁵

These differences are to be bridged by such attempts as the progressive contextual re-interpretations of Sharia made by some Islamic scholars in the direction of a more inclusive and gender-sensitive understanding of Islamic tenets. In addition, ongoing legal reforms in countries with Muslim majorities aim to integrate these standards with respect for religious and cultural contexts, committing themselves to efforts of seeking balance in ways that will protect both the local traditions and commitments globally with respect to gender equality.²⁶

²³ International Labour Organisation, 'Convention C100 - Equal Remuneration Convention, 1951 (No. 100)' (Ilo.org 2023).

²⁴ Otto, J. M. (n 11).

²⁵ Otto, J. M. (n 11).

²⁶ Ibid.

WOMEN'S RIGHTS IN ISLAMIC CONCEPT

Muslim women take a broad stand on how their religion relates to and affects their human rights. A lot of public opinion has been aired in regard to Islam is a religion that deprives women of their rights since such women are usually separated from one another, oppressed, and deprived of their rights and freedoms.²⁷

Before Islam, women were treated as no better than a commodity. There are several forms of discrimination against women, especially when men are always regarded as superior to women. For example, in the West Arabian culture, discriminatory practices toward women are very common: female children are seen to be shameful by their families; thus, killing them deliberately is common for them in order to avoid the shame. However, upon conceiving the son, the family will be praised, and afterwards, a formal ritual for the son shall follow. Moreover, the said practices can also be noted in other religions, like in Hinduism.²⁸

Furthermore, the women could not work and would not be able to stand as witnesses in a legal trial. Just because the women's status is inferior to that of the men, and they were regarded as being inferior to the men. In addition, it was said that once the women enter into the marriage relationship, their personal identity will be lost as their status will completely dissolve out. The husband will get complete hold of their life. Not only this, the wife's property also will automatically become the complete property of the husband,

²⁷ Patoari, M. (n 8).

²⁸ Ibid.

and he can do and spend it however he sees fit even without the consent of the wife.²⁹

However, in Islam, it was mentioned in the Qur'an which clearly expressed the equality of men and women in the early spread of Islam. It was stated in surah Al-Baqarah verse 228:

*“And women shall have rights similar to the rights against them, according to what is equitable; but men have a degree (of advantage) over them”*³⁰

In Islam women are most respectable and honourable "if she is wife, she is life partner, if she is as a mother, the paradise is under the feet of mother, if she is daughter it is blessing of Almighty Allah". The various kinds of rights of women ensured in Islam are:

1) Right to Life

Human rights necessitate serious and related legal content that may evoke a realization in people-appreciating the lives of others. Life is that most excellent gift from Allah *Subhanahu Wa Ta'ala*, and existence makes up the fundamental identification of an individual. Human rights should be legally well-defined so as, as of right, to embrace such respect and protection. Everyone is under responsibility to do everything necessary for the protection of his rights. These rights have their legal operational foundation here, which makes them actionable and enforceable, thus ensuring

²⁹ United Nation, *'Women's Rights are Human Rights'* (United Nations Publication, New York and Geneva 2014) ISBN 978-92-1-154206-6. p.30.

³⁰ Al-Baqarah (2:228) Translated by Yusuf Ali.

that the rights of inviolability to life are upheld and respected in society.³¹

The Qur'an in Surah al-Maidah verse 32 stresses the sanctity of life, hypothesizing that killing one innocent person amounts to slaying all human generations. This principle is set forth in order to protect life from humanity as a whole. This value, upon life, further extends to each and every individual; it stresses the preservation of human life and despises murder, violence, or unjust killing. This gives the moral justification for the protection of life, security, and protection of each member of the community.³²

Unfortunately, we have today the tragic reality that Muslims living in Palestine are not safe from killings and massacres of Israeli forces mercilessly. This is absolutely illegal and forbidden in Islam because the Palestinians are innocent people. Killing a non-combatant is categorically prohibited in Islam during battle. Children, women, and other elderly people do not fight in any battle. No one is allowed to ruin others' property. This tenet is part of the bigger Islamic concern for justice and human life protection that extends into times of war with compassion and respect. These very basic principles of Islam are contravened by this ongoing violence.³³

³¹ Turan Kayaoglu, '*The Organization of Islamic Cooperation's Declaration on Human Rights: Promises and Pitfalls*' (Brookings Institution, Washington, D.C, 28 September 2020) <<https://www.brookings.edu/articles/the-organization-of-islamic-cooperations-declaration-on-human-rights-promises-and-pitfalls/>> accessed 2 September 2023.

³² Hilal Wani, "*Human Rights in Islam: A Way towards Justice for Humanity*" (Sosiohumanika: Jurnal Pendidikan Sains Sosial dan Kemanusiaan, January 1, 2013).

³³ Al Jazeera News, "'Brutal Massacre': World Reacts to Israel's Al-Mawasi Attacks" (*Al Jazeera* 13 July 2024). <https://www.aljazeera.com/news/2024/7/13/shocking-and-brutal->

2) Right to be Free from Oppression and Abuse

Islam detests all types of oppression and abuse. The Qur'an actually speaks of justice and fairness. It encourages the believers to stand against tyranny and injustice, which is shown in Surah An-Nisa verse 75. This right includes protection from physical, emotional, and social oppression. In this regard, the fight ordered by the Qur'an against oppression is a broader concern for justice, equality, and human dignity. It wants to create a society that is free from harm, exploitation, and bad treatment of any form, with a community founded on mutual respect and justice.³⁴

3) Right to Adequate Food, Clothing, Health Care, Housing, and Education

Islam believes in the well-being of all people, laying much emphasis on the availability of basic needs. The Holy Book, Qur'an, espouses charity and social justice related to every man's having food, clothes, healthcare, shelter, and education. Surah Al-Baqarah verse 177 lays much emphasis on righteousness, which involves giving to the poor; hence, it affirms the communal capacity of taking care of the poor and, therefore, building a society with all the basic needs provided for, thus oozing social stability and compassion.³⁵

4) Right to Establish a Family

The Holy Qur'an upholds the family as a basic unit of society such as in the Surah An-Nur verse 32. It advocates,

massacre-world-reacts-to-israels-al-mawasi-attack. Accessed 3 August 2024.

