

Women's Rights in Islamic Jurisprudence

Hak-Hak Perempuan dalam Yurisprudensi Islam

Saulia Rohimah Kumullah¹, Deddy Ramdhani²

Universitas Islam Negeri Mataram^{1,2}

*230407012.mhs@uinmataram.ac.id¹, deddyramdhani@uinmataram.ac.id²

**Corresponding Author*

ABSTRACT

In the context of this research, researchers explore the concept of gender equality in Islam through a systematic literature review. This research aims to provide a better understanding of the evolution of views on women's rights in Islamic jurisprudence, with a focus on contemporary fatwas issued by major religious authorities in various Muslim-majority countries. Researchers conducted an analysis of relevant literature from reputable international databases, using established inclusion and exclusion methods, and following the PRISMA framework. The results of the discussion show that the concept of gender equality in Islam is a complex and continuously developing topic, influenced by various social, cultural and religious factors in Muslim society. Traditional interpretations often limit the role and position of women, but there is an evolution of views that emphasize the principles of equality, justice and the same human dignity between men and women. The implication of this research is the importance of supporting a more inclusive interpretation of Islam towards women's rights, as well as strengthening progressive social change in Muslim societies.

Keywords: Gender equality, Islam, contemporary fatwas, women's rights, systematic literature review.

ABSTRAK

Dalam konteks penelitian ini, peneliti mengeksplorasi konsep kesetaraan gender dalam Islam melalui sebuah systematic literature review. Penelitian ini bertujuan untuk memberikan pemahaman yang lebih baik tentang evolusi pandangan terhadap hak-hak perempuan dalam yurisprudensi Islam, dengan fokus pada fatwa-fatwa kontemporer yang dikeluarkan oleh otoritas agama utama di berbagai negara mayoritas Muslim. Peneliti melakukan analisis terhadap literatur yang relevan dari database internasional bereputasi, dengan menggunakan metode inklusi dan eksklusi yang ditetapkan, serta mengikuti kerangka PRISMA. Hasil pembahasan menunjukkan bahwa konsep kesetaraan gender dalam Islam adalah topik yang kompleks dan terus berkembang, dipengaruhi oleh berbagai faktor sosial, budaya, dan agama dalam masyarakat Muslim. Interpretasi tradisional seringkali membatasi peran dan posisi perempuan, namun terdapat evolusi pandangan yang menekankan prinsip kesetaraan, keadilan, dan martabat manusia yang sama di antara laki-laki dan perempuan. Implikasi penelitian ini adalah pentingnya mendukung interpretasi Islam yang lebih inklusif terhadap hak-hak perempuan, serta memperkuat perubahan sosial yang progresif di dalam masyarakat Muslim.

Kata kunci: Kesetaraan gender, Islam, Fatwa kontemporer, Hak-hak perempuan, Sistematis Literature Review.

1. Introduction

Women's rights in Islamic jurisprudence have been a subject of significant debate and analysis in recent years. The role and rights of women in Islamic and Western perspectives have been a focal point of several studies (Midah, 2020). It is essential to address prevailing misconceptions regarding women's rights in Islam and emphasize the importance of proper Islamic knowledge and awareness among women (Patoari, 2019). Furthermore, contemporary Muslim majority countries have introduced legal changes drawing on Islamic jurisprudence to

restrict men's right to unilateral repudiation and to expand women's divorce rights, reflecting an evolving landscape of women's rights within Islamic legal frameworks (Al-Sharmani & Mustasaari, 2020). Additionally, Islamic jurisprudence emphasizes the importance of seeking patients' consent before carrying out any medical procedures, highlighting the intersection of women's rights and healthcare within an Islamic context (Malek et al., 2021).

Moreover, the sacred provisions of Islamic sharia and the Hanafi School of Islamic jurisprudence affirm a woman's right to choose her spouse, underscoring the agency and autonomy granted to women within Islamic legal traditions (Hemat & Sekandary, 2022). The significance of reinterpreting religion and investigating women's authority in Shi'a jurisprudence is also highlighted, indicating ongoing efforts to explore and redefine women's roles within Islamic ethical frameworks (Rahbari, 2020). Furthermore, Islamic law holds a significant position in domestic laws of countries such as Pakistan, signifying the enduring influence of Islamic jurisprudence on women's rights within national legal systems (Ullah et al., 2021). In conclusion, the discourse surrounding women's rights in Islamic jurisprudence encompasses a broad spectrum of issues, including marriage, divorce, healthcare, and societal roles. The evolving nature of these discussions reflects ongoing efforts to reconcile traditional Islamic legal principles with contemporary perspectives on gender equality and women's rights.

