



KAAFAH JOURNAL, 7 (2), 2017, (123-129)

(Print ISSN 2356-0894 Online ISSN 2356-0630)

Available online at:

<http://kafaah.org/index.php/kafaah/index>

Gender Equity and Equality from Islamic Perspective: Malaysian Context

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Abstract

The question of women has always attracted audiences from various religions, societies or civilizations. As a complete way of life, Islam has given special attention and position to women who will never find it in any system of belief and civilization. This paper discusses gender equity and equality from Islamic perspective and specifically looks it within Malaysian context. It also traces the historical involvement of Muslim women in nation building since Malaysia achieved her independence in 1957. This is important to show that the government of Malaysia has given special attention to women, especially Muslim women to play significant role and contribute positively to the society and nation building. This is in accordance to the government focus on positioning the wasatiyyah approach in line with the role of the state in preserving Shariah according to the maqasid al-shariah. The protection of women rights is therefore under the responsibilities of the government.

Keywords: Women, equity, equality, Islamic perspective

Abstrak

Pertanyaan tentang perempuan selalu menarik perhatian khalayak ramai yang berasal dari berbagai agama, masyarakat atau peradaban. Sebagai cara hidup yang lengkap, Islam telah memberi perhatian dan posisi khusus kepada perempuan yang tidak ditemukan dalam sistem kepercayaan dan peradaban manapun. Kajian ini membahas kesetaraan gender dan keadilan dari perspektif Islam dan secara khusus melihatnya dalam konteks Malaysia. Tulisan ini juga menelusuri keterlibatan wanita muslim dalam pembangunan bangsa sejak Malaysia mencapai kemerdekaannya pada tahun 1957. Hal ini penting untuk memperlihatkan bahwa pemerintah Malaysia telah memberikan perhatian khusus pada perempuan, terutama muslim untuk memainkan peran penting dan berkontribusi secara positif kepada masyarakat dan pembangunan bangsa. Hal ini sesuai dengan fokus pemerintah yang menggunakan pendekatan *wasatiyyah* seiring dengan peran negara dalam melestarikan *Shariah* menurut maqasid al-shariah. Oleh karena itu, perlindungan hak-hak perempuan menjadi tanggung jawab pemerintah.

Kata Kunci: Wanita, kesetaraan, keadilan, perspektif Islam

INTRODUCTION

It is imperative to acknowledge that when writing or speaking about the Islamic position in any issue, one ought to clearly differentiate between the normative teachings of Islam and the diversity of cultural practices prevalent among its adherents that may or may not be consistent of those teachings (Badawi, 1995). Before

discussing the concept of equality and how it relates to men and women in Islam, we need to make an important distinction.

Thus, there is a need to make a distinction between the superficial procedural equality and the substantive equality, which is justice. Equity is used here to mean justice and overall equality of the totality of rights and responsibilities of

both genders. It does allow for the possibility of variations in specific items within the overall balance and equality. Most societies recognize that the important thing is not to focus on superficial procedural equality but to provide substantive equality for all its citizens, which treats them justly according to their needs and circumstances. Human beings favor substantive equality over procedural equality on a daily basis because we recognize that the latter allows for justice. We accommodate in our workplaces, schools, and commercial areas, those with disabilities. We recognize the need for social services to take care of the impoverished in the society, while the wealthy are subject to taxes. All of this is substantive equality, equity and justice.

METHODOLOGY

In this paper, the writer employs qualitative method in which gender equity and equality is analysed based on the selected Qur'anic verses related to the title. From these verses, the paper further elaborates the Islamic perspectives on women rights and responsibilities according to a few Muslim scholars such as Afzalur Rahman, Muhammad Ali al-Hashimi, and Raja Rohana Raja Mamat with supporting ahadith. In the discussion pertaining to the role of government in protecting women rights in Malaysia, the writer uses historical method in which the data concerning equal treatment towards women in Malaysia Constitution, women involvement in public and politics, as well as the government policies in women empowerment were presented and elaborated to demonstrate the pertinent role of the government in the implementation of gender equity and equality within the Malaysia context. This method is used to stress the socially constructed nature of reality facilitated by the role played by the government in realising gender equity and equality in practical.