³⁴ Ann Elizabeth Mayer, (2007) pata '*Islam and Human Rights: Tradition and Politics*' (4th Edition. Westview Press in United State of America. 2007) ISBN:13: 978-0-8133-4335-8. p.102.

³⁵ Ibid.

promotes, and espouses marriage and family formation. It further expounds on the rights and responsibilities in the family so that it may remain in peace and harmony and mutual support for one another. The institution looks at marriages as companionship in life, with mutual respect and love, spousal roles, and responsibilities to ensure balance and stability. It primarily emphasizes family ties and the correlative duty that society as such has to protect and care for the family unit.³⁶

5) Right to Due Process of Law and Justice

Justice is one of the essential doctrines of Islam. Indeed, the Qur'an, Surah an-Nisa verse 135 prescribes fair trials and the neutral application of justice with an invitation to the believers to be just even against themselves or some of their relatives. This implies that everyone has equal treatment before the law, and one's likes or dislikes are not supposed to interfere with justice dispensation. It brings about accountability and fairness, which are very important in maintaining social order and trust in legal systems.³⁷

6) Rights to Inheritance

Pre-Islamic customs relating to succession were biased, vindictive, and unreasonable and in most of the cases violated justice. Women were treated as property, and they were not entitled for inheritance whether as mother or wife or daughter or sister. There was no specific system for cognates and agnates, and always males could get

³⁶ Patoari, M. (n 8).

³⁷ Khalid Bin Ismail, *'Islam and the Concept of Justice, Centre for Islamic Thought and Understanding'* (University Technology MARA Perlis 2010).
<https://ir.uitm.edu.my/id/eprint/32047/1/32047.pdf>. Accessed 2 September 2023.

preferences. There were established traditions that the nearest male agnates succeeded to the entire estate of the deceased and females and cognates were excluded. Islam ensured the rights of inheritance of women many centuries ago than western countries.³⁸

In Islam six classes of persons never deprive from inheritance. Of these six classes of persons, there are three classes of male persons: father, husband, and son; and the remaining three are females: mother, wife, and daughter. In Islamic law of inheritance, among twelve sharers whose shares are defined in Qur'an, the number of women is eight: "wife, mother, daughter, son's daughter, true grandmother, full sister, consanguine sister and uterine sister," while there are four men: "father, husband, true grandfather and uterine brother." Thus, Islam does not ignore women by giving more importance to men.³⁹

As far as the right of inheritance of a woman as a mother is concerned, there are three possibilities: She may be entitled to 1/6 provided that the deceased has a child or son's child however low so ever, or two or more brothers or sisters, and 1/3 if the deceased does not have any child or son's child and does not have more than one brother and sister, and 1/3 of residue in case the deceased has wife or husband and father; 4:11. She may be entitled to either 1/4 if the husband dies and she is survived by his child or his son's child however low so ever, or 1/8 if the husband dies and he does not have any child or son's child, of the property of the deceased. If only one daughter and no son her share is 1/2 and if two or more daughters and no son their share is 2/3 and if there is son daughter will be residue and each daughter will get half of son (4:11). Parents could also dole out

³⁸ Patoari, M. (n 8).

³⁹ Patoari, M. (n 8).

property equally between a son and a daughter, besides this. Islam is the only religion that does not deprive women of their right to inheritance; rather, it ensured the right of inheritance of women.⁴⁰

7) Rights to Dower

In the pre-Islamic period, the dower was given to the wife's father or guardian since it is considered as a sell price. Comparing it to the arrival of Islam, the dower will be paid to the wife as respect either some amount of money or property that the wife will be entitled to get for entering the marriage contract.⁴¹

The Prophet Muhammad *Sallallahu 'Alayhi Wasallam* has mentioned that the dower is to be paid to the wife, even if it is only from an iron ring.⁴²

However, if the husband did not settle the dower during the time of marriage, she is still entitled to the proper dower even though the marriage was complete and could be claimed later on. In determining the proper amount, the husband should consider his financial status, the social position of the wife's family, and the wife herself. For that would make women feel safer, as it would be visible that the husband could afford a dower, and presumably, he could also afford to fund her living expenses.⁴³

⁴⁰ Ibid.

⁴¹ Tahir Khan, '*Islamic Marriage and the Legal System: Mahr/Dowr*' (Family Law Lexis Nexis 19 August 2022) https://www.familylaw.co.uk/news_and_comment/islamic-marriage-the-legal-system-mahr-dowr. Accessed 4 September 2023.

⁴² Ibid.

⁴³ Tahir Khan (n 38).

8) Maintenance

In Islamic law, on marriage, the husband is under a legal obligation to maintain his wife as long as she remains faithful. That is, in the language of the marriage contract, maintenance is supposed to be a consideration given to the wife for the matrimonial constraints imposed on her. It should be according to his means, but still, it is an obligatory right regardless of his means.⁴⁴

Liability of maintenance does not end with the marriage. In divorce, too, she has a right to her maintenance for the period of iddah, which is three months after the divorce. This makes sure that the wife is financially sustained during such a transitional period.⁴⁵

Under the Islamic Family Law, 1961, of Pakistan, the Muslim Family Laws Ordinance, 1961, provides for a claim by the wife against the husband on account of failure to maintain her. This legal framework opens up avenues for the wife to ventilate her grievances with regard to maintenance and to have her rights properly protected.⁴⁶

9) Divorce

Before Islam, the divorce was in the hands of the husband alone, whereby he could divorce his wife at any time without just cause; he could revoke it whenever he liked. Wives had

⁴⁴ Patoari, M. (n 8).

⁴⁵ Ibid.