Women's rights in Islamic jurisprudence in Indonesia have been a subject of significant scholarly interest in recent years. The intersection of Islamic law and nationhood in Indonesia has led to debates and controversies, particularly concerning human rights and religious minorities' rights (Wang, 2023). The implementation of Islamic law in Indonesia has also been associated with the deradicalization of convicted terrorists, upholding human rights, especially the right to life (Ipandang & Umiarso, 2022). Furthermore, the development of Islamic family law in Indonesia, as evidenced by Jakarta Governor Regulation No. 185 of 2017, reflects the ongoing evolution of Islamic jurisprudence in the country (Jayusman, 2021).

In the context of the development and application of national law in Indonesia, Islamic law is recognized as one of the sources adopted, indicating its significance in the legal framework of the country (Saputra et al., 2021). Additionally, the existence and position of Islamic economic law in Indonesia have been the focus of scholarly inquiry, highlighting the multifaceted nature of Islamic jurisprudence in the country (Pratama et al., 2019).

Moreover, the narrative of women's rights and status in the public domain and public policy in Indonesia has been examined, shedding light on the evolving role of women in Indonesian society (Afrianty, 2019). The slow response to Islamic family law in Indonesia has also been noted, indicating the complexities and challenges associated with the incorporation of Islamic jurisprudence into the legal system (Cholil & Sudirman, 2019).

In the context of women's rights, the influence of western feminism and its impact on Islamic education in Indonesia has been explored, emphasizing the need to reconcile different perspectives on gender equality and women's roles within the framework of Islamic teachings (Mubarakah et al., 2021). Furthermore, the significance of reinterpreting religion and investigating women's authority in Shi'a jurisprudence has been highlighted, underscoring the ongoing discourse on women's agency within Islamic law (Rahbari, 2020).

Overall, the synthesis of these references underscores the multifaceted nature of women's rights in Islamic jurisprudence in Indonesia, encompassing legal, social, and cultural dimensions. The evolving discourse on Islamic law and its intersection with women's rights reflects the dynamic nature of legal and social developments in Indonesia.

The researcher will outline problematic phenomena related to the need to understand and explore women's rights in the context of Islamic law, with a focus on contemporary fatwas issued by major religious authorities in Muslim-majority countries. In this context, research gaps will also be introduced, namely deficiencies in understanding how the concept of gender equality is reflected in these fatwas. The aim of this research is to fill this knowledge gap by conducting a comprehensive systematic literature review. The proposed research question is:

"In light of the diverse views on women's rights in Islamic jurisprudence, how is the concept of gender equality reflected in contemporary fatwas by major religious authorities in various Muslim-majority countries?" The novelty of the research lies in its systematic approach in collecting, reviewing and analyzing relevant literature, as well as providing in-depth insight into how these fatwas reflect views on women's rights in the context of modern Islam. "It is hoped that this research contribution will provide a better understanding of the development of views on women's rights in Islamic jurisprudence, as well as encourage broader discussion of gender issues in the context of religion and law."

2. Research Methods

In the Research Methods section, the researcher will explain in detail the procedures used to conduct a systematic literature review on "Women's Rights in Islamic Jurisprudence". First, researchers will collect relevant articles from reputable international databases such as Scopus, Web of Science, JSTOR, or ProQuest. Keywords to be used for searches will include phrases such as "Women's Rights in Islamic Jurisprudence", "gender equality in Islamic law", "fatwas on women's rights in Islam", and the like.

Next, researchers will record the number of articles obtained from each database and organize them for the next review process. Article inclusion and exclusion techniques will be applied to filter relevant articles according to predetermined inclusion criteria. These inclusion criteria will include topic relevance, originality, and methodological quality.

It is important to note that researchers will use the PRISMA (Preferred Reporting Items for Systematic Reviews and Meta-Analyses) method as the main guide in conducting a systematic literature review. The PRISMA method is a standard approach used to compile, report, and evaluate systematic reviews and meta-analyses. By following PRISMA guidelines, researchers can ensure that the literature review process is carried out in a transparent, systematic and structured manner.

