

CHALLENGES OF MUSLIM WOMEN TODAY: SEEKING SOLUTIONS TO LEGAL AND ECONOMIC RIGHTS¹

By: Prof. Dr. Amany Lubis

(Professor in History of Political Islam

Syarif Hidayatullah State Islamic University Jakarta, Indonesia)

Introduction

Muslim women are differentiated across gender, class, caste and community, and are subject to the interface between gender and community within the social, political and economic contexts. After six decades of independence, the majority of Muslim women are among the most disadvantaged, least literate, economically impoverished and politically marginalized sections of Indonesian society. The social and economic issues confronting women in Muslim communities mandate attention as does the violation of their rights as citizens.

Many of the Muslim countries who claim to follow Islam are treating women as second class citizens, and some of these women accepted this situation thinking that is what Islam (Submission in English) is advocating. Otherwise, God, in the Quran, made a complete spiritual equality between men and women, See 3:195. Most of the degrading, humiliation and poor treatment in these Muslim Countries for women, came from the desertion of the Quran, and refusal of the word of God.

Challenges of Muslim Women nowadays can be divided into external and internal challenges:

- a. internal challenges: glass ceiling phenomena, namely inability by and unwillingness of women to step up and grab the reign. This impulse of submission is shaped by hundreds of years of societal dynamics and culture, run on patriarchal thinking and relations.
- b. External challenges :
 - Patriacal system in the society influenced by traditional as well as religious laws.
 - Positive laws and regulations that do not protect women etc.

Knowing the responsibility of women in all aspects of national life, Muslim women involve in political spheres in as people representatives in parliament and ministers; in economic aspect as business women and entrepreneur, as well as in education, social, and cultural life. They have provided a great contribution to national development to achieve social and economic welfare. Nevertheless, women today are facing barriers to their enhancement. In this occasion, I would like to discuss about some challenges in levels of family, legal and economic fields.

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A. The Promotion of Family Rights

The family in Islam is a unit in which a man and woman unite to share life together according to the rules and regulations laid down by the Shari'ah. They become as close to each other as a garment is to the body. The husband's honour becomes an integral part of his wife's honour, and vice versa. They share each other's prosperity and adversity. Thus in Islam the bridal couple is united as husband and wife in the presence of witnesses seeking Allah's blessings to increase in mutual love and compassion and agreeing to care for each other in sickness and adversity. This fundamental principle of Islamic marriage, understood and observed by the spouses, is the basis of the institution of Muslim marriage. In the family, the man is charged with the duty of being the leader of the family and the woman is assigned the duty of looking after the household. Even if the man has more responsibility than the woman and thereby has a degree over her, it does not make a husband inherently better than his wife. The Qur'an contains a verse which says:

And in no wise covet those things in which Allah has bestowed His gifts more freely on some of you than others: to men is allotted what they earn, and to women what they earn... (4:32)

Commenting on this verse Sheikh Muhammad 'Abduh says that it does not imply that every man is better than every woman or vice versa, but it emphasizes that: *"each sex, in general, has some preferential advantage over the other, though men have a degree over women."* What is this "degree"? There are different views about it. One view is that it means the *qualities of leadership, surveillance and maintenance which are bestowed on men*. Another view is that *it signifies the tolerance with which men must treat their wives even when in extremely bad moods*. Yet another view is that *it is man's natural gift from Allah for judging matters pertaining to his family and managing the problems affecting it*. However, the consensus of the scholars is that the "degree" comprises the principle of *guardianship and nothing more*. Muhammad 'Abduh feels that guardianship has four elements: *protection, surveillance, custody, and maintenance*.