⁴⁶ Legislative and Parliamentary Affairs Division Ministry of Law, Justice and Parliamentary Affairs, *'The Muslim Family Laws Ordinance, 1961 | 9. Maintenance'* (Legislative and Parliamentary Affairs Division Ministry of Law, Justice and Parliamentary Affairs, Bangladesh 2019). [http://bdlaws.minlaw.gov.bd/act-305/section-13541.html#:~:text=\(1\)%20If%20any%20husband%20fails](http://bdlaws.minlaw.gov.bd/act-305/section-13541.html#:~:text=(1)%20If%20any%20husband%20fails). Accessed 4 September 2023.

no legal recourse or right to maintenance in such scenarios. The practice has mostly contributed to social instability and unfair treatment towards women due to it.⁴⁷

Knowing that this type of power, if left uncontrolled, would wreak havoc on the individual and society, Prophet Muhammad *Sallallahu 'Alayhi Wasallam* took steps to correct these maladies through reforming the divorce process. Islam permits divorce only as the last solution after all attempts at reconciliations have proven ineffective. A number of mechanisms protect the rights of the wife in marriage dissolution:⁴⁸

1. **Khuluq:** This allows for a woman to be granted a divorce with the consent of the husband, against compensation by her money or property. In such a situation, the wife may be asked to remit her right to dower as part of the deal.⁴⁹
2. **Mutual Divorce:** If there is a feeling of mutual aversion between them, then they may agree to dissolve the marriage without making any claims against one another. Any of the spouses may propose the dissolution; the other will have the option to accept it. This provides a fair opportunity for both parties to end the marriage on peaceful terms.⁵⁰

10) Rights to Social and Political Claims

Islam ensures the right of political independence to each man and woman. It grants women the right to participate in political affairs on the basis of Islamic regulations. Women

⁴⁷ Patoari, M. (n 8).

⁴⁸ Patoari, M. (n 8).

⁴⁹ Ibid.

⁵⁰ Ibid.

are permitted to play an active role in the administration and defence of the homeland with due regard for their role in the preservation of national sovereignty.⁵¹

Women may join economic activities on the condition that this does not violate Islamic rules and would serve the cause of progress and development of society. This includes engaging in business, commerce, and all other economic activities.⁵² Throughout history, there were no strong inhibiting factors that would have limited or restricted women's active involvement in various aspects of economic, political, and social life in the societies in which Islam had taken root. One can cite, for instance, Khadijah *Radhiallahu 'anha*, the first wife of the Prophet Muhammad *Sallallahu 'Alayhi Wasallam*, who was a renowned and astute merchant. Her business acumen was such that the Prophet *Sallallahu 'Alayhi Wasallam* himself worked for her before their marriage. It is this historical backdrop that has served to shed light on women's tremendous contribution to many fields, extending the role of women in Islamic history.⁵³

Furthermore, many famous Muslim women have contributed to a great deal towards social development. One such woman is Ummu Ammarah *Radhiallahu 'anha*, also known as 'the Lioness of Uhud.' She participated in many battles after the Hijrah, like Uhud, Hudaibiyah, Khaibar, Umratul Qadha', Hunain, and Yamamah. At the age of 43, she fought in the Battle of Uhud in 625 A.D. with her

⁵¹ UN Office of the High Commissioner for Human Rights (OHCHR), *Women's Rights are Human Rights*, 2014, (<https://www.refworld.org/docid/5566cfd14.html>) ISBN 978-92-1-154206-6 Accessed 2 September 2023.

⁵² Nehaluddin Ahmad (n 5).

⁵³ Khan, Assad, "The Role of Islam in Establishing Women's Rights in the Muslim World" (2021). Honors Undergraduate Theses. 950. <https://stars.library.ucf.edu/honorstheses/950>.

husband and two sons, serving water to the injured and parched. Though initially victorious, her side was defeated, and she received twelve wounds, one of them serious. Among others was Aisha *Radhiallahu 'anha*, an illegitimate scholar who narrated many Hadiths of the Prophet *Sallallahu 'Alayhi Wasallam* and advised the early Muslim nation. Another was Fatima *Radhiallahu 'anha*, who was the daughter of the Prophet *Sallallahu 'Alayhi Wasallam* and a respected lady who advocated for women's rights.⁵⁴

11) Women as Judges

One of the most famous scholars in Islam, Imam Abu Hanifah, was of the view that, although women could not serve as judges in cases of qisas, they could certainly be judges in matters of civil cases, particularly those related to family laws. This opinion thus indicates a different understanding of functions related to the judiciary reserved for women, wherein it stipulates certain issues they are capable of handling, while others they could not, due to historical and circumstantial factors.⁵⁵

The landscape, however, has changed dramatically. While in the contemporary Muslim-majority countries, like Indonesia, Malaysia, Sudan, Bangladesh, and Pakistan, one can see a growing increase of women within the judicial appointments. This has shown the rising tolerance of women within the legal system, and this is the outcome of the

⁵⁴ Ibid.

⁵⁵ Safura Muhammad F and Ruskam A, '*Sains Humanika a Review of Discrimination against Women in Shariah Courts*' (UTM Press, Malaysia 2015). http://eprints.utm.my/id/eprint/60084/1/AminuddinRuskam2015_A_ReviewofDiscriminationAgainstWomen.pdf. Accessed 3 September 2023.

changing notions of Islamic law interpretations taking place in the modern world.⁵⁶

Ex-Egyptian Mufti Sheikh Ali Gomaa has clearly explained that women holding judgeship is not against Islamic ideology because women, like judges, are supposed to teach and implement the law without any discrimination or prejudice. He thus takes the allowance for women to take up judicial office in Islamic law.⁵⁷

Even after all these developments, some misconceptions regarding women's rights prevail in certain areas of Bangladesh. Actually, most of the time, such misconceptions arise due to a lack of adequate knowledge about Islamic lesson, and thus women have been continuing to suffer from discrimination. Enhanced awareness and education about Islamic rights may facilitate respecting women's rights with their coequal status in the framework of Islamic principles.⁵⁸

EQUALITY OF WOMEN IN ISLAMIC CONCEPT

The principle of gender equality is also well seated in the dignity of human life and respect for human beings under Islamic teaching. Islam teaches that man and woman are the same in spiritual and moral values due to their origin of creation.⁵⁹ This fundamental tenet finds its expression in the Holy Qur'an, which categorically states spiritual equality and mutual respect. Key Features of Gender Equality in Islam:

⁵⁶ Ibid.

