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Gender Issues in Islamic Law and Their Implications for Human Rights

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Abstract

This study explores the complexity of gender issues in Islamic law and their impact on human rights in the context of the Muslim world to uncover patterns of gender inequality that persist in law and social practice in various Muslim societies. This study is based on the literature study method with an approach to literature analysis carried out in an integrative and comprehensive manner. The results highlight the importance of a deeper understanding of gender issues in Islamic law and their implications for human rights in efforts to achieve a more inclusive society and respect for human rights for all individuals in the Muslim world. Despite an Islamic legal framework that provides the potential for gender equality and the protection of human rights, patriarchal interpretations and unequal practices still dominate in many cases. The impact of Islamic legal practice on human rights, especially women and minorities, often involves violations of fundamental rights such as freedom of religion and equality in the eyes of the law. However, there are also efforts to reform Islamic law that focus on more inclusive interpretations and support for human rights, raising hopes for positive future change.

Keywords: Gender Issues, Islamic Law, Human Rights, Women's Rights, Gender Equality

INTRODUCTION

The development and application of Islamic law in various Muslim countries has been the subject of ongoing debate worldwide. Islamic law, which covers several aspects of life, such as family law, marriage, inheritance, and citizenship, significantly impacts human rights, especially women's rights.¹ However, differences in religious and cultural interpretations across the Muslim world also play a vital role in how Islamic law is applied and affects human rights. The importance of gender issues in Islamic law and their implications for Human Rights has reached an international level. Organizations such as the United Nations (UN) have long

¹ Arif Sugitanata, Suud Sarim Karimullah, and Rizal Al Hamid, "Hukum Positif Dan Hukum Islam: Analisis Tata Cara Menemukan Hukum Dalam Kacamata Hukum Positif Dan Hukum Islam," *JURISY: Jurnal Ilmiah Syariah* 3, no. 1 (2023): 1–22, <https://doi.org/10.37348/jurisy.v3i1.242>; Mala Htun and S Laurel Weldon, "Religious Power, the State, Women's Rights, and Family Law," *Politics & Gender* 11, no. 3 (2015): 451–77, <https://doi.org/10.1017/S1743923X15000239>.

promoted human rights principles, which include gender equality and non-discrimination. However, some complexities must be addressed when trying to relate these principles to the framework of Islamic law rooted in distinctive religious teachings.

In an increasingly interconnected era of globalization, it is necessary to recognize that gender issues in Islamic law and human rights are not just local issues but have a broader impact. This debate has gained worldwide attention, especially regarding sensitive issues such as religious freedom, child marriage, and the protection of women from violence and discrimination.² In addition, with the development of technology and access to information, people worldwide are increasingly aware of the importance of human rights, including gender rights. This has created greater demands for legal reform and social change in many countries, including the Muslim world.

Gender issues in Islamic law and their implications for human rights require special attention in a changing world. Globalization, urbanization, and social transformation have altered the dynamics in Muslim societies, raising critical questions about how Islamic law can adapt to the increasing demands of human rights. It is important to note that human rights are universal values recognized worldwide and included in most constitutions of Muslim countries.³ However, challenges arise when human rights principles must be harmonized with diverse Islamic religions and law interpretations in different Muslim countries. Approaches to Islamic law within other Muslim countries can also vary widely, ranging from very conservative to more progressive. This creates a unique dynamic in every national context. Moreover, the development of Islamic law and gender issues cannot be separated from the social, economic, and political changes that are taking place in various Muslim countries.⁴ It encompasses the influence of globalization, urbanization, demographic change, and increasingly powerful social movements.

Studying gender issues in Islamic law and their implications for human rights aims to understand the complex relationship between Islamic law, gender issues, and human rights in various national and global contexts. It is a topic that significantly impacts the daily lives of individuals, especially women, in Muslim countries. Through a deeper understanding of these issues, we can move towards a more inclusive and equitable society for all individuals, regardless of gender or religious background. Thus, each must engage in constructive dialogue

² Sherene H Razack, "Imperilled Muslim Women, Dangerous Muslim Men and Civilised Europeans: Legal and Social Responses to Forced Marriages," *Feminist Legal Studies* 12 (2004): 129–74, <https://doi.org/10.1023/B:FEST.0000043305.66172.92>; Susan Moller Okin, "Feminism, Women's Human Rights, and Cultural Differences," *Hypatia* 13, no. 2 (1998): 32–52, <https://doi.org/10.1111/j.1527-2001.1998.tb01224.x>.