GENDER EQUITY AND EQUALITY IN THE QURAN

Islam is the only religion that conforms to human nature, thus taking into account the various aspects that encompass human life, whether physical, mental, or spiritual. Islam also celebrates the existence of men and women as slaves and khalifah to Allah SWT without any discrimination or favouritism. The status of women as slaves and their caliphs is considered equal to men. Even Allah SWT has insisted that men and women be made from the same soul, as his word in Surah Al-Nisa: 1 which means: "O mankind, be careful of your Lord who makes you from one soul to the wife (Eve) from him. "

The fact that men and women are from the origin of the same and the same offspring express equality in terms of rights such as life, honour and rights of property ownership (Qutb & Yacob, 1975). As a caliph, man has been entrusted to execute the trust of Allah SWT on earth. These duties and responsibilities are shared equally between men and women, men and women receive the same direction from Allah SWT and they are responsible for their deeds. If they ignore or break the command of Allah SWT, they will also receive the same sentence. The Quran has depicted male and female affairs like clothes that protect each other. This is explained in Surah Al-Baqarah: 187: "It is permissible for you to marry your wife at night (month) of fasting. They are your clothes and you are the clothes for them. "

The parable described in the above paragraph demonstrates the close relationship between the two. It also shows a relationship that is always based on mutual correspondence so that both parties are satisfied with each other. This relationship is also complementary to each other based on the function of the clothing that protects the human from any harm and of human sight. Hence the complementary nature of this relationship shows the

positive status and the role of women in the view of Islam.

On the other hand, the Qur'an also emphasizes the importance of leadership in family life and handed the role to men¹. The question of leadership is important to continue the integrity of a family that is a major unit of an Islamic society. Without leadership, a family will be easily trapped in confusion and void such as a country without a leader (Raihanah Abdullah, Martinez, & Radzi, 2010; Kabir, 2007; Min & Omar, n.d.; Othman, 1993). Although the right of leadership in the household is given to men, this does not mean that the husband has the right to do anything or to abuse his power because women also have their rights and feelings and views in family affairs. This has been explained in the Quran as He says in Surah Al-Baqarah: 228 which means: "And the wives have the same rights as the obligations they bear (on the husband) in the proper way (and not prohibited by the Islamic law)."

It is clear that Islam places the status of women equal with men's status from the point of humanity. The equation can be seen from the aspects of taklif, religious and worship² as well as social affairs³ (Al-Qaradawi, 1996).

WOMEN'S RIGHTS AND RESPONSIBILITIES

The status and the rights of women are sensitive and controversial issues. These issues resonate clearly even among Muslims with the advent of western influence, modernization and the fact that for many Muslim societies, many rights granted to women via Islam have been violated and neglected due to cultural practices and/or ignorance. Many parties, including Feminists have taken Islam to task with regards to women's status and rights and their non-compliance with Islamic principles.

It is worth explaining here that there is a difference between the rights and responsibilities of a woman. (Ba'Albaki,

1995) defines right as entitlement and claim of justice and demands. Therefore women's rights are the justice given by Islam to women as recognition of their existence and role. Meanwhile, the terms of responsibility is defined as obligatory, inevitable, unavoidable etc which means obligation or something that is inevitable. Hence women's responsibilities mean the obligations that women should take as outlined by Islam in arranging their life as a person or individual.

(Hamzah & Jasmi, n.d.; Kamaluddin, 2011; Kurniawan, n.d.; Rahman, 1993; Ridzuan, n.d.; Zakaria, Mat, Baharum, & Sintian, 2016) outlines some of the key principles in discussing the issue of women's rights, namely:

1. Islam orders that the power given to men to preserve and lead the household is not abused.
2. Islam stipulates that a woman should be given the opportunity to develop and utilize her natural ability to the maximum as long as she carries out the boundary of the association, so that she also plays an effective role in the advancement of civilization.
3. Islam gives women the opportunity to progress and develop to the highest level.