⁵⁷ Fadel, Mohammad. "Islamic Law and Constitution-Making: The Authoritarian Temptation and the Arab Spring." *Osgoode Hall Law Journal* 53.2 (2016): 472-507.

⁵⁸ Patoari, M. (n 8).

⁵⁹ Ibid.

a) Spiritual Equality

The Qur'an affirms the spiritual equality between men and women. For instance, Surah An-Nisa 4:1 narrates that the two genders originated from a single soul and are, therefore, at par with each other. Similarly, Surah Al-Hujurat 49:13 emphasizes that all human beings, regardless of gender, stand equal before God and that righteousness, not gender, commands a person in high esteem. Consequently, spiritual value for a given person is not based on gender but by his or her piety and the kind of works done.⁶⁰

It is also ingrained in Islamic thought that the two genders stand equal in their responsibility for actions. In the hereafter, both genders will be judged by their deeds alone, and not by their gender. In these matters, this factor makes everyone responsible and liable to the same code of morality and ethics, confirming that both genders stand before God on an equal footing in both matters of responsibility and judgement.⁶¹

Islam advises men to protect and take good care of women, rather than dominate them. It has emphasized their rights, dignity, honour, and equality in all aspects of human rights. A woman in Islam has a right to any profession, managing one's property and receiving inheritance as a mother, wife, and daughter. One fact remains clear: Islam does not support gender inequality, and nowhere in the Qur'an is there any statement that a woman is inferior to a man because she was created from one of his ribs. On the

⁶⁰ Syifa N, Zakiyah E and Fattah A, 'Sharia Faculty UIN Maulana Malik Ibrahim Malang, Indonesia Understanding Gender Equality in the Perspective of Surah Al-Hujurat Verse 13' [2023] Bukhari Hadith <http://repository.uin-malang.ac.id/18197/11/18197.pdf>. Accessed 1 August 2024.

⁶¹ Syifa N, Zakiyah E and Fattah A (n 57).

contrary, it affirms their equality; for example, Surah Al-Hujurat, verse 49:13, emphasizes that both genders are of equal dignity. It does not make any distinction on the basis of gender. The Qur'an equally opens up both possibilities for males and females to serve in charity or any other fields.⁶²

Whereas these principles are at the root of the issue of gender justice, their application could be quite different in each country because of cultural, historical, and regional influences that continue to influence the understanding and practice of gender equality within these Muslim societies.⁶³

b) Marriage and Family Life

Men and women were created in order to live in harmony and coexist with each other as mentioned in the surah ar-Rum verse 21:

“And among His Signs is this, that He created for you mates from among yourselves, that ye may dwell in tranquillity with them, and He has put love and mercy between your (hearts): verily in that are Signs for those who reflect.”⁶⁴

Thus, one of the basic social lives is marriage entered into for the purpose of creating a family where men have to pay the dower (mahr) and bear the expenses for the family. One of the benefits provided by marriage, which involves males and females, includes preventing them from adultery and protecting them from unchastity. What is more, for a valid marriage, the mutual agreement from both parties has to be there, as it is not something for men to overpower the woman and limit her rights.⁶⁵

⁶² Ibid.

⁶³ Ibid.

⁶⁴ Surah ar Rum (30:21) Translated by Yusuf Ali.

⁶⁵ Tahir Khan (n 38).

In Islam, the women are allowed to choose whomever they want to be their husbands, and none shall force her, even her parents and guardians. However, if she refuses, then such marriage shall be invalid and against Islamic law. Moreover, after the wedding in Islam, a woman has to save her name and identity as it is. She cannot change her family name into her husband's name because she will always identify herself with her father's name.⁶⁶

It clearly states what are the rights and responsibilities in marriage, and with mutual respect, support. Women have the right to maintenance, security, and respect from husbands. The contract of marriage, Nikah, is by mutual consent. In other words, both parties to the contract have to agree on what the terms of marriage will be. Women may negotiate any marriage contract, including inserting conditions that reflect safeguards for her rights and interests. This principle shows the equity and respect placed in marital relations.⁶⁷

However, restrictions on women's movement are still in practice such as in Afghanistan, Saudi Arabia and Pakistan, for example, when a Muslim woman gets married, a number of very severe freedom-of-movement restrictions are placed on her.⁶⁸ They need permission from the husband to leave the house, seek employment, or look for career advancement opportunities. Moreover, while going out or traveling without the husband, they must be accompanied by a mahram—a term in Arabic meaning male guardian. It causes serious difficulties to reach full potential in their professional and personal lives. However, the limitations do not only affect their social lives but limit career growth that requires one to travel or work on flexible schedules, limit

⁶⁶ Ibid.

⁶⁷ Patoari, M. (n 8).

⁶⁸ Amnesty International UK (n 9).

independence in self-sufficiency, and create a lag in professional development.⁶⁹

c) Inheritance

Islamic inheritance laws guarantee women a share of the estate of the dead. The Holy Qur'an does provide different shares for different heirs depending on their relationship to the dead based on the understanding that men and women play different social and economic roles. Even though the shares given to women might be less than what is offered to men in some instances, it is supposed to put into consideration the financial duties bestowed upon men, such as providing for the family. Women's rights to inheritance are indispensable for their economic security and independence.⁷⁰

d) Education and Employment

The Prophet Muhammad *Sallallahu 'Alayhi Wasallam* emphasized education not only for men but also for women, 'Seek knowledge from the cradle to the grave.' The women not only can but must seek education and economic activity. However, in reality, it could have regional implications that have women suffering from cultural and legal impediments on education and work opportunities. In this respect, the Islamic tenet supporting education and active participation in economic life becomes a principle that secures equal opportunities for both genders, despite such problems.⁷¹

⁶⁹ Ibid.

⁷⁰ Patoari, M. (n 8).