³ Nur Insani et al., "Empowering Muslim Women: Bridging Islamic Law and Human Rights with Islamic Economics," *De Jure: Jurnal Hukum Dan Syar'iah* 16, no. 1 (2024): 88–117, <https://doi.org/10.18860/j-fsh.v16i1.26159>.

⁴ Mufidah Cholil, "Complexities in Dealing with Gender Inequality: Muslim Women and Mosque-Based Social Services in East Java Indonesia," *Journal of Indonesian Islam* 11, no. 2 (2017), <https://doi.org/10.15642/JIIS.2017.11.2.459-488>; Silvia Vignato, "'Men Come in, Men Go out': Single Muslim Women in Malaysia and Aceh," *Social Identities* 18, no. 2 (2012): 239–57, <https://doi.org/10.1080/13504630.2012.652847>.

and collaborative efforts to seek solutions that harmoniously blend human rights principles and spiritual values.

The relevant literature review in this study is critical to provide a strong foundation for understanding the complexity of gender issues in Islamic law and their implications for human rights. Here are some relevant studies and sources that can be used as a reference in this study. First, the position of women in Islamic law. Some scholarly works, such as the research conducted by Elmersawy & Elmetwly⁵ and the works of Amina Wadud,⁶ explore the role of women in Islamic law and how religious interpretations affect the treatment of women in various contexts.

Second, the interpretation of religion and Human Rights. The books "Islamic Law and Human Rights: the Muslim Brotherhood in Egypt" by Moataz El Fegiery⁷ and "Islamic Law and International Human Rights Law" by Anver Emon⁸ discuss how the interpretation of Islamic law impacts human rights in the context of Muslim countries. Third, Changes in Islamic Law. Works such as "Gender Justice and Legal Reform in Egypt: Negotiating Muslim Family Law" by Mulki Al-Sharmani⁹ and "Changing God's Law: The Dynamics of Middle Eastern Family Law" by Nadjma Yassari¹⁰ review efforts to reform Islamic law in different countries and how this affects human rights. By referring to these and other sources, the study will gain a deeper insight into gender issues in Islamic law and how these relate to human rights. A comprehensive literature review will assist in assembling the appropriate theoretical framework and research methodology to explore these issues further and produce a more profound and evidence-based understanding.

METHODOLOGY

This study is based on the literature study method with an approach to literature analysis carried out in an integrative and comprehensive manner. This approach is a robust framework for investigating and understanding complex issues, such as the relationship between Islamic law and human rights, particularly concerning gender issues in the Muslim world. Integrative

⁵ Elshaat Elmersawy and Nglaa Elmetwly, "Manifestations of the Islamic Sharia's Care for Women's Feelings in Family Jurisprudence Chapter," *Al-Zahraa* 33, no. 33 (2023): 445–524, <https://doi.org/10.21608/ZJAC.2023.303302>.

⁶ Amina Wadud, "Inside the Gender Jihad: Women's Reform in Islam," *Praktyka Teoretyczna*, no. 08 (2013): 249–62; Amina Wadud, "Islam beyond Patriarchy through Gender Inclusive Qur'anic Analysis," *Wanted: Equality and Justice in the Muslim Family*, 2009, 95–112; Amina Wadud, "Towards a Qur'anic Hermeneutics of Social Justice: Race, Class and Gender," *Journal of Law and Religion* 12, no. 1 (1995): 37–50, <https://doi.org/10.2307/1051608>; Amina Wadud, "Reflections on Islamic Feminist Exegesis of the Qur'an," *Religions* 12, no. 7 (2021): 497, <https://doi.org/10.3390/rel12070497>; Amina Wadud, *Qur'an and Woman: Rereading the Sacred Text from a Woman's Perspective* (Oxford: Oxford University Press, 1999).

⁷ Moataz El Fegiery, *Islamic Law and Human Rights: The Muslim Brotherhood in Egypt* (Cambridge: Cambridge Scholars Publishing, 2016).

⁸ Anver M Emon, Mark Ellis, and Benjamin Glahn, *Islamic Law and International Human Rights Law* (New York: OUP Oxford, 2012).

⁹ 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>.

¹⁰ Nadjma Yassari, *Changing God's Law: The Dynamics of Middle Eastern Family Law* (New York: Routledge, 2016).

and comprehensive literature analysis requires researchers to compile, review, and synthesize relevant literature sources from multiple disciplines, such as Legal Studies, Social Sciences, religious studies, human rights, anthropology, etc. This allows the researcher to gain a deep and holistic understanding of the issues under investigation.