Thus, the Research Methods section will outline the steps taken by researchers in collecting, reviewing, and filtering relevant articles for this literature review, as well as explaining the use of the PRISMA method as the main guide.

3. Results and Discussions

3.1. The Concept of Gender Equality in Islam

The concept of gender equality in Islam has been a subject of scholarly inquiry, with a focus on understanding the intersection of religiosity, culture, and gender justice within Islamic contexts. Research has shown that interpretations of Islam can significantly influence attitudes towards gender equality (Klingeren & Spierings, 2020). Furthermore, Islamic feminism has emerged as a theoretical framework that seeks to reconcile gender justice with Islamic principles, particularly in Muslim-majority societies (Priola & Chaudhry, 2020). However, there are challenges stemming from misconceptions and misinterpretations of Islamic teachings, which can hinder the advancement of gender equality (Koburtay, 2023). It has been observed that religiosity and cultural attitudes may decouple, leading to varying levels of support for gender equality among European Muslims (Röder & Spierings, 2021). Nevertheless, there are affirmative interpretations of Islam that advocate for gender equality, challenging the prevailing patriarchal narratives (Duderija, 2020). Additionally, Islamic principles of justice have been highlighted as promoting gender equality, irrespective of gender (Tolkah, 2021). Efforts to build gender equality in Islamic family law have also been documented, aiming to address issues such as domestic violence (Cholil & Sudirman, 2019). Moreover, Islamic gender egalitarianism has been identified as a driving force for Muslim women's entrepreneurship, challenging stereotypes and promoting women's rights within Islamic contexts (Althalathini et al., 2020).

The concept of gender equality in Islam is a multifaceted and evolving topic that is

influenced by social, cultural, and religious dynamics within Muslim societies. Traditional interpretations of Islamic teachings have often led to varying understandings of the role and position of women in society, reflecting patriarchal values prevalent at the time (Koburtay, 2023). While Islam recognizes the essential equality of men and women before God, traditional interpretations have tended to limit women's roles, particularly in the context of marriage, family, and domestic life, as evidenced by Islamic laws that grant men greater power in matters such as divorce and inheritance (Glas et al., 2019).

However, contemporary Islamic thought has seen an evolution in views on gender equality, with modern Muslim scholars and thinkers seeking to reform traditional interpretations of women's rights in Islam. This reform emphasizes principles of equality, justice, and equal human dignity between men and women, often involving the reinterpretation of sacred texts and Islamic laws, as well as advocating for more inclusive and just social change for women (Duderija, 2020). This evolution reflects the complex interplay between religiosity, socialization in conservative religious communities, and the impact of host-country populations on the attitudes of European Muslims towards gender equality (Röder & Spierings, 2021).

Moreover, studies have shown that over time and generations, Muslim migrants' support for public-sphere equality and sexual liberalization has increased, while their support for progressive family roles has decreased (Glas, 2022). This highlights the dynamic nature of gender equality attitudes within Muslim communities, influenced by factors such as acculturation and the changing sociopolitical landscape. Additionally, the impact of anti-Muslim hostilities has been found to shape Muslims' support for public-sphere gender equality in complex ways, challenging simplistic portrayals of Islam as inherently patriarchal (Glas & Spierings, 2022).

In the context of Islamic law, the reinterpretation of sacred texts and the development of gender equality affirmative scholarship have contributed to affirmative interpretations of Islam that affirm gender equality (Duderija, 2020). This reflects a broader trend of anthropological approaches in contemporary readings of Islamic thought, which consider complementary origins and ethical commitments to collective struggle against gender discrimination (Mufid et al., 2022). In conclusion, the concept of gender equality in Islam is a dynamic and evolving discourse that is shaped by various factors, including religiosity, socialization, acculturation, and the reinterpretation of sacred texts. Understanding the evolution of these views is crucial for gaining insights into contemporary fatwas by major religious authorities in Muslim-majority countries and their reflections on women's rights in modern Islam.