⁷¹ Nehaluddin Ahmad (n 5).

e) Legal Testimony

The value of a woman's testimony in most traditional views of Islamic law is considered to be half that of men. This principle, based on specific Hadiths and deduction, is hinged on Surah Al-Baqarah, 2:282, which, according to interpretations, suggests that two women's testimonies equal one man's in financial transactions. These interpretations are historically grounded and socially contextualized. However, the application of this rule is highly debated and varies significantly from one Islamic country and legal regime to another. For contemporary scholars and most modern legal systems, this interpretation is being re-reviewed with arguments for reforming the law to give women equal weight alongside men in legal testimony, very much on the basis of fairness and justice.⁷²

f) Legal Protection

Protection and justice to women are necessitated by Islamic law. The Qur'an loudly denounces injustice and is emphatic on the protection of the rights of women. For instance, Surah An-Nisa 4:75 solicits righteousness in the dispensation of justice and turning against injustice, particularly the rights of the woman for her to be fairly treated with respect. These legal protections under Islamic law further safeguard women from violence, ensure that they get fair treatment with regard to family matters, and protect their dignity and rights. It is founded upon principles, but the application dramatically

⁷² Khalid Bin Ismail, *'Islam and the Concept of Justice, Centre for Islamic Thought and Understanding'* (University Technology MARA Perlis 2010). <https://ir.uitm.edu.my/id/eprint/32047/1/32047.pdf>. Accessed 2 September 2023.

differs owing to cultural and regional factors affecting the practice of law within these societies.⁷³

Gender equality in Islam is rooted in the belief that every person has equal spiritual value and should be treated with respect. However, the application of these principles can vary significantly due to local interpretations of Islamic law, cultural practices, and legal systems. Efforts and debates are ongoing in Islamic contexts to implement gender equality practically, reconciling traditional values with contemporary views. These initiatives demonstrate the varied viewpoints present in the Muslim community and the ongoing adaptation of strategies for achieving gender equality in conformity with Islamic principles and contemporary human rights norms.⁷⁴

INTERSECTION WITH INTERNATIONAL HUMAN RIGHTS STANDARDS

The compatibility of international human rights norms with Islamic values beckons on an analysis of global human rights conventions and declarations, upon the well set-out discourses of Islamic teachings and practices. This shall, in every sense of it, give insights in relation to gender equality and the women rights question within the Islamic and global contexts.

The core principles of Islamic human rights are: equality, dignity, and respect for every human being. According to the Qur'an, humanity has been conferred by the

⁷³ Michael Mumisa, '*Sharia Law and the Death Penalty*' (Penal Reform International 2015). <https://cdn.penalreform.org/wp-content/uploads/2015/07/Sharia-law-and-the-death-penalty.pdf>. Accessed 2 September 2023.

⁷⁴ Ibid.

Creator of all worlds with the highest status. These principles give human dignity and respect while removing exploitation, oppression, and injustice.⁷⁵

The 1990 Cairo Declaration on Human Rights in Islam by the Organization of Islamic Cooperation is a framework on human rights in an Islamic context. Some of the leading articles on gender equality and protection are:

1. Article 19(A) follows the tenet of equality of all in the eyes of the law. It explicitly states that a woman is equal and therefore entitled to the same protection and rights as a man. It already forms part of the framework of Islamic law, dedicated to ensuring gender equality. In essence, it seeks to assure that women partake in some legal protection and rights enjoyed by the male counterparts.⁷⁶
2. Article 19(D): Extends protection to cover non-Muslims as well, such that their rights and safety are not violated in the course of the law. The statement directly reflects the significance attached to non-discrimination and equality for all persons, without discrimination based on their belief, thereby unfolding a trend of inclusiveness with regard to human rights within the Muslim context.⁷⁷

⁷⁵ Almahfali M and Avery H, 'Human Rights from an Islamic Perspective: A Critical Review of Arabic Peer-Reviewed Articles' (2023) 12 Social Sciences 106. <https://doi.org/10.3390/socsci12020106>. Accessed 3 August 2024.

⁷⁶ Fredman S and Goldblatt B, '*GENDER EQUALITY and HUMAN RIGHTS*' (UN Women. 2015). <https://www.unwomen.org/sites/default/files/Headquarters/Attachments/Sections/Library/Publications/2015/Goldblatt-Fin.pdf>. Accessed 3 September 2023.

⁷⁷ Ibid.

This provision on Gender equality and Protection smacks of covert intent to harmonize Islamic principles with modern human rights. It stresses the equality of all and thus equal rights and protection under the law for women and non-Muslims. It attempts to avoid any discrimination and consequent injustice in society by ensuring there is no differential application of laws for any set of people based on their gender or their religious affiliation.⁷⁸

In addition to the above, Convention on the Elimination of All Forms of Discrimination Against Women, in short, CEDAW is a colossal international treaty that concerns the rights of the women. CEDAW is a body that puts forth a comprehensive list of measures to be charted out for eliminating gender-based discrimination:⁷⁹

- a. CEDAW Principles: CEDAW contains provisions of different aspects related to women's human rights—education, employment, health, and political participation. It also calls for removing the legal and social barriers to gender equality, mandating states to put proactive measures in promoting and protecting women's empowerment.⁸⁰
- b. Alignment and Challenges: The provisions of CEDAW correspond to more general objectives of equity for both men and women that are enshrined in Islamic teachings due to compatible appreciation, such as the near-equal spiritual worth of men and women.⁸¹

⁷⁸ Ibid.

⁷⁹ UN Women (n 18).

⁸⁰ Ibid.

⁸¹ UN Women (n 18).

There may be many challenges, however, to find evidence that has been actually realized within the Islamic context that seeks to apply the treatise mainly on the different treaty provisions that contradict the traditional interpretation of the Sharia.

Human rights principles assert the dignity and independence of each human being, also instituting measures for the protection of their freedom and equal treatment. As such, the adoption of the UDHR by the UN General Assembly is testament to its being a core framework from which respect for human rights can be engendered universally. According to Article 2 of the UDHR, all human beings are worthy of the proclamation's rights and freedoms without distinction of race, sex, language, religion, political opinion, social origin, or other such criteria. In addition, the UDHR further calls for no distinction to be made on a person being from a country with a political, jurisdictional, or international status, including those of trust and non-self-governing territories.⁸²

Moreover, the Beijing Declaration and Platform for Action, reflect the importance of gender equality and women's rights. These documents hold the need for treatment free of any discrimination, ensuring practical benefits on equal standing for all persons. Aside from that, The UN Economic and Social Council (ECOSOC) established the Commission on the Status of Women (CSW) in the year 1946 as a strategy to promote gender equality.⁸³ Gender equality has been recognized as a cornerstone of influential international human rights instruments; hence, documents addressing the discrimination of women also challenge the patriarchal ideologies. Such ideologies have

⁸² Ann Elizabeth Mayer (n 31).