During the literature analysis process, the researcher details the findings from each source and seeks to integrate various perspectives and relevant results. Researchers look for interrelationships between these sources and try to understand how different aspects of gender issues in Islamic law and human rights can influence each other. In addition, the researcher also evaluates the research methods used in these literature sources. This includes considering the weaknesses and strengths of the methods used in previous studies, as well as the impact of those methods on the findings.

RESEARCH AND DISCUSSION RESULTS

The Position of Women in Islamic Law

The position of women in Islamic law is an issue that has been the subject of extensive debate and research in various contexts. In this understanding, Islamic law is a legal framework based on the principles of the Islamic religion, and women as individuals living in Muslim societies have a vital role in various aspects of life, including, in this case, Islamic law.¹¹ The position of women in Islamic law has become a focus of attention, especially about how the law governs and affects women's lives as a whole.

One of the critical aspects that need to be considered is family law in Islam. Family law covers marriage, divorce, inheritance rights, and the role of women in the family. In many Muslim societies, family law is a significant part of Islamic law governing these aspects, and women are often the ones most affected by this law.¹² For example, in some interpretations of Islamic law, women may have limitations regarding polygamous marriages or acquiring inheritance rights equal to those of men. However, it is essential to note that the position of women in Islamic law is not uniform across the Muslim world. Various interpretations and practices of Islamic law vary between countries and groups of people. Some countries may have adopted a more inclusive approach to interpreting Islamic law, recognizing women's rights more equally. Meanwhile, other countries may maintain more conservative interpretations that hinder women's rights.

The challenge in assessing the position of women in Islamic law is to understand that local religious and cultural interpretations can significantly influence how the law is applied.¹³

¹¹ Suud Sarim Karimullah et al., "Rethinking Gender In Islamic Law," *Musāwa Jurnal Studi Gender Dan Islam* 23, no. 1 (2024): 99–113, <https://doi.org/10.14421/musawa.2024.223.99-113>.

¹² Lisa Hajjar, "Religion, State Power, and Domestic Violence in Muslim Societies: A Framework for Comparative Analysis," *Law & Social Inquiry* 29, no. 1 (2004): 1–38, <https://doi.org/10.1111/j.1747-4469.2004.tb00329.x>; Azizah Al-Hibri, "Islam, Law, and Custom: Redefining Muslim Women's Rights," in *Women and International Human Rights Law* (Brill Nijhoff, 2000), 379–420, https://doi.org/10.1163/9789004531130_016.

¹³ Nur Insani et al., "Islamic Law and Local Wisdom: Exploring Legal Scientific Potential in Integrating Local Cultural Values," *Kanun Jurnal Ilmu Hukum* 26, no. 1 (2024): 101–24, <https://doi.org/10.24815/kanun.v26i1.32930>.

It also deals with the diverse understanding of values and norms in Muslim societies. Therefore, a deeper understanding of this issue requires a varied and sensitive approach to differences in social and cultural contexts. In addition, the role of women in changing Islamic law has also been the focus of attention. Many women in the Muslim world have been active in advancing their rights and pushing for changes in the interpretation and practice of Islamic law that may be discriminatory against them. They have participated in various social and political change movements, and through their efforts, several countries have seen positive changes in family law and women's rights.

The position of women in Islamic law also encompasses broader aspects of society, such as education, employment, and social life.¹⁴ In the history of Islam, there are examples of women who have an essential role in society, both as scientists, social activists, and business people. However, in some cases, cultural and social constraints can limit women's access to education and employment. Education is a crucial aspect of strengthening women's position in Islamic Society. Quality education allows women to participate in community and economic development actively. However, there are challenges in many Muslim societies that view women's education from a more traditional perspective. Inclusive education initiatives and equal opportunities for women should be essential in supporting positive change.

In some cases, interpretations of Islamic law have also changed over time to better account for women's rights. For example, in some countries, efforts have been made to alter child marriage regulations to protect young women from premature marriage. It reflects efforts to align Islamic law with more inclusive human rights principles.¹⁵ However, there are still significant challenges to be overcome in addressing the issue of the position of women in Islamic law. Some challenges involve resistance to change from groups that maintain more traditional interpretations. In addition, cultural and social factors that favor patriarchal norms can also be significant barriers to change.¹⁶

Developments in the issue of the position of women in Islamic law must also involve a deeper understanding of the traditions and history of Islamic law itself. There are diverse interpretations and views in Islam, and scholarly research focusing on Islamic law's historical context and development can provide valuable insights. Through this approach, we can understand how Islamic law has changed over time and how social, political, and cultural influences have shaped views on the position of women in the law.