3.2. Fatwa in the Context of Islamic Jurisprudence

Fatwa, a non-binding legal opinion or advisory ruling given by Islamic scholars, plays a pivotal role in various aspects of Islamic society. It is involved in regulating family matters (Kocamaner, 2019), Islamic finance (Fakhrunnas, 2018), and Sharia economics (Hakim, 2019). Furthermore, fatwas impact the acceptance of medical procedures, such as periodontal regeneration (Al-Dabbagh & Zahid, 2018), and influence the behaviors of investors (Zamzuri et al., 2023). The process of issuing fatwas is also a subject of research, with studies exploring the fatwa-making process Hassan & Khairuldin (2020) and controversial fatwas from Islamic councils (Ansori, 2022). Additionally, fatwas have implications for medical ethics, such as organ donation (Rady & Verheijde, 2014), and are critical in addressing theological and psychosocial issues for Muslim patients (Habib et al., 2020). These references collectively demonstrate the multifaceted role of fatwas in Islamic jurisprudence, spanning from family regulation to finance and medical ethics.

The issuance of fatwas in Islamic jurisprudence plays a crucial and intricate role in guiding the views and practices of Muslims on various legal and religious matters. Fatwas are

authoritative legal opinions provided by religious scholars, and their significance lies in interpreting and applying religious principles to address the complexities of everyday life (Yucel & Albayrak, 2021). These fatwas are issued by religious authorities, ranging from local clerics to larger institutions, based on their deep understanding of sacred texts and Islamic legal traditions (Yucel & Albayrak, 2021). The influence of fatwas extends beyond individual religious life, as they also impact public policy and social practices in Muslim societies (Yucel & Albayrak, 2021). Fatwas issued by major religious authorities serve as a source of legitimacy and authority, shaping social and moral norms and influencing legal decisions taken by governments or Islamic legal institutions (Yucel & Albayrak, 2021).

The digitization of religious understanding has become a significant factor in shaping the influence of fatwas, as evidenced by the growing number of online fatwas (Yucel & Albayrak, 2021). This trend reflects the evolving dynamics of religious authority and the dissemination of religious guidance in the modern era. Furthermore, the role of fatwas in influencing public policy and social practices is evident in the context of contemporary issues such as the management of Islamic finance contracts and the response to the COVID-19 pandemic (Asni, 2020; Asni et al., 2021; Asni & Sulong, 2021). Fatwas have been instrumental in providing guidance on these matters, highlighting their relevance in addressing new challenges faced by Muslim communities.

Moreover, the impact of fatwas extends to economic domains, as seen in the adoption of FinTech and the legal protection of digital assets in Islamic banking, particularly in Muslim-majority countries like Indonesia (Azizah, 2023). This demonstrates the far-reaching influence of fatwas in shaping economic practices within Islamic frameworks. Additionally, the study of ethical identity disclosure in Islamic banks emphasizes the role of fatwas in influencing ethical practices within financial institutions (Khasanah & Amalia, 2021).

The issuance of fatwas is not without its complexities, as evidenced by the challenges posed by the new media era, which has led to blurred boundaries and widespread dissemination of fatwas without clear delineations (Afandi et al., 2021). This underscores the need for a deeper understanding of the evolving dynamics of fatwas in contemporary society. Furthermore, the role of traditional religious authorities in new media platforms has been studied, highlighting the changing landscape of religious guidance and authority in the digital age (Zamhari et al., 2021).

In conclusion, the role of fatwas in Islamic jurisprudence is multifaceted, encompassing religious, social, economic, and political dimensions. The issuance of fatwas by religious authorities holds significant influence in guiding individual and communal practices, shaping public policy, and addressing contemporary challenges faced by Muslim societies.

3.3. Analysis of Contemporary Fatwas on Women's Rights

The contemporary fatwas on women's rights have been the subject of extensive scholarly analysis (Yakar, 2022). highlights the divergent fatwas on women's political leadership, emphasizing the influence of contextual elements in the issuance process (Akbar, 2021). discusses Ayatollah Yusuf Sanei's progressive contributions to the discourse of women's rights through his methodological approach in issuing fatwas. Additionally, Mundzir & Muthmainnah (2022) emphasize the progressiveness of Quranic interpretation in the fatwa of Muhammadiyah on female circumcision, reflecting a strong perspective on gender equality and justice. Conversely, Hasyim (2019) explores the impact of fatwas on Muslim women's socio-economic participation in Malaysia, concluding that fatwas had no negative effects. Furthermore, Albader (2020) critically examines the misrepresentation of cultural oppression as religious obligation in the context of honor killings, shedding light on the complexities surrounding the advancement of Muslim women's rights.