⁸³ Ibid.

been built-in in the very development of human rights, indicating male dominance over all aspects of life. Gender inequality thus speaks of the systemic historical dominance of men over women—a system which was sustained for many years and yet continues to influence the social and legal parameters of contemporary society. Gender equality is, therefore, direct and related to efforts geared toward the breaking down of these deep-seated Patriarchal systems and replacing them with fair-play opportunities for all individuals.⁸⁴

COMPARISON OF THE PERSPECTIVE VIEW

In Islamic perspective, equality is based on spiritual and moral themes. The Holy Qur'an and the Traditions of the Holy Prophet *Sallallahu 'Alayhi Wasallam* emphasize that all human beings, irrespective of sex, colour, and caste, enjoy equal spiritual status in the eyes of God. Spiritual equality stands at the core of the Islamic concept of man, laying down that a person's worth is assessed by his or her piety and righteousness, not by his or her worldly characteristics. Especially the verses of the Holy Qur'an, that of Surah An-Nisa' 4:1 and that of Surah Al-Hujurat 49:13, categorically prove that all human beings are from one soul and are therefore equal in their inherent value. This view shifts focus from outer inequities to inner virtues, underlining that spiritual merit is what gives value to an individual's person.⁸⁵

The Islamic structure principally emphasizes mutual respect, good conduct, and justice in interpersonal relations

⁸⁴ Ann Elizabeth Mayer (n 31).

⁸⁵ Bhat SU. Human Rights in Islamic Tradition: An Overview. *Journal of Advanced Research in Humanities and Social Science*, 2018; 5(3): 12-16. (ISSN: 2349-2872).

and sociostructurally formations. While Islamic law as such defines the ambit of certain rights and their corresponding obligations, the interpretation and implementation vary with the cultural and historical situation. This strategy therefore reaches out to fair play and respect both in person and society, in full agreement with the principles of justice and dignity in Islam. The overall Islamic teaching would therefore be one of balance within equality, in a manner that integrates spirituality with action-oriented principles for fairness and respect.⁸⁶

While many studies suggest that Islam indeed has been a bearer of considerable reforms in gender norms historically, such changes are not sufficient to be of much help in solving modern problems. Early Islamic jurisprudence did make important unprecedented steps towards women's rights related to improving inheritance laws, advocating for women's education, and protecting from unfair treatment. The societal change and the implementation of those reforms often were left behind and stand in need of improvement up to these days.⁸⁷

Some academics may argue that although Islam had contributed to the progress of women, such changes in social customs and norms have been slow. Most nations with a Muslim majority across the world today Explain the inferior status of women as being due to religious perceptions that are too deeply engraved or patriarchy rather than the religion itself. This perception has some truth to it, but recent events in these countries question the general application of this explanation. For example, women in some regions of the

⁸⁶ Ibid.

⁸⁷ American Civil Liberties Union (ACLU), '*Discrimination against Muslim Women - Fact Sheet*' (29 May 2008). <https://www.aclu.org/documents/discrimination-against-muslim-women-fact-sheet>. Accessed 1 September 2023.

world are still heavily barred from divorcing, inheriting property, enjoying custody of children, and moving around freely.⁸⁸

In addition, religious norms are normally cited as some of the significant challenges facing women's political participation and leadership. In the light of the forgoing, Muslim feminism has emerged as a potent impulse in the quest for gender equality within the Islamic dispensation. Consequently, it is through the critical interrogation of traditional religious interpretations that Muslim feminist's bargain for legal and policy reforms to reduce gender discrimination and work towards the conceptual reconciliation of religious principles with human rights standards in contemporary times. Thus, the movement shall be said to work towards women's rights and autonomy, being dialogic and representative of contemporary efforts at redaction of gender inequality in the Muslim world.⁸⁹

In western perspective, western equality notions basically have dimensions with legal and social overtones, which emphasize the equal and fair treatment of every soul in society. These are pegged on basic documents and conventions of human rights, which among other things, look to develop and protect individual rights in all spheres of life.⁹⁰

⁸⁸ Ibid.

⁸⁹ Muhibbu-Din MO, 'Feminism and Modern Islamic Politics: The Fact and the Fallacy' (2019) 15 *International Journal of Islamic Thought* 44. <http://dx.doi.org/10.24035/ijit.15.2019.005>. Accessed 2 August 2024.

⁹⁰ Panikkar R, 'Is the Notion of Human Rights a Western Concept?' (1982) 30 *Diogenes* 75. <https://doi.org/10.1177/039219218203012005>. Accessed 2 August 2024.

Legal equality has been one of the major principles of the human rights frameworks in the West and maintains that all individuals should be treated equally under the law. It was laid down through principal documents like the Universal Declaration of Human Rights and the Convention on the Elimination of All Forms of Discrimination Against Women.⁹¹ These frames are used to promote non-discrimination in some important and significantly basic areas of life, such as:

- A) Employment: The laws permit no form of discrimination based on gender, race, religion, or any other thing in case of recruitment and promotion and for providing salary.⁹²
- B) Education: Legal provisions ensure equal opportunity to education lay emphasis on minimizing differences in educational facilities and opportunities.⁹³
- C) Public Life: Legislation provides for equal participation by all in civic activities, especially in respect of voting and holding offices connected with the conduct of public affairs. Social Equality⁹⁴

It does not, therefore, remain limited to laws; rather, social equality pursues the abolition of structural disparities that foster inequalities.⁹⁵ This includes:

⁹¹ Ann Elizabeth Mayer (n 31).

⁹² Nehaluddin Ahmad (n 5).

⁹³ Ibid.

⁹⁴ Ibid.

⁹⁵ Kakwata F, 'Perspective Chapter: Determinative Factors for Bridging Social Inequality Gaps – a South African Perspective' [2024] IntechOpen eBooks <10.5772/intechopen.1004765> accessed 3 August 2024.