It is also essential to pay attention to the role of scholars and religious leaders in defining Islamic law. Clerics have a significant influence in interpreting religious texts and guiding spiritual practices. Therefore, efforts to strengthen the position of women in Islamic law may

¹⁴ Suud Sarim Karimullah, "A Feminist Critique of the Practice of Polygamy in the Context of Islamic Law and Human Rights," *Indonesian Journal of Law and Islamic Law (IJLIL)* 6, no. 1 (2024): 38–53.

¹⁵ Moh Rosil Fathony et al., "Resistance to Gender Equality: Criticism of Physical Violence from the PKDRT Law Perspective," *Indonesian Journal of Islamic Law* 7, no. 1 (2024): 105–24, <https://doi.org/10.35719/1xjdkk59>.

¹⁶ Maryam Aldossari and Thomas Calvard, "The Politics and Ethics of Resistance, Feminism and Gender Equality in Saudi Arabian Organizations," *Journal of Business Ethics*, 2021, 1–18, <https://doi.org/10.1007/s10551-021-04949-3>; Hamoon Khelghat-Doost and Suzyrman Sibly, "The Impact of Patriarchy on Women's Political Participation," *International Journal of Academic Research in Business and Social Sciences* 10, no. 3 (2020): 396–409, <https://doi.org/10.6007/IJARBS/v10-i3/7058>.

also involve dialogue and collaboration with religious leaders to discuss more inclusive interpretations and a more balanced understanding of gender issues. In addition, globalization and access to information have brought about significant changes in Muslim societies. Muslim women today have greater access to knowledge and understanding of their rights, including gender rights.¹⁷ Social Media and global communication enable them to share experiences and build social movements that support positive change in women's standing. However, it should be noted that social and legal changes do not always go hand in hand. There is a tension between women's aspirations for equality and resistance to change from groups that maintain existing social structures. Women fighting for their rights can sometimes face pressure and even safety risks.

It is essential to realize that efforts to improve the position of women in Islamic law must also take into account the principles contained in the teachings of Islam itself. Some Muslim scholars and scholars have argued that the values of gender equality align with Islamic principles that promote justice, balance, and the protection of individual rights. By referring to these values in discussions of Islamic law, there is potential to formulate a more inclusive interpretation of the law towards women.

Accordingly, the issue of the position of women in Islamic law is also closely related to the development of feminist theory in religious studies. A deeper understanding of how women in Muslim societies experience religion and direction from a feminist perspective can help formulate a more sensitive approach to gender issues in Islamic law. It includes an understanding of how Islamic law affects women's bodies, the role of women in religious rituals, and the impact of spiritual practices on women.

To achieve a significant change in the position of women in Islamic law, it is essential to understand that this is a long journey involving different levels of society and institutions. Education, intercultural dialogue, and advocacy are potent tools in stimulating social and legal change. In some Muslim countries, there are positive examples where legal reforms have been undertaken to improve women's rights in Islamic law.¹⁸ However, such changes are not always easy and often face resistance. Therefore, involving a wide range of parties in this change process is essential, including Muslim women fighting for their rights, religious leaders supporting positive change, and governments implementing progressive legal reforms.

Along with efforts to strengthen the position of women in Islamic law, it is essential to listen to the voices of Muslim women themselves. Women have diverse experiences and are knowledgeable about the impact of Islamic law on their daily lives. Listening to their experiences can help formulate more effective policies, ensure that reform efforts are relevant, and support women in living better lives.

¹⁷ Suwarni Suwarni et al., "Inclusive Sexual Education: Integrating Gender Approaches in Learning," *AL-ISHLAH: Jurnal Pendidikan* 16, no. 1 (2024): 416–27, <https://doi.org/10.35445/alishlah.v16i1.4690>.

¹⁸ Rebecca Foley, "Muslim Women's Challenges to Islamic Law The Case of Malaysia," *International Feminist Journal of Politics* 6, no. 1 (2004): 53–84, <https://doi.org/10.1080/1461674032000165932>; Valentine M Moghadam, "Islamic Feminism and Its Discontents: Toward a Resolution of the Debate," *Signs: Journal of Women in Culture and Society* 27, no. 4 (2002): 1135–71, <https://doi.org/10.1086/339639>.

