Islam and Women in the Public Sector: Reorientation of Rights, Roles, and Leadership

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Abstract

This paper investigates the persistent limitation of women's access to the public sphere in Muslim societies, a restriction rooted in gender-biased religious interpretations and patriarchal structures. Positioned within Islamic feminist scholarship and a critical, maqāṣid-based framework, the study re-examines contemporary Islamic thought on women's rights, roles, and leadership. The analysis centers on the progressive perspectives of Amina Wadud, Husein Muhammad, and Faqihuddin Abdul Kodir, using library research to explore how reinterpretations of Islamic teachings respond to gender justice concerns. The discussion demonstrates that revisiting Islamic legal and theological frameworks enables constructive engagement with international norms such as CEDAW and the Beijing Platform for Action. The paper concludes that such reorientation contributes to the development of gender-just Islamic legal thought and supports the strengthening of policies and social structures that ensure equitable participation for women in Muslim societies.

Keywords: *Gender Justice; Women's Leadership; Beijing Platform for Action.*

Introduction

Women in Muslim societies continue to face structural and cultural challenges in accessing the public sphere, even though Islam fundamentally upholds the values of justice and spiritual equality between men and women (Kadriyah & Aziz, 2024). In practice, however, women's participation in politics, bureaucracy, religious leadership, and education is often hindered by conservative classical fiqh interpretations that generate gender-biased religious readings(Fadl, 2001). This reveals a clear gap between the core values of Islam and the socio-religious practices implemented today.

Amid ongoing social transformation and rising levels of education among Muslim women, their engagement in public life has steadily progressed.(Ajizah, 2021) Women now serve as academics, public officials, religious leaders, and policymakers. Yet this progress has not been fully matched by a renewal of gender-just religious paradigms (Nusaibah & Billah, 2023). A discrepancy remains between the actual public roles of women and their religious legitimacy. Here lies the central problem: the persistent dominance of Islamic interpretations that reject women's leadership based on normative texts without considering social context, *maqāṣid al-sharī'ah*, and the principle of substantive justice.(Auda, 2008b)

To address this issue, various progressive interpretive approaches have been developed. One of them is Faqihuddin Abdul Kodir's *mubādalah* hermeneutic, which emphasizes mutuality between men and women in understanding religious texts (Zakiyah & Arifin, 2021). This approach argues that every right and obligation mentioned in the Qur'an for men also applies to women, unless an explicit text states otherwise. Similarly, Husein Muhammad asserts that the subordination of women in Islamic law stems from patriarchal cultural influences on interpretation, rather than from Islam itself (Amaliyah et al., 2023). Meanwhile, Amina Wadud advocates for an ethical and contextual rereading of the Qur'an, restoring justice for women as full subjects of religion (Zabidi, 2020). Collectively, these scholars represent a stream of thought that bridges text and context to actualize justice in Islamic law.

This issue has driven the emergence of various initiatives at both local and international levels (OIC (Organization of Islamic Cooperation), 2023). Among them is the International Conference on Women in Islam, which promotes active female participation in the development of Muslim communities. In Indonesia, movements such as the Congress of Indonesian Women Ulama (KUPI) have not only opened religious leadership spaces for women but also produced fatwas grounded in women's lived experiences as a moral and legal basis for progressive Islamic jurisprudence (Marhumah, 2023). Reorienting the rights and roles of women in the public sphere has thus become increasingly urgent—not only for normative justice but also for the collective welfare of the Muslim community (Mayasari et al., 2025). This article aims to examine how contextual and *maqāṣid al-sharī'ah* approaches can address the gap between religious norms and social realities, while promoting inclusivity within contemporary Islamic law.

