

RETHINKING GENDER IN ISLAMIC LAW

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Abstract

In the study of feminist hermeneutics, gender construction in Islamic law tries to bridge the gap between the dominant patriarchal norms in interpreting traditional Islamic law and modern society regarding gender equality for social justice. By exploring the classical literature and contemporary Islamic legal text, this study focuses on the problems of gender construction through the lens of feminist hermeneutics in Islamic law. The pattern in this feminist hermeneutic approach not only expands but also deepens the understanding of paradigmatic changes in gender construction in the framework of Islamic law. This perspective introduces a new idea for exploring gender construction within the legal framework. This approach challenges the dominant patriarchal interpretation of Islamic law, particularly women's roles and rights. This social change can be perceived in an inclusive view more responsive to gender issues.

Keywords: Feminist Hermeneutics, Gender Equality, Islamic Law, Justice.

Abstrak

Dalam kajian lensa hermeneutika feminis, konstruksi gender dalam hukum Islam berupaya menjembatani kesenjangan antara norma-norma dominan patriarki dalam interpretasi hukum Islam tradisional dan tuntutan masyarakat modern dalam kesetaraan gender demi keadilan sosial. Dengan menggali sumber pustaka teks-teks hukum Islam klasik dan kontemporer maupun literatur akademik yang relevan, paper ini mengulas lebih lanjut permasalahan konstruksi gender dalam kaca mata hermeneutika feminis pada hukum Islam. Pola kajian dalam pendekatan hermeneutika feminis ini tidak hanya memperluas tetapi memperdalam pemahaman perubahan paradigmatis konstruksi gender dalam kerangka hukum Islam. Penerapan perspektif ini membuka wilayah baru bagi eksplorasi konstruksi gender dalam kerangka hukum tersebut. Pendekatan ini menantang fondasi interpretasi patriarkal yang dominan dalam hukum Islam, khususnya terkait peran dan hak-hak perempuan. Perubahan sosial terlihat dalam pandangan inklusif yang lebih responsif terhadap isu gender.

Kata Kunci: Hermeneutika Feminis, Kesetaraan Gender, Hukum Islam, Keadilan

Introduction

Gender equality in Islamic law has been an issue of particular interest over the past few decades. Islamic law, known as Sharia, plays a central role in Muslim societies, regulating relations between men and women.¹ However, the traditional interpretation of Islamic law on gender has been the subject of intense debate, as it is considered to have the potential to reinforce gender gaps and inequalities in society.

Criticism of the interpretation of gender in Islamic law is proliferating with growing awareness of women's rights and demands for gender equality worldwide.² Globalization and technology tools have facilitated an overview of gender issues in Islamic law and have enriched discussions about gender justice and the role of women in Muslim societies.³ In addition, feminist movements and gender equality advocacy have been increasingly active in highlighting gender inequality and discrimination in Islamic law and the Muslim community. Muslim scholars have also brought legal changes and reforms to achieve equal

rights and opportunities for women in various aspects of Islamic law critics for family law of life.⁴

The feminist hermeneutics approach has emerged as an alternative foundation for re-understanding gender roles in the context of Islamic law. Feminist hermeneutics offers a sharp and innovative perspective on the challenges arising from conventional interpretations by seeking to illuminate the foundations of a more inclusive and equitable gender.⁵ Various aspects of Islamic law, such as norms in family law, inheritance, and marriage, are often the center of attention due to the potential gender inequality implied in them. For example, traditional interpretations of women's responsibilities in marriage and family structure may clash with the spirit of gender equality in modern societies.⁶

Besides, the approach of feminist hermeneutics has led to a revolutionary paradigm in the study of gender views in the context of Islamic law. This approach presents a deep and critical perspective on traditional

¹ Suud Sarim Karimullah, "Pursuing Legal Harmony: Indonesianization of Islamic Law Concept and Its Impact on National Law," *Mazahib* 21, no. 2 (December 27, 2022): 213–44, <https://doi.org/10.21093/mj.v21i2.4800>.

² Ziba Mir-Hosseini, "Muslim Women's Quest for Equality: Between Islamic Law and Feminism," *Critical Inquiry* 32, no. 4 (2006): 629–45, <https://doi.org/10.1093/jaarel/lfp052>.

³ Judith E Tucker, "Women, Family, and Gender in Islamic Law," *Ecclesiastical Law Journal* 17, no. 1 (2015): 98–10, <https://doi.org/10.1017/S0956618X14001045>; Adis Duderija, "Toward a Scriptural Hermeneutics of Islamic Feminism," *Journal of Feminist Studies in Religion* 31, no. 2 (2015): 45–64, <https://doi.org/10.2979/jfemistudrel.31.2.45>.