Based on this view, Islam has given widespread social and economic rights to women and provide moral and legal protection to them. Based on the jurisdiction of the Quran, the Qur'an has provided legal rights and protection to women, namely:

1. Economic freedom
2. Half of property sharing with men; On the other hand, men are responsible for providing a living for the family
3. The minimum age limit for marriage is set after puberty
4. The right to work and engage in business and finance, possessing property, selling and buying without being influenced or forced by men

5. Right to participate in religious affairs and worldly
6. The right to choose husbands and restrictions on forced marriage on women without their consent (Othman, 1993) .
7. The right to education and learning of knowledge (Muhammad 'Izzah Darwazah, 1971).
8. The right of the soul to pursue life - thus prohibited the killing of girls (M.'Atiyyah al-Abraasyi, 1988).
9. Rights in social and political fields (Othman, 1993).

Recognition of women's rights suggests that Islam is very concerned about the affairs of women and their welfare. Although Islam considers marriage as a civil contract between individuals, the personal status of an Islamic woman has not changed, even after marriage (Raihana Abdullah, 2007; Badawi, 1995; Mamat, 1991; Rahim, Ismail, & Dahlal, 1970). In other words, the rights of women as individuals remain and it is their freedom to exercise such rights for their welfare.

Generally, the responsibilities and responsibilities of an Islamic woman in managing her life according to (Al-Hashimi, 1998) are divided into ten, based on the context of their relationship vertically and horizontally, namely: Obligation to God, Duty to yourself, Obligations of both parents, Duty to the husband, Duty to children, Duty to son-in-law and in-law, Obligations to neighbours, Duty to relatives and friends, Duty to the community.

All of the above mentioned obligations are always faced by women in their daily lives. Understanding of these responsibilities and obligations will affect the effectiveness of the functions and roles that women need to play as Islam requires. The historical account of Muslim women in the time of the Messenger of Allah (PBUH) shows how they have contributed much to the development of the new society especially in the field of knowledge. One of the most prominent wives of Prophet

Muhammad SAW was Aisyah as she occupied the fourth place among the memorabilia of the hadith of Rasulullah SAW after Abu Hurairah, Abdullah bin Umar and Anas bin Malik.

Due to his deep knowledge of the Prophet's words and actions, many well-known friends came to him to find solutions to their problems. Abu Musa al-Ash'ari said: "When we were companions of the Messenger of Allah (PBUH) felt difficult to solve a problem or decide on the hadith, then we would go to meet her (Aishah) and she was the one who made the decision." (Narrated by Tirmizi)

Besides the field of knowledge, Muslim women in the time of Rasulullah SAW are also involved in the field of work. There are many instances where women are free to do various work at the time, but it is sufficient to take the words of Jabir bin Abdullah about it, namely:

"My mother's mother at the side of her mother was divorced. She had spent her iddah time in her house. She wanted to cut some dates and sell them during her iddah, but a man insisted not to allow her to go out during her iddah. So she went to meet Muhammad then explain the difficulties. So the Prophet SAW said: Yes, go to your garden and cut off the trees and sell them. Perhaps you can give charity to some of the money you earn and get it back in the hereafter." (Narrated by Abu Daud, Muslim, Ibn Majah and Bukhari)

THE ROLE OF GOVERNMENT IN PROTECTING WOMEN RIGHTS IN MALAYSIA

Since Independence in 1957, Malaysian women's rights as citizens to participate in the political and administrative life of the nation have been recognized and guaranteed by the Federal Constitution, which states under Article 8, clause 1, that " all persons are equal before the law and entitled to the equal protection of the law". Clause 2 further provides that "except as expressly authorized by this

Constitution, there shall be no discrimination against citizens on the ground only of religion, race, descent, or place of birth in any law or in the appointment to any office or employment under a public authority or in the administration of any law relating to the acquisition, holding or disposition of any property or the establishing or carrying on of any trade, business, profession, vocation, or employment". The Federal Constitution thus contains no specific provision against gender-based discrimination, as opposed to other types of discrimination based upon religion, race, descent or place of birth, which are expressly stated in the Constitution (Ahmad, 1998; Alam, Jani, & Omar, 2011).