Awareness and understanding of gender issues in Islamic law must also be spread among the younger generation. Educational programs incorporating lessons on gender equality and Human Rights into the school curriculum can help change the culture and outlook of younger people. This will help create a stronger foundation for future change. In addition, it is essential to measure the impact of the legal reforms carried out. Periodic research and evaluation is needed to assess whether legal changes have provided concrete benefits for women in Muslim societies. This evaluation can help formulate further strategies and improve the changes that have been implemented. This is a goal worth striving for for the sake of common well-being and progress.

Impact of Islamic Legal Practice on Human Rights

Islamic law covers various aspects of life, from family law to criminal law, and sometimes contradicts internationally recognized human rights principles. This creates a dilemma in achieving harmony between religious values and universal human rights. One of the most controversial impacts is related to criminal law in some interpretations of Islamic law. Some countries implement harsh Sharia laws, including corporal punishment such as flogging and the death penalty, which many human rights organizations consider severe human rights violations. Often, these sentences are imposed without due process, and the execution of the death penalty can be a susceptible issue.

Family law in Islamic law can also seriously impact human rights, especially women's rights. For example, in some interpretations of Islamic law, women can have lower inheritance rights than men, and polygamy can be allowed. This creates gender inequality that violates human rights principles that recognize equality between men and women. However, it is also important to note that not all Islamic legal practices hurt human rights. In many Muslim societies, there are efforts to interpret Islamic law more inclusively, recognize women's rights, and ensure that family law is applied more equitably. Some countries have enacted legal reforms to strengthen women's marriage, divorce, and inheritance rights.¹⁹ In addition, it is essential to understand that Islamic law is not always applied consistently or uniformly throughout the Muslim world. The interpretation and practice of Islamic law can vary between countries, even within the same country. Cultural, social, and political factors can influence how Islamic law is applied and impacts human rights.

In addressing the impact of Islamic legal practice on human rights, it is also essential to understand that each country's social, cultural, and political context has a significant role in determining how Islamic law is applied and how it impacts human rights. Therefore, the right solution cannot always be used in the same way everywhere. In addition, changes in the practice of Islamic law also require support and commitment from the government. Governments have an essential role in ensuring that the rules applied in their countries are by

¹⁹ Mary Hallward-Driemeier and Ousman Gajigo, "Strengthening Economic Rights and Women's Occupational Choice: The Impact of Reforming Ethiopia's Family Law," *World Development* 70 (2015): 260–73, <https://doi.org/10.1016/j.worlddev.2015.01.008>; Yüksel Sezgin, "Muslim Family Law Reform: Understanding the Difference between Muslim-Majority and Muslim-Minority Jurisdictions," *Journal of Law, Religion and State* 1, no. aop (2023): 1–34, <https://doi.org/10.1163/22124810-20230004>.

internationally recognized human rights principles. This includes adopting and implementing laws that protect the rights of women and minorities in the context of Islamic law.

However, the implementation of legal reform often faces political and social challenges. Some groups of people may maintain conservative interpretations and be resistant to change. Therefore, governments must be bold and persevering in pushing for change in favor of human rights, even if it may encounter resistance. In addition, the role of human rights organizations and the international community is crucial in supporting positive changes in the practice of Islamic law. Organizations such as the United Nations and Amnesty International have been instrumental in monitoring human rights abuses and advocating for fairer legal reform in Muslim countries. An inclusive and sustainable approach is also needed in addressing this issue. This includes engaging scholars and religious leaders in dialogue to seek a more inclusive interpretation of Islamic law. Education and public campaigns also need to improve public awareness of human rights and equality.

It should be noted that attempts to balance religious values and universal human rights are complex and often time-consuming. The main challenge is understanding that Islamic law, like laws in other religions, can have diverse interpretations and implementations worldwide. A careful, varied, and sustainable approach is therefore essential. It is important to emphasize that the debate over the impact of Islamic legal practices on human rights occurs not only among non-Muslims but also among Muslim communities. Many Muslims argue that Islamic law can be reinterpreted more in line with human rights values.²⁰ This includes advocating for a fairer judicial process, protecting women's rights in family law, and avoiding cruel punishments.

In some Muslim countries, there have been significant legal reforms in favor of human rights. These reforms included changes in family law, the abolition of the death penalty, and the recognition of women's rights. This shows that there is potential to incorporate human rights principles within the framework of Islamic law. However, these legal reform efforts often face serious political, social, and cultural obstacles. Some conservative groups may view these reforms as threatening traditional values, and resistance to change can be substantial. Therefore, there needs to be a firm commitment from governments, religious leaders, and civil society to achieve sustainable change.

