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Gender Equality, Islam, and Law

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Abstract

‘Gender equality’ is not a new concept; in fact the approach had been advocated in Islam based on principles of equity and universal justice. Equality, or its Arabic equivalent musawah, was mentioned in the Qur’an and implemented by the Prophet Muhammad ﷺ. This principle emphasises the equal status between men and women, sourced from the Qur’an and the Prophetic Traditions as well as fulfilling the requirements of the Maqasid Syariah (Islamic Law’s raison d’être). However, the concept of gender equality has now becoming more chic and trending on the international scene; a development parallel to the rise of the human rights discourse globally. In this context, the concept of gender equality was embedded as the foundation of policy and legal provisions including the Islamic Family Laws that have been promulgated in several Islamic Jurisdictions. In Malaysia, this principle also took center stage and became the focus in the provisions and implementations of Islamic Family Laws. Women groups and lobbyists are also actively promoting this principle, especially in demanding for comprehensive reforms in Islamic Family Laws. Nonetheless, this concept has often been misunderstood by the majority of society as a direct result of ignorance on how Islam perceives this concept. This present research aims at discussing the concept of gender equality from the Islamic perspective and its subsequent applicability within the framework of Islamic Family laws in Malaysia in light of the issue of polygamy.

Islam and Gender Equality

Gender equality is not a new concept, although secular societies have given the impression that the phrase has just been invented little less than a century ago. Despite the contemporary negative portrayals, Islam has advocated the concept since the revelation of the Qur’an, eve