- a) Affirmative Action: Actions like preferential treatment and special opportunities for previously unprivileged groups to bridge gaps.⁹⁶
- b) Measures on Accessibility: This would include provisions catering to the differently abled or language support to ensure equal access to services or opportunities.⁹⁷
- c) Equity Programs: Those social programs that try to reduce gaps in health, economic status, and housing with a vision of making sure that everybody gets equal outcomes irrespective of demographic background.⁹⁸

Western frameworks try to forge an inclusive society wherein everybody gets an equal opportunity toward full participation by combining legal protections with proactive social policies, therefore seeking to eliminate systemic barriers and foster fair treatment across all domains.⁹⁹

While both frameworks remain adamant on equality, the difference is within the approach. What Islamic teaching stresses more is spiritual and moral equality? The implication here is that all human beings are inherently worthy and dignified according to the definitions and principles provided by religion. This, therefore, reduces the dichotomy of the concept of justice and human dignity into a single platform of ethical conduct and mutual respect.¹⁰⁰ In contrast, the roots of Western perspectives are to be found in legal and social equality; a struggle to establish fair systems through reforms in law and social policy. This

⁹⁶ Ibid.

⁹⁷ Ibid.

⁹⁸ Kakwata F (n 92).

⁹⁹ Panikkar R (n 87).

¹⁰⁰ Panikkar R (n 87).

model gets its ingredients from documents like the Universal Declaration of Human Rights and the Convention on the Elimination of All Forms of Discrimination against Women. It perceives no discrimination and guarantees of equal opportunities in all relevant areas of society. Comparing these frameworks shows how equality is interpreted and integrated into practice by different societies, reflecting religious values and secular human rights ideals.¹⁰¹

CONCLUSION

The struggle for gender equality and the rights of women, as enshrined in an Islamic perspective, resembles a tapestry of religious principles, legal frameworks, and changing interpretations with historical traditions and contemporary challenges. Basically, Islam affirms the equality concept through spiritual and moral dimensions: all individuals, regardless of gender, are invested with inherent dignity and worth.

In fact, Islamic teachings are founded on the spiritual equality of men and women. Both the Holy Qur'an and Hadith confirm this equality by establishing that both genders have been created from the same soul, and this confirms their equal estimates in the eyes of God. Both verses Surah An-Nisa, verse 4:1, and Surah Al-Hujurat, verse 49:13, confirm this equality through stating that only righteousness and piety serve as a measure for esteem, while gender or social status does not. These spiritual principles give ground to more extended concepts of justice and respect in interpersonal and societal relationships.

In its universal sense, Islamic law stipulates men's and women's rights and duties. It enshrines women's rights to

¹⁰¹ Ibid.

education, property, and active involvement in economic activities. In this respect, it is extremely just and fair. The marriage of the Prophet Muhammad *Sallallahu 'Alayhi Wasallam* to Khadijah *Radhiallahu 'anha* the entrepreneur shows how women have traditionally been actively involved in all spheres. Apart from that, the contribution from the Muslim women such as Ummu Ammarah, Aisyah and Fatima *Radhiallahu 'anhum* to the social development. These rights form part of a framework in which individual dignity is nourished in relation with communal responsibilities.

Some efforts exist that reconcile Islamic principles with international standards, bringing out their shared ground, such as a concern for justice and respect for human dignity. At the same time, discourses and attempts at bridging gaps occur within the umma toward compliance with human rights standards. This is how complex the process can get in scaling up dynamics for debates on gender equality across multifaceted cultural and religious traditions. To conclude, the Islamic view on gender equality and women's rights is very multidimensional. Some deep religious values where it is rooted leave faith with modern challenges. It may be relative in practical implementation and interpretation, but the Islamic ideology provides a sound framework to understand equality. In the advancement of the cause of gender equality, spiritual precepts and the human rights platform can be integrated, showing respect to religious tradition and contemporary values. Continued dialogue, education, and reform are very important in producing a society that is just and equitable for all its members, regardless of gender.

BIBLIOGRAPHY

- Ali SS, (2020) 'Islam and Gender: Major Issues and Debates' 57 *Journal of Postcolonial Writing* 576.
- Al Jazeera News, (13 July 2024) "'Brutal Massacre": World Reacts to Israel's Al-Mawasi Attacks' (Al Jazeera) <https://www.aljazeera.com/news/2024/7/13/shocking-and-brutal-massacre-world-reacts-to-israels-al-mawasi-attack>.
- Almahfali M and Avery H, (2023) 'Human Rights from an Islamic Perspective: A Critical Review of Arabic Peer-Reviewed Articles' 12 *Social Sciences* 106 <https://doi.org/10.3390/socsci12020106>.
- Amnesty International UK, (27 July 2022) 'Women in Afghanistan: The Back Story' <https://www.amnesty.org.uk/womens-rights-afghanistan-history>.
- American Civil Liberties Union (ACLU), (29 May 2008) 'Discrimination against Muslim Women - Fact Sheet' <https://www.aclu.org/documents/discrimination-against-muslim-women-fact-sheet>.
- Ann Elizabeth Mayer, (2007) 'Islam and Human Rights: Tradition and Politics' (4th Edition. Westview Press in United State of America. 2007) ISBN:13: 978-0-8133-4335-8. p.102.
- Bhat SU. (2018) 'Human Rights in Islamic Tradition: An Overview' *Journal of Advanced Research in Humanities and Social Science*, 5(3): 12-16. (ISSN: 2349-2872).
- Fadel, Mohammad. (2016) "Islamic Law and Constitution-Making: The Authoritarian Temptation and the Arab Spring." *Osgoode Hall Law Journal* 53.2 472-507.