Family values in the modern times address traits, among others:

1. Righteousness and sincerity
2. Solidarity and sustainability
3. Responsibility and security
4. Reward and punishment
5. Advice and guidance

Marriage is like a ship, and the captain runs it after due consultation with his officers. It does not assign inequality but rather assigns duties to avoid conflicts and disputes. Quran provides every possible proof that women and men are equal in the sight of God and treats both genders in the same way and rewards them in the same way. General issues of families in the modern time:

1. Preserving the institution of marriage
2. The appreciation of diversity in families
3. Getting rid of ignorance and prejudice

4. Improving education
5. The importance of spiritual and physical balance
6. Satisfaction, happiness and welfare
7. A positive role of families in promoting religion

From the legal point of view, the ratification of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW, with Indonesia's Law No. 7 of 1984), the Convention on the Rights of the Child (CRC, 1990), and other relevant human rights instruments show that Indonesia pays much attention to the welfare of families as citizens. Indonesia is also committed to achieving the targets in 2015 that have been set through the Millennium Development Goals (MDGs).

Since Indonesia has a pluralistic social structure, the following measures are important to the promotion of family rights:

1. Support calls to combat violence against women and children in the families;
2. Support laws aimed at enhancing the advancement of societies in economic, cultural, social and political fields, in accordance with values of justice and equality;
3. Support calls to combat domestic violence, trafficking in persons, in particular women and children;
4. Foster inter-regional cooperation and build knowledge of family values in respective regions through action-research initiatives;
5. Strengthen networking with related partners, GO and NGOs and society in and outside the country.

Suggestion: Establishing a regional body of independent intellectuals/leaders of civil society as an ongoing process of dialogue between leaders of international communities in the region that can be both preventive and proactive in reducing and eliminating tensions in respective countries based on family values.

B. Respecting Legal Rights

In the modern world a new situation has arisen. There are many Muslims living in Western countries, and Western culture and fashions have affected women, even in the East. In addition, the economic tyranny of today has forced many women to work in factories and offices to earn their living. These developments have largely contributed to making many Muslims neglectful of their prayers. We Muslims have to find ways and means of encouraging Muslim women to be particular about their prayers and paying alms or zakat.

Ahmed explains the problems for women under Islamic practice. By the tenth century, legal opinion was formalized as final, and jurists were from that point duty-bound to imitate and avoid innovation. The result is that "the understanding of the nature of justice, and the view of the proper relationship that should pertain between men and women that were developed by the *men* of that age have been consecrated

as representing the ultimate and infallible articulation of the Islamic notion of justice". Similarly, Mernissi writes that women's rights are denied to Muslim women "neither because of the Quran nor the Prophet, nor the Islamic tradition, but simply because those rights conflict with the interests of a male elite" (p. ix).

Unlike androcentric or perhaps even misogynist Islamic scholars who are unwilling to acknowledge women's issues or sociological perspectives in their analyses of Islamic law, Ahmed and Mernissi center their perspectives upon a radical revising of jurisprudence as an androcentric tradition whose historical necessity is now past. And, unlike many ethnocentric or neo-colonialist feminist academics, they do not resort to a critique based solely on gender without regard to cultural awareness and postcolonial perspectives. As such, they critique juridical Islam, not mistaking it for "the" Islam. This juridical Islam culled its practices from many traditions and validated itself as the voice of Islam. It is one of the sources for the strictly demarcated gender roles and the basis for women's unequal inheritance, lack of divorce rights, and unjust witness rules. Not coincidentally, it serves the male economic, religious, and governing elites.

The idea that woman's testimony is equal only to half of the man's testimony is a mis-representation. The woman testimony is equal to the man's testimony except in one case only, the financial transactions. This is according to 2:282;

O you who believe, when you transact a loan for any period, you shall write it down. An impartial scribe shall do the writing. Two men shall serve as witnesses; if not two men, then a man and two women whose testimony is acceptable to all. Thus, if one woman becomes biased, the other will remind her. It is the obligation of the witnesses to testify when called upon to do so.

.....