⁴ Euis Nurlaelawati, "The Legal Fate of Indonesian Muslim Women in Court: Divorce and Child Custody," dalam *Religion, Law and Intolerance in Indonesia* (Routledge, 2016); Euis et al.: *The Kompilasi Hukum Islam and Legal Practice in the Indonesian Religious Courts* (Amsterdam et al., 2010); Euis Nurlaelawati, "Menuju Kesetaraan Dalam Aturan Kewarisan Islam Indonesia: Kedudukan Anak Perempuan versus Saudara Kandung," *Jurnal Indo-Islamika* 2, no. 1 (2012): 75–90,

[doi:10.15408/idi.v2i1.1653](https://doi.org/10.15408/idi.v2i1.1653); Euis Nurlaelawati, "Hukum Keluarga Islam Ala Negara: Penafsiran Dan Debat Atas Dasar Hukum Kompilasi Hukum Islam Di Kalangan Otoritas Agama Dan Ahli Hukum," *Asy-Syir'ah: Jurnal Ilmu Syari'ah Dan Hukum* 50, no. 1 (1 Juni 2016): 199–222, [doi:10.14421/ajish.v50i1.170](https://doi.org/10.14421/ajish.v50i1.170); Nina Nurmila, "Polygamous Marriages in Indonesia and Their Impacts on Women's Access to Income and Property," *Al-Jami'ah: Journal of Islamic Studies* 54, no. 2 (December 14, 2016): 427–46, [doi:10.14421/ajis.2016.542.427-446](https://doi.org/10.14421/ajis.2016.542.427-446); Nina Nurmila, *Women, Islam, and Everyday Life: Renegotiating Polygamy in Indonesia* (Routledge, 2009).

⁵ Shuruq Naguib, "Horizons and Limitations of Muslim Feminist Hermeneutics: Reflections on the Menstruation Verse," *New Topics in Feminist Philosophy of Religion: Contestations and Transcendence Incarnate*, 2010, 33–49, https://doi.org/10.1007/978-1-4020-6833-1_3.

⁶ Laurie James-Hawkins, Yara Qutteina, and Kathryn M Yount, "The Patriarchal Bargain in a Context of Rapid Changes to Normative Gender Roles: Young Arab Women's Role Conflict in Qatar," *Sex Roles* 77, no. 3–4 (2017): 155–68, <https://doi.org/10.1007/s11199-016-0708-9>.

interpretations of Sharia texts, focusing intensely on gender issues and women's roles. Feminist hermeneutics does not only re-examine the texts but also critique and analyze them, highlighting related aspects or ignoring such traditional interpretations.

One of the emphases in feminist hermeneutics is adopting a more responsive approach to current social, cultural, and context realities. It includes a deeper understanding of related issues of gender equality and how Sharia texts should be transformed and reformed to respond to the values of equality and inclusivity in modern society. This approach also invites us to update and reevaluate the point of view on gender in the interpretation of Islamic law. Therefore, this approach's urgency is related to the re-examination of classical texts and the broader goal of reconstituting the foundations of Islamic law interpretation, which is more inclusive and responsive to social changes. Thus, this approach plays an important role in building a legal foundation that aligns more with an increasingly dynamic society in today's global context.

Several previous studies provide insights into how they examine the issues of gender equality in Islamic law, such as those by Mulki Al-Sharmani, who presents an in-depth analysis of efforts to reform family law in Egypt with a gender approach.⁷ He explores the role of feminist hermeneutics in reformulating Islamic family law and supporting gender equality among the dynamics of conservative Egyptian society. In her study, Leila Ahmed presents a historical review of gender roles and views in Muslim communities.⁸ She explores how the interpretation of gender in Islamic law has evolved and notes the role of women in Islamic

history.

Amina Wadud, in her study, offers an alternative approach to interpreting the texts of the Quran from a feminist perspective.⁹ As a female Muslim theologian, she proposes ways of contemplating sacred texts from a female perspective and critiques traditional interpretations that might create gender inequality. Haideh Moghissi also analyzes the challenges and conflicts between feminism and Islamic fundamentalism.¹⁰ She explores gender issues in Islamic law and seeks a more complex understanding of feminist views and traditional interpretations. However, Lena Salaymeh, in her study, critiques imperialistic feminism and shows how its views and assumptions can lead to misconceptions and misrepresentations about Muslim women and their lives.¹¹

This study uses a qualitative approach by analyzing Islamic law texts, feminist hermeneutics theory, and literature studies on gender interpretation in Islamic law. The data was collected through sources such as Quranic texts, Hadith, and other sources of Islamic law on gender issues. Literature studies are used to comprehensively understand the development of feminist hermeneutical theory and the context of Islamic law. The analysis of the data was carried out through a process of coding and categorization to identify the main themes emerging from the texts of Islamic law and feminist hermeneutics theory.