These references collectively provide a comprehensive understanding of the contemporary fatwas on women's rights, encompassing political leadership, progressive

contributions, Quranic interpretation, socio-economic implications, and the challenges posed by cultural oppression.

3.4. Reflections on the Concept of Gender Equality in Contemporary Fatwas

Gender equality is a concept that advocates for social equivalence between the sexes, ensuring equal opportunities for men and women. However, in contemporary European politics, gender equality has become highly contested, reflecting the polarization around gender and the tackling of inequalities in political groups in the European Parliament. The European Commission pursues a dual approach to gender equality by integrating a gender perspective into contemporary social trends and initiating specific measures within the European Union. Furthermore, gender equality in science, medicine, and global health is crucial as it has the potential to lead to substantial health, social, and economic gains (Carlotto et al., 2020; Kantola, 2022; Badarevski, 2022; Shannon et al., 2019).

Gender equality is a multifaceted and evolving concept that is highly contested in contemporary society (Kantola, 2022). It has the potential to lead to substantial health, social, and economic gains in various fields such as science, medicine, and global health (Shannon et al., 2019). The understanding of gender equality is influenced by cultural and regional contexts, as evidenced by translations of gender equality among rural communities in Ethiopia and Norway (Østebø, 2015; Østebø & Haukanes, 2015). Furthermore, gender equality is also influenced by religious and societal factors, as seen in the examination of religious rulings on products in Islamic marketing (Muhamad et al., 2016). The measurement and understanding of gender equality are complex, especially in the context of parental responsibilities, where dilemmas of measurement arise (Doucet, 2015). Additionally, the gender equality consciousness of parents varies based on factors such as gender, age, and socioeconomic status, as observed in the research on sex education environments in preschool children's families (Li & Yang, 2022).

These references collectively highlight the multidimensional nature of gender equality, its contested nature, and its intersectionality with various societal, cultural, and religious factors. They emphasize the importance of considering diverse perspectives and contexts when addressing gender equality in contemporary fatwas.

4. Conclusion

From the results of the discussions carried out, it can be concluded that the concept of gender equality in Islam is a complex and continuously developing topic, influenced by various social, cultural and religious dynamics in Muslim society. Traditional interpretations of Islamic teachings often limit the role and position of women in society, reflected in Islamic law which gives greater power to men in matters such as divorce and inheritance. However, there has been an evolution of views on gender equality in contemporary Islamic thought, with modern Muslim scholars and thinkers seeking to reform traditional interpretations of women's rights in Islam. These reforms emphasized the principles of equality, justice, and equal human dignity between men and women, often involving the reinterpretation of sacred texts and Islamic laws, as well as advocacy for more inclusive and just social change for women.

Furthermore, the study shows that over time and generations, Muslim immigrants' support for gender equality in the public sphere and sexual liberalization increases, while their support for progressive family roles decreases. This highlights the dynamic nature of attitudes towards gender equality within Muslim communities, influenced by factors such as acculturation and changes in the socio-political landscape. Additionally, the impact of anti-Muslim hostility also shapes Muslim support for gender equality in the public sphere in complex ways, challenging images of Islam as inherently patriarchal.

In the context of Islamic law, the interpretation of sacred texts and the development of studies that support gender equality have contributed to an affirmative interpretation of Islam that emphasizes gender equality. This reflects a broader trend of anthropological approaches in

contemporary readings of Islamic thought, which consider its complementary origins and ethical commitment to collective struggle against gender discrimination. Thus, gender equality in Islam is a dynamic and continuously developing discourse that is influenced by various factors, including religiosity, socialization, acculturation, and interpretation of sacred texts. Understanding the evolution of these views is important to gain better insight into contemporary fatwas by major religious authorities in Muslim-majority countries and their reflections on women's rights in modern Islam.

The implication of these findings is the importance of encouraging a more inclusive and fair interpretation of Islam towards women's rights, as well as supporting progressive social change in Muslim societies. However, this research has several limitations, such as limited access to primary sources which can limit the scope of analysis. For future research, it is recommended to conduct a more in-depth analysis of specific fatwas or to directly explore Muslim society's views on women's rights in a broader religious and social context.

5. References

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