Financial transactions are the ONLY situations where two women may substitute for one man as witness. This is to guard against the real possibility that one witness may marry the other witness, and thus cause her to be biased. It is a recognized fact that women are more emotionally vulnerable than men. If the woman as a witness was worth half that of a man, the verse would have stated so clearly. But obviously that is not the case. Women's testimony in all other matters are equal to that of a man or even supersedes his testimony as in the case of a wife testifying against her accusation of adultery, 24:6-10. See also, 65:2, 5:106 and 4:6

In Islam, human rights are granted by God, not by kings or legislative assemblies, and therefore they can never be taken away or changed, even temporarily, for any reason. They are meant to be put into practice and lived, not to stay on paper or in the realm of unenforceable philosophical concepts or United Nation declarations. Every Muslim is required to accept them and recognize the

people's right to have them enforced and obeyed. The Qur'an states that: Those who do not judge by what God has sent down are the disbelievers (5:44).

C. Encouraging Economic Rights

There is a mischief conception that a Muslim woman cannot have jobs outside their homes. This also is not true. The social structure in the East where Islam prevails encourages the woman to make her house her first priority but there is no prohibition whatsoever on women having to work and earn their living. The Muslim (submitter) woman has been given the privilege to earn money, the right to own property, to enter into legal contracts and to manage all of her assets in any way she pleases. She can hold a job or run her own business and no one has any claim on her earnings including her husband. Historically, Muhammad's first wife was a merchant who hired Muhammad to work for her. Muslim women went along with their husbands, fathers and brothers during battles to take care of the wounded and help in the back lines of the troops.

Although 87% of the population is Muslim, the Indonesian state is a republic which is based on Pancasila (five principles consisting of Belief in God; Humanity; Unity; Democracy; and social Justice). All religions may live a peaceful life in it. Now, comes the challenge to the Muslim women that they have to overcome obstacles of their paths towards progress.

Let us not forget that in Muslim lands today, we have a woman president in Indonesia, and we have had female prime ministers in Pakistan and Bangladesh. In Central Asia, there are several female deputy prime ministers. In Iran, the vice president is a woman. So, women are part of the democratic process and aware of their political rights and aware of their need to assert themselves. But this does not seem to reflect the position of women at the village level, or tribal and rural communities. Here comes the reflection of underrepresenting women in the field of education.

Because of poverty and illiteracy, women and children suffer from human trafficking. The Government of Indonesia is aware that the rising incidence of trafficking in person and related transnational crime all over the world has become major concern of the international community. The root causes for the increased cases of trafficking in persons are multi-faceted. People are forced to leave their homes and their country. Syndicates involved in transnational crimes exploit such conditions by trafficking person to other country.

According to the report issued by the State Minister of Women's Empowerment, Crime Data is as followed:

Year	Reported	Solved
1999	: 173 cases	: 134 cases
2000	: 24 cases	: 16 cases
2001	: 178 cases	: 128 cases
2002	: 149 cases	: 88 cases
2003	: 116 cases	: 56 cases

In order to solve some these social problems and to eliminate poverty, women have a crucial role in promoting family's economy. Muslim women can uphold the dignity of work, and along with the government can build a just economy based on people, not only for profit for transnational corporations. Muslim women also should understand the micro and macro economics. So that, she could reject free trade agreements and excessive deregulation that lead to environmental destruction and endangerment of human rights.

Conclusion

Improving the quality of human resources plays a crucial role in supporting the nation to achieve its vision. Gender equity and equality in the society must be backed up by Islamic teachings from the Quran and The tradition of the Prophet Muhammad (pbuh). Women must follow professionalism so as to produce effective and efficient programs to pursue for the enhancement of Muslim women's social, economic, educational and legal status. It will be helpful for the women, if they can conduct small businesses by providing seed capitals from Islamic finance institutions.

The Ummah Islamiyah needs to maximize resources and outputs through synergic efforts. Empowerment of the poor and deprived people particularly mothers and children, farmers, fishermen, labours, and small businesswomen is to be pursued. In order to be progressed, Muslim women has to be continuously seeking to establish partnership and linkages with local, national, regional, and international organizations and institutions with the spirit of mutual respect and dignity.

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Amany Lubis
amanylbs@yahoo.com

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