Feminist hermeneutics in the context of Islamic law

Feminist hermeneutics is an interpretive approach that applies a feminist perspective to understanding and interpreting texts. The

⁷ Mulki Al-Sharmani, *Gender Justice and Legal Reform in Egypt: Negotiating Muslim Family Law* (Cairo: The American University, 2017), <https://doi.org/10.2307/j.ctv2ks707n>.

⁸ Leila Ahmed, *Women and Gender in Islam: Historical Roots of a Modern Debate* (London: Yale University Press, 2021), <https://doi.org/10.2307/j.ctv1g2495f>.

⁹ Amina Wadud, *Qur'an and Woman: Rereading the Sacred Text from a Woman's Perspective* (Oxford: Oxford University Press, 1999).

¹⁰ Haideh Moghissi, *Feminism and Islamic Fundamentalism: The Limits of Postmodern Analysis* (London & New York: Zed Books, 1999).

¹¹ Lena Salaymeh, "Imperialist Feminism and Islamic Law," *Hawwa* 17, no. 2-3 (2019): 97-134, <https://doi.org/10.1163/15692086-12341354>.

RETHINKING GENDER IN ISLAMIC LAW

Suud Sarim Karimullah, Mukhid, Zumiyyati Sanu Ibrahim, Muhajir

concept was essential from the need to understand the gender bias in interpreting the texts, including religious texts.¹² Feminist hermeneutics focuses on promoting gender equality and justice, critiquing patriarchal bias and restraint in interpreting texts, and prioritizing women's experiences and voices in the interpretation process.

It is a critical approach that applies the lens of feminism in interpreting sacred texts, the Qur'an and Hadith, in the context of Islamic law. Hermeneutics itself means the science and art of interpretation, and in this context, it is used to interpret religious texts within a framework that supports gender equality and justice.¹³ This approach also broadens the scope of interpretation by acknowledging and embracing women's experiences and voices. In this context, feminist hermeneutics serves as a critical tool to challenge and reformulate the understanding of Islamic law, aiming to elevate the position of women and promote gender preview of justice. For example, Euis talks about how the Al-Qur'an clearly stated that humans are created from *nafsin wāḥidatin*, most classical Qur'ānic exegetes. With the arguments, no Qur'ānic interpretation is as objective as the feminist reinterpretation of the Qur'ān.¹⁴ This thought contrasts it with conventional hermeneutics, which often excludes or devalues women's experiences.

There are several main principles emphasized in feminist hermeneutics. First, focus on context. The interpretation of Islamic legal texts must consider the social, political, and cultural context in the timing of the formation of such texts and interpretations. In other words, feminist hermeneutics rejects the literalist approach and recognizes that the performance of Islamic legal texts cannot be separated from the

broader context. Second, the recognition of women's experiences. Feminist hermeneutics support the value of women's experiences in interpreting Islamic law. It means that the interpretation of Islamic law should not ignore the experiences and perspectives of women. Women's life experiences should be considered integral to understanding Islamic law. Third, the rejection of discrimination and injustice. Feminist hermeneutics holds that all forms of discrimination and gender injustice in Islamic law must be rejected. This approach assumes that the Qur'an, as divine revelation, actually promotes justice and equality. Therefore, all forms of interpretation related to gender discrimination and injustice must be challenged and fought to change.

Feminist hermeneutics has made a significant contribution to studying Islamic law. Through this approach, many new and progressive interpretations of the role and rights of women in Islamic law come forward. For example, the issues of women's right to work, rights in marriage and divorce, and other women's rights have gained new study and discussion within the framework of Islamic law. In addition, feminist hermeneutics also paved the way for women to participate in the interpretation of Islamic law.

Today, more and more women are becoming Muslim scholars, and they play an essential role in shaping and promoting a more inclusive and equitable interpretation of Islamic law. Feminist hermeneutics can potentially change the views on the role of women in Islamic law and encourage gender justice and equality.

Feminist hermeneutics has also created fruitful dialogues and debates in Muslim

¹² David J Eshelman, "Feminist Translation as Interpretation," *Translation Review* 74, no. 1 (2007): 16–27, <https://doi.org/10.1080/07374836.2007.10523960>.

¹³ Funmi J Para-Mallam, "Promoting Gender Equality in the Context of Nigerian Cultural and Religious Expression: Beyond Increasing Female Access to

Education," *Compare* 40, no. 4 (2010): 459–77, <https://doi.org/10.1080/03057925.2010.490370>.