- Fatma Osman Ibnouf, (April 14, 2015) 'The Gender Equality and Women's Human Rights in Islamic Texts (Quran and Hadith)' <https://doi.org/10.13140/RG.2.1.3421.1367>.
- Fredman S and Goldblatt B, (2015) 'GENDER EQUALITY and HUMAN RIGHTS' (UN Women) <https://www.unwomen.org/sites/default/files/Headquarters/Attachments/Sections/Library/Publications/2015/Goldblatt-Fin.pdf>.
- Hilal Wani, (January 1, 2013) "Human Rights in Islam: A Way towards Justice for Humanity" (Sosiohumanika: Jurnal Pendidikan Sains Sosial dan Kemanusiaan).
- International Labour Organisation, 'Convention C100 - Equal Remuneration Convention, 1951 (No. 100)' (Ilo.org 2023).
- Kakwata F, (2024) 'Perspective Chapter: Determinative Factors for Bridging Social Inequality Gaps – a South African Perspective' IntechOpen eBooks 10.5772/intechopen.1004765.
- Khalid Bin Ismail, (2010) 'Islam and the Concept of Justice, Centre for Islamic Thought and Understanding' (University Technology MARA Perlis) <https://ir.uitm.edu.my/id/eprint/32047/1/32047.pdf>.
- Khan, Assad, (2021). "The Role of Islam in Establishing Women's Rights in the Muslim World" Honors Undergraduate Theses. 950. <https://stars.library.ucf.edu/honorsthesis/950>.
- Karbala, G., Kern, J. Eds. (2022) 'COVID-19 and Women's Labour Force Participation: A Look into Women's Labour Force Participation Through the Lens of the Pandemic. Amman, Jordan', Deutsche Gesellschaft für

Internationale Zusammenarbeit (GIZ) GmbH and UN Women.

Legislative and Parliamentary Affairs Division Ministry of Law, Justice and Parliamentary Affairs, (2019) 'The Muslim Family Laws Ordinance, 1961 | 9. Maintenance' (Legislative and Parliamentary Affairs Division Ministry of Law, Justice and Parliamentary Affairs, Bangladesh) [http://bdlaws.minlaw.gov.bd/act-305/section-13541.html#:~:text=\(1\)%20If%20any%20husband%20fails](http://bdlaws.minlaw.gov.bd/act-305/section-13541.html#:~:text=(1)%20If%20any%20husband%20fails).

Mcdonnell J, (2017) "Islam and Educational Equality for Muslim Women" "Islam and Educational Equality for Muslim Women"
https://scholarship.shu.edu/cgi/viewcontent.cgi?article=1908&context=student_scholarship.

Michael Mumisa, (2015) 'Sharia Law and the Death Penalty' (Penal Reform International)
<https://cdn.penalreform.org/wp-content/uploads/2015/07/Sharia-law-and-the-death-penalty.pdf>.

Mubarokah NF, Hasanah N and Mahmudah U, (2021) 'The Concept of Feminism in Islamic Education' 4 Nazhruna: Jurnal Pendidikan Islam 646.

Muhibbu-Din MO, (2019) 'Feminism and Modern Islamic Politics: The Fact and the Fallacy' 15 International Journal of Islamic Thought 44
<http://dx.doi.org/10.24035/ijit.15.2019.005>.

Nehaluddin Ahmad, (2012) 'Modern Debate on the Socio-Political Rights of Muslim Women. Asia-Pacific Journal on Human Rights and the Law', 13(1), 42-64.
<https://doi.org/10.1163/138819012X13323234709785>.

- Otto, J. M. (2008). 'Sharia and National Law in Muslim Countries: Tensions and Opportunities for Dutch and EU Foreign Policy. Leiden', Leiden University Press. Retrieved from <https://hdl.handle.net/1887/20694>.
- Panikkar R, (1982) 'Is the Notion of Human Rights a Western Concept?' 30 Diogenes 75
<https://doi.org/10.1177/039219218203012005>.
- Patoari, M., (2019) 'The Rights of Women in Islam and Some Misconceptions: An Analysis from Bangladesh Perspective.', *Beijing Law Review*, 10, pg 1211-1224. doi: 10.4236/blr.2019.105065.
- Safura Muhammad F and Ruskam A, (2015) 'Sains Humanika a Review of Discrimination against Women in Shariah Courts' (UTM Press, Malaysia)
http://eprints.utm.my/id/eprint/60084/1/AminuddinRuskam2015_AReviewofDiscriminationAgainstWomen.pdf.
- Sakallı-Uğurlu, N. (2016). 'Quantitative Empirical Studies on Women's Issues in Islamic Cultures: Introduction to Special Issue', *Sex Roles* 75, 535–542
<https://doi.org/10.1007/s11199-016-0689-8>.
- Sulthan, Mohamed & M. S, Ismiya & Zul, Ismail & Yaakob, Azmi. (2023) 'The Concept of Gender Equality and Equity: An Islamic View'', 2. 103-115.
- Syifa N, Zakiyah E and Fattah A, (2023) 'Sharia Faculty UIN Maulana Malik Ibrahim Malang, Indonesia Understanding Gender Equality in the Perspective of Surah Al-Hujurat Verse 13' Bukhari Hadith
<http://repository.uin-malang.ac.id/18197/11/18197.pdf>.
- Tahir Khan, (19 August 2022) 'Islamic Marriage and the Legal System: Mahr/Dowr' (Family Law Lexis Nexis)

https://www.familylaw.co.uk/news_and_comment/islamic-marriage-the-legal-system-mahr-dowr.

Turan Kayaoglu, (28 September 2020) 'The Organization of Islamic Cooperation's Declaration on Human Rights: Promises and Pitfalls' (Brookings Institution, Washington, D.C)
<https://www.brookings.edu/articles/the-organization-of-islamic-cooperations-declaration-on-human-rights-promises-and-pitfalls/>.

United Nations, (16 December 1966) 'International Covenant on Civil and Political Rights' (OHCHR)
<https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights>.

United Nation, (2014) 'Women's Rights are Human Rights' (United Nations Publication, New York and Geneva) ISBN 978-92-1-154206-6. p.30.

UN Office of the High Commissioner for Human Rights (OHCHR), (2014) 'Women's Rights are Human Rights', (<https://www.refworld.org/docid/5566cfd14.html>) ISBN 978-92-1-154206-6.

UN Women, (2009) 'Convention on the Elimination of All Forms of Discrimination against Women'
<https://www.un.org/womenwatch/daw/cedaw/>.