From the time of Independence in 1957, Malaysian women have had the right to vote and to hold office. Today women comprise one half of the registered voters and are active in political life. The trends of participation among women members of various political parties do not show significant differences among them. Women have continued being loyal supporters of political parties in Malaysia (Ministry of Women and Family Development 2003).

Development planning for the advancement of women was introduced in the Sixth Malaysia Plan, which has a chapter on the development of women. The Sixth Plan and subsequent plans contain strategies to incorporate women in the process of development in line with the objectives of the National Vision Policy on Women (NPW). Equitable sharing of resources and access to opportunities for men and women forms one of the objectives of the NPW. The formulation and implementation of an action plan to operationalise the NPW during the Seventh Malaysia Plan resulted in the implementation of more coherent and focused programmes to integrate women in development and elevate their status. Significant progress has also been made in the setting up of the required institutional

and administrative machinery to plan, coordinate, implement and monitor the development of women. These include the Ministry of Women and Family Development, the of Women Affairs (HAWA), the National Advisory Council for the Integration of Women in Development (NACIWID) and the National Council of Women's Organisations (NCWO). In addition, the enactment of new laws and the continuous review and amendment of existing legislation have been undertaken to preserve, reinforce and promote the rights and legal status of women in Malaysia (Ministry of Women and Family Development 2003).

Malaysian women have benefited from increased access to education and training as indicated by the improvement in their literacy rates and net enrolment at all levels of education since 1957. The enrolment of female students at the primary level increased by more than three and a half times during the period 1957–2000. At the secondary level, the enrolment of female students increased by more than 36 times to reach a total enrolment of 985,692 students in 2000. With regard to enrolment in technical and vocational schools the percentage of male students has always been higher than female students. The enrolment of Malaysian women in tertiary institutions reflected the evolution of tertiary education in Malaysia, which has been gradually expanding in total number and relative terms, especially after 1970. In 1959, female undergraduates comprised 10.7 per cent of the total student enrolment in the University of Malaya, but increased to 51.3 per cent of the total enrolment in local universities by 2000. Non-formal education in the form of adult education, home economics and entrepreneurial training programmes has improved the literacy rates of rural women and enabled them to acquire new knowledge and skills (Ministry of Women and Family Development 2003).

Women's health condition is an indicator of women's status, as good health

enables their active participation in economic and social development. Maternal mortality rates declined from 0.6 per 1,000 live births in 1980 to 0.2 per 1,000 in 1990. Life expectancy for both males and females improved during the period 1990 to 1995. However women did better than men insofar as the female life expectancy improved from 73.5 years in 1990 to 74 years in 1995, compared to the male life expectancy, which increased from 68.9 years in 1990 to 69.3 years in 1995. The mean age at marriage increased from 22.3 years in 1970 to 24.1 years in 1991, and the proportion of women with seven or more children declined from 22.3 percent in 1970 to 8.3 percent in 1995. Together with decreased family size, the total fertility rate dropped from 4.9 in 1970 to 3.3 in 1990 (Ahmad, 1998).

Economic growth has been accompanied by the greater participation of women in the formal workforce and in a range of other activities. Female labour force participation rate has kept pace with population growth and the number of female and male workers doubled between 1970 and 1995, while the labour force participation rate remained relatively unchanged after 1980. The labour force participation rate increased from the upper thirties for women between 1970 and 1980, and has remained between 44 and 46 percent between 1990 and 1995 (Ahmad, 1998).

CONCLUSION

In the issue of gender equity and equality, the Malaysian women, especially Muslims have received equal treatment from the government; in fact specific policies have been made to protect the rights of women indiscriminately. This is in accordance with the Islamic views and injunctions pertaining to the role and rights of women. It also shows that textual injunctions on gender equity and the prophetic model are taken seriously although many improvements need to be

done. Diverse practice in some Muslim countries often reflect cultural influences (local or foreign), more so than the letter or spirit of the Shariah, therefore it is important to emphasises the role of government in protecting the rights of women according to Islam. Wallahu a'lam.

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