¹⁴ Nina Nurmila, "Feminist Reinterpretation of the Qur'an," *Journal Of Qur'an And Hadith Studies* 2, no. 2 (20 Desember 2013): 155–66, [doi:10.15408/quhas.v2i2.1312](https://doi.org/10.15408/quhas.v2i2.1312).

societies and academic circles. This approach has encouraged a deeper discussion on gender issues in Islamic law, giving rise to a broader understanding of women's rights in Muslim societies. Feminist hermeneutics has also inspired women and feminist movements in the Muslim world. In response to interpretations that support the dominance of masculinity, feminist hermeneutics has encouraged women to take an active role in interpreting and analyzing Islamic legal texts. Women have begun to speak more loudly about the importance of fighting for their rights and articulating their views on gender in Islamic law.¹⁵

Feminist hermeneutics has also had an impact on Islamic legal discourse in a global context. Many academics and scholars from outside the Muslim world are also interested in examining and understanding this approach as part of an analysis of religion and gender. Thus, feminist hermeneutics has opened cross-cultural collaboration and dialogue on gender issues in Islamic law. However, like every academic approach, feminist hermeneutics also faces criticism and challenges. Some critics argue that this approach can lead to overly subjective interpretations and tends to degrade the authority of sacred texts. In addition, there is also a debate about integrating feminist hermeneutics within the framework of Islamic law without considering religious traditions and teachings.

Implementing feminist hermeneutics in Islamic law in various Muslim countries also has

challenges, especially in a society dominated by patriarchal and conservative values. The attempts to reform the interpretation of Islamic law with a feminist approach may be faced with resistance and rejection.¹⁶ However, despite the criticisms and challenges, it is important to remember that feminist hermeneutics is helpful in understanding and addressing gender issues in Islamic law.

Furthermore, it is essential to see how this approach can be applied in various specific legal situations. One of the main areas where feminist hermeneutics plays an important role is the interpretation of Islamic family law. Traditionally, Islamic family law has tended to embrace a patriarchal perspective that places men in positions of authority and dominance.¹⁷ However, using feminist hermeneutics, women researchers and scholars have successfully reformulated concepts such as marriage, divorce, polygamy, and inheritance rights from a more egalitarian perspective. For example, it has been used to criticize and challenge the traditional view of marriage in Islam that places men as leaders and women as followers. Feminist researchers have shown how these interpretations often ignore the historical and social context in which Islamic legal texts are formed. They argue that in contemporary society, where women have equal access to education and work, marriage should be based on partnership and equality, not domination and obedience.¹⁸

¹⁵ Suzanne Brenner, "Private Moralities in the Public Sphere: Democratization, Islam, and Gender in Indonesia," *American Anthropologist* 113, no. 3 (2011): 478–90, <https://doi.org/10.1111/j.1548-1433.2010.01355.x>; Ziba Mir-Hosseini, "The Construction of Gender in Islamic Legal: Thought and Strategies for Reform," *Hawwa* 1, no. 1 (2003): 1–28, <https://doi.org/10.1163/15692078-00101002>.

¹⁶ Rania Kamla, "Syrian Women Accountants' Attitudes and Experiences at Work in the Context of Globalization," *Accounting, Organizations, and Society* 37, no. 3 (2012): 188–205, <https://doi.org/10.1016/j.aos.2012.02.002>; Sirma Bilge, "Beyond Subordination vs. Resistance: An Intersectional Approach to the Agency of Veiled Muslim Women," *Journal of Intercultural Studies* 31, no. 1

(2010): 9–28, <https://doi.org/10.1080/07256860903477662>.

¹⁷ Tamer Koburtay, Jawad Syed, and Radi Haloub, "Implications of Religion, Culture, and Legislation for Gender Equality at Work: Qualitative Insights from Jordan," *Journal of Business Ethics* 164 (2020): 421–36, <https://doi.org/10.1007/s10551-018-4036-6>; Valentine M Moghadam, "Patriarchy in Transition: Women and the Changing Family in the Middle East," *Journal of Comparative Family Studies* 35, no. 2 (2004): 137–62, <https://doi.org/10.3138/jcfs.35.2.137>.

¹⁸ Natalia Jarska, "We Treat Each Other as Equal Partners' the Understanding of Companionate Marriage in Postwar Poland," *The History of the Family* 26, no. 4 (2021): 638–56, <https://doi.org/10.1080/1081602X.2021.1986739>; Paul

RETHINKING GENDER IN ISLAMIC LAW

Suud Sarim Karimullah, Mukhid, Zumiyati Sanu Ibrahim, Muhajir

On the topic of divorce, for example, feminist hermeneutics has been used to challenge the traditional view that places the right to divorce entirely in the hands of men. Through critical analysis of Islamic legal texts, feminist researchers have shown that women also have the right to end marriages. The opposite interpretation is often based on biased patriarchal views. It has also been used in criticizing the practice of polygamy and interpretations of inheritance law in Islam that are biased against women. In both cases, feminist hermeneutics helped reformulate the understanding of the law and made an essential contribution to reforming Islamic law for a more just and egalitarian society.