Human rights issues and Islamic law are in the spotlight internationally because of their widespread impact and potential to disrupt international relations. For example, countries that implement strict Sharia law are often the subject of criticism and pressure from the international community and human rights organizations. The issue of capital punishment,

²⁰ Mashood A Baderin, *International Human Rights and Islamic Law* (New York: OUP Oxford, 2003); Mashood A Baderin, "Establishing Areas of Common Ground between Islamic Law and International Human Rights," *The International Journal of Human Rights* 5, no. 2 (2001): 72–113, <https://doi.org/10.1080/714003711>; Zainah Almihtar, "Human Rights of Women and Children under the Islamic Law of Personal Status and Its Application in Saudi Arabia," *Muslim World Journal of Human Rights* 5, no. 1 (2009), <https://doi.org/10.2202/1554-4419.1158>; 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>.

flogging, or violations of women's rights in some Muslim countries has been a significant concern in human rights discussions in international forums. It reflects how the practice sometimes conflicts with internationally recognized human rights norms.

On the other hand, Muslim countries also feel burdened by international pressure related to human rights issues. They often face dilemmas in balancing religious values and international pressure to respect universal human rights. This creates a complicated dynamic in relations between nations. Efforts to address the impact of Islamic legal practices on human rights at the international level include diplomacy, dialogue, and advocacy. Countries and international organizations should work together to encourage countries implementing harsh Islamic laws to adhere to human rights principles. This can include diplomatic pressure, economic sanctions, or public diplomacy efforts to influence policy changes.

In addressing the negative impact of Islamic law on human rights, it is necessary to consider the role of scholars and religious leaders. They have a significant influence in determining the way Islamic law is applied in society. If they support more inclusive interpretations and respect for human rights, this can pave the way for positive change. In addition, Education-based approaches and public awareness also have a crucial role in changing the views and practices of Islamic law. It includes integrating an understanding of human rights in religious education curricula, organizing training for community leaders, and awareness campaigns to change social norms to the detriment of human rights.

Reform of Islamic Law and Protection of Human Rights

In various Muslim communities around the world, there are diverse interpretations and practices of Islamic law that have evolved. The main challenge is achieving harmony between deeply held religious values and internationally recognized universal human rights principles. In recent years, many Muslim countries have embarked on steps towards reforming Islamic law to address issues that conflict with human rights. One striking example is the family law reform aimed at protecting women's rights in marriage and divorce. It includes efforts to abolish the unjust practice of polygamy and give women more equal inheritance rights. This reform is a positive step in supporting gender equality and Human Rights.

However, legal changes often face resistance from conservative groups who maintain a more traditional and strict interpretation of Islamic law. This creates complex social and political dynamics in society. Therefore, governments committed to legal reform must consider a careful approach and effective communication strategies to overcome resistance. In addition, it should be remembered that the legal reform process should involve not only clerics and religious leaders but also civil society, especially women and minority groups who are often victims of inequality in Islamic law.

One of the essential aspects of the reform of Islamic law was the abolition of cruel punishments. For example, the death penalty and corporal punishment, such as flogging, are often controversial in discussions regarding human rights. Many countries have taken steps to reduce or abolish the death penalty as a first step toward more inclusive legal reform. However, it should be noted that changes do not always follow changes in law in social behavior. Some practices contrary to human rights may continue even if the law is changed.

Therefore, the education of people about human rights and the values of equality is critical. Effective awareness campaigns can help change social norms and support the implementation of new laws.

In some cases, the reform of Islamic law also includes issues of gender equality. This reflects the importance of protecting women's rights in family law, including child marriage, polygamy, and equitable inheritance.²¹ The reform aims to eliminate discrimination against women and give them stronger legal protections. On the political side, the reform of Islamic law has often sparked debate and power contestation between conservative and progressive groups. Groups that defend traditional interpretations of Islamic law often regard these reforms as threatening their values. Therefore, the government must have a prudent political strategy to mitigate resistance and ensure broad support for the desired legal changes.

Recognizing some vivid examples of countries that have taken steps in a positive direction is essential. An example is Tunisia, which underwent significant legal reforms after the Jasmin Revolution in 2011 to improve the protection of human rights.²² They abolished child marriage and the death penalty and changed family law to give women greater rights. Morocco is another example where significant change have taken place in family law.²³ They introduced reforms that recognized women's rights in marriage and divorce, reduced the practice of polygamy, and banned the marriage of minors. These measures are positive steps towards gender equality and the protection of human rights.