Furthermore, the role of feminist hermeneutics in Islamic law is not only limited to the academic sphere but also has a direct and tangible impact on contemporary Muslim society. First, by expanding women's access and participation, feminist hermeneutics encourages women to play a more active role in policy-making and legal implementation. Second, the feminist hermeneutics approach encourages including and recognizing women's perspectives and experiences in interpreting Islamic law. It also promotes a more inclusive dialogue and understanding of issues related to gender and Islamic law. Third, feminist hermeneutics also plays a role in influencing social and legal change. By encouraging a more inclusive and equitable interpretation of Islamic law, feminist hermeneutics help to control and change the law and policy that have an impact on women's lives in Muslim societies. These include changes in family law, inheritance law, and other laws that

affect the rights and status of women in society. Fourth, the feminist hermeneutical approach also has the potential to encourage changes in the social norms that prevail in Muslim communities. By promoting a more inclusive and equitable perspective on gender and women, feminist hermeneutics can influence Muslim societies' norms and values and encourage organizations to become more inclusive and value gender equality.

Criticism of Traditional Interpretations of Islamic Law on Gender

It is essential to realize that the traditional interpretations of Islamic law in gender are often rooted in patriarchal social and cultural structures. In this structure, men are usually placed in positions of authority and power, while women are subordinated in various aspects of Islamic law, such as marriage, divorce, inheritance, and others¹⁹. One of the main criticisms of these traditional interpretations is that they should recognize or consider women's rights and experiences. For example, in marriage and divorce laws, women are often given fewer rights than men.²⁰ In inheritance law, women usually receive a smaller share than men. These are unfair and do not reflect the principles of equality and justice in Islamic teaching. For example, Euis talks about modernity, tradition, and identity to put power under patriarchies mentality with critics of the KHI for equality in Indonesian Islamic law practice. She takes opportunities and challenges to gender equality in the issues of feminist hermeneutics and acts with Indonesian families for Islamic law to exegeses of Islamic law for

Scott Prettitore, "Family Law Reform, Gender Equality, and Underage Marriage: A View from Morocco and Jordan," *The Review of Faith & International Affairs* 13, no. 3 (2015): 32–40, <https://doi.org/10.1080/15570274.2015.1075758>;
Husnul Fatarib et al., "Sultan's Law and Islamic Sharia in The Ottoman Empire Court: An Analysis of The Existence of Secular Law," *Al-Istinbath: Jurnal Hukum Islam* 8, no. 1 May (2023): 117–34, <https://doi.org/10.29240/jhi.v8i1.4908>.

¹⁹ Yandisa Sikweyiya et al., "Patriarchy and Gender-Inequitable Attitudes as Drivers of Intimate Partner Violence against Women in the Central Region of Ghana," *BMC Public Health* 20 (2020): 1–11, <https://doi.org/10.1186/s12889-020-08825-z>.

²⁰ Katrien Van Aelst and Nathalie Holvoet, "Intersections of Gender and Marital Status in Accessing Climate Change Adaptation: Evidence from Rural Tanzania," *World Development* 79 (2016): 40–50, <https://doi.org/10.1016/j.worlddev.2015.11.003>.

human rights.²¹

Traditional interpretations often perceive women through the lens of rigid gender stereotypes.²² For example, women are often seen as mothers and wives, and their societal role is usually associated with home and family. Meanwhile, men were seen as breadwinners and leaders of society. This condition limits women and men in stereotypical roles and does not allow them to reach their full potential. Another criticism is that traditional interpretations often need to consider the social and historical context in which legal texts are derived and interpreted. For example, many laws and practices related to women may be relevant and fair in the context in which they were first revealed. Still, they need to be more appropriate and suitable in contemporary contexts. It is essential to interpret legal texts in their social and historical context and to update such interpretations to respond to current realities.

Through feminist hermeneutics, the interpretation of Islamic law looks at legal texts as immutable sources of law. It considers the social and cultural context in which these texts are read and implemented. In this context, feminist hermeneutics seeks to interpret Islamic law by considering women's experiences and perspectives. In her interpretation, feminist hermeneutics emphasizes the need to understand and appreciate the diversity of women's experiences and perspectives. It includes recognizing that women are not a monolithic group but have diverse backgrounds and perspectives based on race, ethnicity, social

class, and sexual orientation. This approach also emphasizes the importance of listening to women's voices and incorporating their experiences and perspectives into the interpretation of the law.

Feminist hermeneutics also seeks to understand and critique the power structures that influence the interpretation and application of Islamic law. It includes a critical analysis of how gender, and in particular the role and status of women, is determined and influenced by social and cultural norms, as well as laws and policies. Feminist hermeneutics seeks to promote social and legal change by encouraging a more inclusive and equitable interpretation of Islamic law.

Traditional interpretations of gender in Islamic law have created and reinforced gender gaps and inequalities in many ways.²³ This is primarily so because those interpretations often stem from and are supported by the underlying patriarchal structures of society, which have historically tended to benefit men and harm women. Therefore, it is necessary to seek new approaches to understanding and practicing Islamic law that promote gender equality and respect for human rights.

Its significant task is to address the gender gap and inequalities in interpreting and implementing Islamic law.²⁴ This problem concerns legal, social, and cultural aspects requiring a holistic and multifaceted solution. It takes a concerted effort from various parties to achieve this goal, including religious leaders, academics, policymakers, and the public in

²¹ Euis Nurlaelawati, *Modernization, Tradition and Identity: The Kompilasi Hukum Islam and Legal Practice in the Indonesian Religious Courts* (Amsterdam et al., 2010).

²² Alice H Eagly et al., "Gender Stereotypes Have Changed: A Cross-Temporal Meta-Analysis of US Public Opinion Polls from 1946 to 2018.," *American Psychologist* 75, no. 3 (2020): 301, <https://doi.org/10.1037/amp0000494>; Saba Safdar and Natasza Kosakowska-Berezecka, "Gender Through the Lens of Culture," *Psychology of Gender through the Lens of Culture: Theories and Applications*, 2015, 1–14, https://doi.org/10.1007/978-3-319-14005-6_1.

²³ Shaheen S Ali, "Gender and Human Rights in Islam and International Law: Equal before Allah, Unequal before Man?," in *Gender and Human Rights in Islam and International Law* (Brill, 2021).

²⁴ Jawad Syed, Faiza Ali, and Sophie Hennekam, "Gender Equality in Employment in Saudi Arabia: A Relational Perspective," *Career Development International* 23, no. 2 (2018): 163–77, <https://doi.org/10.1108/CDI-07-2017-0126>; Hilde et al., "The Gender Gap in Political Participation in Muslim-Majority Countries," *International Political Science Review* 36, no. 5 (2015): 526–44, <https://doi.org/10.1177/019251211452822>.

general. Besides, a strong commitment to the principles of justice and equality is fundamental in this process. All people, regardless of gender, have the same right to be respected.

Achieving justice and gender equality is not just about revising existing laws. While legal reform is essential, it is also necessary to look into and change profound social and cultural norms that often support and reinforce gender inequality and discrimination. Cultural transformation means changing people's views, values, and attitudes toward gender roles and rights. For example, some societies may still hold traditional opinions restricting women in domestic parts, while men are considered the primary breadwinners. Changing these views requires ongoing education and dialogue to help people understand that men and women have the potential and ability to contribute to all aspects of people's lives, whether in the home or work environment.

Social transformation, on the other hand, refers to changes in the structures and institutions of society that can affect gender equality. This could mean changes in how education is delivered, how jobs and careers are managed, or how rights and responsibilities are shared within families. The goal is to create social structures and practices that support and strengthen gender equality, not weaken it. Creating an environment that promotes gender justice and equality means that every aspect of society, from law to culture to social structure, must promote and protect all individuals' rights and opportunities, regardless of gender. Here, education is an essential element in this struggle. Inclusive education and gender perspectives are essential in reshaping the understanding of gender roles and rights. Educational curricula

should facilitate a fair and balanced perspective on gender, including the issues of human rights and the principles of equality and justice.

Furthermore, social campaigns and advocacy also play an important role in changing social norms and values.²⁵ As one of the most effective platforms in shaping public opinion, media must be optimally utilized to spread the message of gender equality and overcome gender-related myths and misconceptions. Policy reform is also a crucial step in achieving gender equality. It includes reviewing and revising policies and practices in various sectors, such as employment, health, education, and politics, to ensure that they support and strengthen rights and opportunities for all genders. This step also involves women's empowerment in decision-making at all levels.

In addition, it is necessary to promote and support women's leadership. Women should be encouraged to take leadership roles in various aspects of people's lives, both in the public and private sectors. Effective and influential women's leadership can be a role model that inspires and empowers the next generation of women. Through these measures, it is possible to achieve the cultural and social transformation necessary to create an environment that supports the principles of justice and gender equality.

A New Approach to Gender Equality in Islamic Law

Finding and implementing new approaches to achieve gender equality in the context of Islamic law is not only essential but also urgent. This is due to the presence of many issues related to gender inequality and injustice arising from traditional interpretations within the framework of Islamic law.²⁶ There is a critical

²⁵ Rachel Jewkes, Michael Flood, and James Lang, "From Work with Men and Boys to Changes of Social Norms and Reduction of Inequities in Gender Relations: A Conceptual Shift in Prevention of Violence against Women and Girls," *The Lancet* 385, no. 9977 (2015): 1580–89, [https://doi.org/10.1016/S0140-6736\(14\)61683-4](https://doi.org/10.1016/S0140-6736(14)61683-4).