²¹ Suud Sarim Karimullah, Arif Sugitanata, and Fawwaz Elmurtadho, "Islamic Family Reform and Its Relevance to the Prohibition of Sexual Deviations," *AL-AQWAL: Jurnal Kajian Hukum Islam* 2, no. 1 (2023): 1–14, <https://doi.org/10.53491/alaqwal.v2i01.530>; Arif Sugitanata and Suud Sarim Karimullah, "Implementasi Hukum Keluarga Islam Pada Undang-Undang Perkawinan Di Indonesia Mengenai Hak Memilih Pasangan Bagi Perempuan," *SETARA: Jurnal Studi Gender Dan Anak* 5, no. 1 (2023): 1–14, <https://doi.org/10.32332/jsga.v5i01.6536>; Suud Sarim Karimullah, "Pembaruan Islam Bidang Keluarga Dan Relevansinya Dengan Peraturan Poligami Di Indonesia," *El-Izdiwaj: Indonesian Journal of Civil and Islamic Family Law* 2, no. 2 (2021): 61–81.

²² Amira Mashhour, "Islamic Law and Gender Equality: Could There Be a Common Ground?: A Study of Divorce and Polygamy in Sharia Law and Contemporary Legislation in Tunisia and Egypt," *Human Rights Quarterly* 27, no. 2 (2005): 562–96, <https://www.jstor.org/stable/20069797>; Melek SARAL, "Transitional Process and Human Rights Developments in the MENA Region: The Cases of Egypt and Tunisia," *Gaziantep University Journal of Social Sciences* 20, no. 2 (2021): 777–89, <https://doi.org/10.21547/jss.817480>; Jane D Tchaïcha and Khedija Arfaoui, "Tunisian Women in the Twenty-First Century: Past Achievements and Present Uncertainties in the Wake of the Jasmine Revolution," *The Journal of North African Studies* 17, no. 2 (2012): 215–38, <https://doi.org/10.1080/13629387.2011.630499>; Anita Breuer, Todd Landman, and Dorothea Farquhar, "Social Media and Protest Mobilization: Evidence from the Tunisian Revolution," *Democratization* 22, no. 4 (2015): 764–92, <https://doi.org/10.1080/13510347.2014.885505>.

²³ Paul 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>; Trees Pels, "Muslim Families from Morocco in the Netherlands: Gender Dynamics and Fathers' Roles in a Context of Change," *Current Sociology* 48, no. 4 (2000): 75–93, <https://doi.org/10.1177/0011392100048004007>; Léon Buskens, "Recent Debates on Family Law Reform in Morocco: Islamic Law as Politics in an Emerging Public Sphere," *Islamic Law and Society* 10, no. 1 (2003): 70–131, <https://doi.org/10.1163/15685190360560924>; Zulham Wahyudani et al., "Family Law Reform in Morocco," *Al-Qadha: Jurnal Hukum Islam Dan Perundang-Undangan* 10, no. 1 (2023): 50–64, <https://doi.org/10.32505/qadha.v10i1.5866>; Moha Ennaji, "Women, Gender, and Politics in Morocco," *Social Sciences* 5, no. 4 (2016): 75, <https://doi.org/10.3390/socsci5040075>.

In addition, countries such as Indonesia and Malaysia have been reforming Islamic law to create harmony between Islamic law and human rights principles. They seek to protect the rights of religious minorities and make room for more inclusive interpretations of Islam. However, it is essential to remember that the reform of Islamic law does not always go smoothly, and implementing legal changes often takes a long time. Sometimes, legal change is only the first step, and the biggest challenge is to change existing social and cultural behavior. In many cases, conservative groups still oppose these reforms and seek to maintain traditional interpretations of Islamic law. Therefore, governments committed to reform must pay attention to mitigating resistance and building public support for such changes. In addition, it is also important to involve women in the process of reforming Islamic law. They are often the group most affected by discriminatory laws, and their participation in the change process is critical to achieving sustainable change.

Changing the law itself is essential, as well as ensuring that the newly adopted rules are applied effectively and fairly. Implementing the law is a severe challenge in many cases and can require profound changes in culture and the justice system. One of the critical issues in implementing legal reform is ensuring that legal changes genuinely reflect the values of human rights and gender equality in everyday practice. This involves training and awareness for law enforcement officers, judges, and all parties involved in the justice system to understand and respect human rights principles. In addition, it is also important to monitor developments after the law reform is implemented. Periodic evaluation of how such legal changes affect society is critical to understanding whether these reforms are successful or need to be improved. Human rights and civil society organizations can be necessary in this monitoring.