²⁶ Suud Sarim Karimullah, "The Relevance of the Concept of Justice in Islamic Law to Contemporary Humanitarian Issues," *Al-Ahkam: Jurnal Ilmu Syari'ah Dan Hukum* 8, no. 1 (2023): 83–98, <https://doi.org/10.22515/alahkam.v8i1.7654>; Ziba Mir-Hosseini, "Islamic Law and the Question of Gender Equality," in *Routledge Handbook of Islamic Law* (London: Routledge, 2019), 340–54.

need for an inclusive approach and the ability to respect and respond to the fundamental principles of Islam while remaining relevant to the demands and needs of contemporary society. In the face of this complex task, its primary essence is to focus on the principles of justice and equality embedded in the teachings of Islam. Although some specific laws and interpretations may show a sense of injustice or discrimination against women, fundamental principles in Islam emphasize the importance of justice, compassion, and equality of rights among all individuals.²⁷ With an emphasis on these principles, there is a strong foundation for challenging discriminatory interpretations and practices and formulating fairer and more inclusive alternatives. In this context, it is essential to associate arguments with concrete data to support the analysis presented. For example, based on data from various research related to the issue of gender equality in Islamic law, it can be identified that there are differences in the treatment of men and women in certain aspects of society that are based on a more traditional interpretation of Islamic law. The data illustrates the apparent disparity in access to fundamental rights, education, or legal affairs in some communities that base their practices on more conservative interpretations of the law.²⁸ By referring to this data, a new approach in Islamic law can be more targeted in dealing with

gender injustices. Through this approach, it is not only possible to face and resolve emerging gender disparities but also pave the way for policy formulation and legal interpretation that is more equitable and responsive to the needs of today's society. By focusing on these principles, it can find a basis to challenge discriminatory interpretations and practices and formulate more equitable and inclusive alternatives. Some alternative approaches are relevant and worth considering, such as 1) Islamic feminism, 2) contemporary *ijtihad*, 3) inter-religious and intercultural dialogue, and 4) strengthening the role of women in religious institutions.

First, Islamic feminism is a movement that tries to combine the principles of gender equality with the teachings of the Islamic religion.²⁹ This approach recognizes that Islamic teachings have the potential to support gender equality and that interpretations and practices that discriminate against women are not of the essence of Islam itself. Islamic feminism advocates a revision of traditional understanding and emphasizes the values of equality and justice as the principles of the Islamic religion.³⁰ Islamic feminism emphasizes recognizing and appreciating women's contributions in various aspects of life, including education, economics, politics, and religion. Islamic feminism seeks to create a more holistic and inclusive study of gender issues in Islamic law and produce views

²⁷ Shumsudin Yabi et al., "الإسلام دين السلام: Islam Is The Religion of Peace," in *Proceeding of International Prophetic Conference*, 2022, 1106–19, <https://swanfpqs.usim.edu.my/index.php/conference/article/view/83>; Suud Sarim Karimullah, "For True Humanity: Harmonization of Islamic Law and Human Rights Towards Universal Justice," *Matan: Journal of Islam and Muslim Society* 5, no. 2 (2023): 40–56, <https://doi.org/10.20884/1.matan.2023.5.2.9125>.

²⁸ Sri Warjiyati, "Partisipasi Politik Perempuan Perspektif Hukum Islam," *Al-Daulah: Jurnal Hukum Dan Perundangan Islam* 6, no. 1 (2016): 1–27, <https://doi.org/10.15642/ad.2016.6.1.1-27>; Irene Pietropaoli, "Islamic Reservations to the Convention on the Elimination of All Forms of Discrimination against Women," *Hum. Rts.* 14, no. 2 (2019): 83–108, <https://doi.org/10.22096/hr.2020.121455.1198>; Norani Othman, "Muslim Women and the Challenge of Islamic

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²⁹ Danièle Joly and Khursheed Wadia, "Muslim Women and Power," *Political and Civic Engagement in West European Societies*. London, 2017, <https://doi.org/10.1057/978-1-137-48062-0>.

³⁰ Adis Duderija, "Contemporary Muslim Male Reformist Thought and Gender Equality Affirmative Interpretations of Islam," *Feminist Theology* 28, no. 2 (2020): 161–81, <https://doi.org/10.1177/0966735019886076>.

that strengthen the role of women and support equal rights and opportunities for them.³¹

Second, contemporary *ijtihad* involves the efforts of Muslim scholars to use an open, critical, and contextual approach to interpreting the teachings of Islam. In the context of gender equality, contemporary *ijtihad* seeks to find a more inclusive and equitable interpretation that considers women's rights and needs in modern society. Through this, Muslim scholars today can explore the texts of Islamic law about the social, cultural, and political contexts. They can open themselves to dialogue with other disciplines, such as gender studies and human rights, to gain a richer and more holistic insight into gender issues in Islamic law. Thus, contemporary *ijtihad* allows the emergence of new interpretations relevant to current reality and supports gender equality.