In many cases, the reform of Islamic law must also be supported by broader social reforms.²⁴ It includes addressing economic inequality, equal access to education, and supporting women's participation in social and political life. Legal changes may not have a considerable impact without more significant social change. One of the main challenges is cultural change and social norms. Although the new law has been adopted, society can still maintain old practices contrary to human rights. In this case, education and public awareness play a vital role. Educational programs promoting human rights and gender equality must be improved to help change social norms. In addition, it is worth remembering that changes in the law often provoke resistance from conservative groups who want to preserve the traditional interpretation of Islamic law. Therefore, strong political support and effective communication strategies are essential to win public support for reform.

In addition, it is also essential to abolish punishments considered cruel and inhumane, such as the death penalty, and corporal punishment, such as flogging. This kind of reform reflects a commitment to universal human rights, prohibiting inhuman or degrading treatment of human dignity. The implementation of the new law should also take into account the rights of religious minorities. The protection of the rights of minorities is a fundamental human rights

²⁴ Rizal Al Hamid, Arif Sugitanata, and Suud Sarim Karimullah, "Sinkronisasi Pendekatan Sosiologis Dengan Penemuan Hukum Islam Sui Generis Kum Empiris," *Bertuah Jurnal Syariah Dan Ekonomi Islam* 4, no. 1 (2023): 48–60, <https://doi.org/https://doi.org/10.56633/jsie.v4i1.553>.

principle, and legal reform should ensure that religious minorities have the same rights as the majority. In addition, in the face of issues such as same-sex marriage, the reform of Islamic law can also seek solutions that respect individual rights without neglecting the religious values held by part of society.²⁵

One aspect worth noting is the challenges faced by countries with a majority Muslim population in the face of external and internal pressures to reform Islamic law. Amid globalization and the rapid flow of information, these countries are often under pressure to adapt their rules to international standards relating to human rights. Meanwhile, they must also pay attention to society's diverse internal views and aspirations. Finding a balance between global and local expectations is a big challenge. In addition, it is essential to note that human rights are not a static concept. Human rights values and standards continue to evolve. Therefore, the reform of Islamic law also needs to consider changes in the views and practices of human rights that may occur in the future.

The role of the younger generation is also vital in moving the reform of Islamic law. Younger generations are often more open to change and inclusive human rights values. They have great potential to be agents of change in society and accelerate reforms. In addition, in the face of conflicts and crises in various countries with a majority Muslim population, it is essential to remember that protecting human rights is integral to conflict resolution and sustainable development. Reform of Islamic law that creates justice and equality can contribute significantly to reconciliation and peace efforts. No less important is the involvement of minority groups in the reform process. They are often the group most vulnerable to inequality in Islamic law, and their voices must be heard and accommodated in reform efforts. Strong cooperation between different communities, countries, and organizations can move towards a more just, inclusive, and respectful world of human rights for all individuals, regardless of religious background or gender. It is a struggle to be followed together to create a more humane society.

CONCLUSION

Gender issues in Islamic law have a significant impact on human rights. First, in the context of the position of women in Islamic law, there is a fundamental inequality in various aspects of life. Although there is a diversity of interpretations and practices of Islamic law across the Muslim world, there are still many areas where women face discrimination and limitations regarding their fundamental rights. Secondly, the impact of Islamic legal practices on human rights includes a wide range of rights violations, especially against women and minority groups. Gender inequality, inhumane punishments, and violations of fundamental rights such as freedom of religion are common in some contexts of Islamic law. Third, the reform of Islamic law is an essential step in improving the protection of human rights. However, this is a complex process and often faces significant challenges. With a strong commitment to

²⁵ Siti Aminah, Arif Sugitanata, and Suud Sarim Karimullah, "Restorative Justice for the Survivor of Sexual Violence," *Restorative: Journal of Indonesian Probation and Parole System* 2, no. 1 (2024), <https://doi.org/10.61682/restorative.v2i1.10>.

promoting gender equality, public education on human rights, and international cooperation, it can move toward a more just, inclusive, and respectful world of human rights for all individuals, regardless of religious background or gender. In addition, this study shows that efforts to unite religious values with universal human rights principles are a positive step in building a better and more humane society.

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