Third is inter-religious and intercultural dialogue. Gender issues are not limited to a particular religion or culture but challenge societies worldwide. To formulate Islamic law that is more inclusive and supports gender equality, it is important to dialogue with adherents of other religions and cultures and listen to their experiences and perspectives. Inter-religious and intercultural dialogue can help recognize similarities and differences in gender issues and find common ground to support equal rights and opportunities for all individuals. This dialogue can strengthen arguments about addressing the gender gap in Islamic law and seeking ways to achieve broader societal equality.

Fourth, it is important to strengthen the role of women in religious institutions, including

as scholars, spiritual leaders, and decision-makers. Encouraging women's participation in religious institutions can overcome gender inequality in interpreting and implementing Islamic law. Strengthening the role of women in religious institutions not only gives women a voice but also brings a different and more inclusive perspective to the understanding of Islamic teachings. As scholars, spiritual leaders, and decision-makers, women can be influential representatives in formulating a fairer view of gender equality in Islamic law and supporting an inclusive society where everyone, regardless of gender, can live with dignity.

Besides, feminist Tafseer, as part of feminist hermeneutics, mainly focuses on the performance of religious texts, the Qur'an and Hadith. Feminist exegesis seeks to understand how gender bias and patriarchy have influenced the interpretation of these sacred texts and how they can be interpreted differently to support principles of gender equality and justice.³² For example, in feminist exegesis, verses of the Qur'an often interpreted to reinforce traditional gender roles or the subordination of women may be revisited. Scholars who use feminist interpretation may seek a new understanding of the verses more consistent with the principles of equality and justice and consider the social and cultural context in which they were revealed.

Diversity of views in Islam is one aspect that needs to be considered, as this new approach may face resistance from groups that maintain

³¹ Didem Unal, "Vulnerable Identities: Pious Women Columnists' Narratives on Islamic Feminism and Feminist Self-Identification in Contemporary Turkey," in *Women's Studies International Forum*, vol. 53 (Elsevier, 2015), 12–21, <https://doi.org/10.1016/j.wsif.2015.08.003>; Vincenza et al. A Chaudhry, "Unveiling Modest Femininities: Sexuality, Gender (in) Equality and Gender Justice," *British Journal of Management* 32, no. 2 (2021): 306–21, <https://doi.org/10.1111/1467-8551.12390>.

³² Nuraan Davids, "Are Muslim Women in Need of Islamic Feminism? In Consideration of a Re-Imagined Islamic Educational Discourse," *British Journal of Religious Education* 37, no. 3 (2015): 311–25, <https://doi.org/10.1080/01416200.2014.944096>; Yusuf Rahman, "Feminist Kyai, KH Husein Muhammad: The Feminist Interpretation on Gendered Verses and the Qur'ān-Based Activism," *Al-Jami'ah: Journal of Islamic Studies* 55, no. 2 (2017): 293–326, <https://doi.org/10.14421/ajis.2017.552.293-326>.

traditional interpretations.³³ Therefore, to gain sufficient support, this new approach requires a broad response from the Muslim community while involving close collaboration between scholars, religious leaders, activists, and civil society to bring about more inclusive and equitable change in Islamic law. The feminist approach in hermeneutics provides a solid foundation for reconstituting the interpretation of Islamic law to support gender equality better.

Conclusion

The feminist hermeneutics approach not only broadens but also deepens the understanding of gender construction within the framework of Islamic law. Applying this perspective opens new territory for exploring gender construction within the legal framework. Not only does it highlight gender inequality, but it also challenges the depth of patriarchal interpretation that was previously considered a rigid foundation in the understanding of Islamic law. The changes proposed by this approach are not only limited to interpretation but also highlight the essence of the tradition itself, especially about the role and rights of women in Islamic teachings. In essence, the feminist hermeneutics approach is an analytical tool and a philosophical force that reconstructs the concept of gender in the context of Islamic law and society. It provides a more inclusive and adaptive perspective on social changes. This approach also reflects its ability to challenge and adapt to the dynamics of the times while building a solid foundation for the renewal of academic thought related to Islamic law that is more inclusive and responsive to the realities of the times.

This approach recognizes that interpreting religious law is not a neutral cultural and social context process. Instead, patriarchal norms and structures that dominate society often shape these

interpretations. By considering women's perspectives and questioning the gender assumptions in the interpretation of traditional Islamic law, the feminist approach in hermeneutics encourages us to consider how Islamic law can be translated and implemented in ways that respect and support gender equality. However, adopting and implementing this approach is complex because it requires strong involvement and commitment from various parties. It is also important to realize that this approach is not a permanent solution but a tool that is constantly evolving and adapting to changing contexts and needs.

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RETHINKING GENDER IN ISLAMIC LAW

Suud Sarim Karimullah, Mukhid, Zumiya Sanu Ibrahim, Muhajir

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