Discussion

1. The Islamic Concept and the Response of Islamic Feminism to Women's Roles and Leadership

The Qur'an recognizes the spiritual and moral equality between men and women (Barella et al., 2023). QS. Al-Hujurat verse 13 states: "O people, indeed We created you from a man and a woman and made you into nations and tribes so that you may know each other. Indeed, the noblest among you in the sight of Allah is the one who is most pious." This verse is the normative basis that human glory is measured by their piety, not by their gender. Likewise QS. Al-Ahzab verse 35 mentions men and women in pairs in terms of the quality of their faith and deeds. Amina Wadud emphasized that these verses imply the basic principle of equality before God, and that gender discrimination arises from the social context, not from the text itself (Harits, 2024). Faqihuddin Abdul Kodir (Zakiyah & Arifin, 2021) in his book Tafsir

Mubādalah emphasizes that many verses of the Qur'an use language that contains the principle of mutuality (mubādalah). For example, QS. An-Nisa: 1 and QS. At-Taubah: 71 illustrates that men and women are partners in carrying out religious commands. Faqihuddin understood that if a command or prohibition applies to men, it also applies to women, unless there is an explicit text that differentiates (Djama & Zulaikha, 2024). Through this principle, the interpretation of mubādalah provides a strong basis for affirming women's leadership in the public sphere (Ibrahim, 2018), including within religious institutions. Husein Muhammad, in his book Fiqh Perempuan (Women's Fiqh), critiques classical fiqh, which he argues was formed within a patriarchal cultural context (Mayyadah, 2021). According to Husein, the subordination of women in classical fiqh is not an Islamic teaching per se, but rather the result of interpretations influenced by specific cultural and social histories. Islam honors women, and any restrictions on women's participation in public must be revised based on the principles of justice, benefit, and contemporary ijtihad (Tohari & Kholish, 2019).

Jasser Auda (Gumanti, 2018) in Maqasid al-Shariah as Philosophy of Islamic Law outlines five main objectives of Islamic sharia: protection of religion (ḥifẓ ad-dīn), soul (ḥifẓ an-nafs), reason (ḥifẓ al-'aql), descendants (ḥifẓ an-nasl), and property (ḥifẓ al-māl). Auda adds that modern maqāṣid must incorporate human rights values, including: Justice, freedom, and gender equality are inherent principles in contemporary maqāṣid (Muhammad Fuad Mubarok & Hermanto, 2023) that need to be made a new orientation of fiqh. Thus, prohibiting women from leading or participating in public institutions is contrary to the spirit of maqāṣid itself.

2. International Legal Perspectives on Women's Rights and Leadership

International law, through various global instruments, has affirmed the principles of equality and non-discrimination as part of universal human rights (Alawiyah & Hasan, 2022). One of the main documents is CEDAW (Convention on the Elimination of All Forms of Discrimination Against Women) (Setyowati, 2021) adopted by the UN General Assembly in 1979. Article 1 of CEDAW defines discrimination against women as: "Any distinction, exclusion or restriction based on sex which has the effect or purpose of nullifying the recognition, enjoyment or exercise by women of human rights and fundamental freedoms." Article 7 affirms that member states must guarantee the right of women to: a. Participate in the formulation and implementation of government policies and to hold public office; b. Participate in non-governmental organizations and associations related to public and political life. In addition to CEDAW, the Beijing Declaration and Platform for Action (1995) is an important document resulting from the Fourth World Conference on Women, which identified 12 crucial areas of gender equality(Mokaliran et al., 2023), including: a. Women's decision-making and leadership; b. Access to education and employment; c. Protection from gender-based violence. Chapter G of the Beijing Platform for Action emphasizes the importance of women's involvement at all levels of decision-making, stating: "Without women's equal participation in power and decision-making processes, the goals of equality, development and peace cannot be achieved."

Table 1. Comparison of Islamic Principles and International Law on Women in the Public Sphere

Aspect	Islamic Principles (Maqāṣid & Inclusive Interpretation)	International Law (CEDAW & Beijing

		Declaration)
Women's Rights	Women's rights are guaranteed spiritually and socially (Q.S. Al-Hujurat: 13, Al-Ahzab: 35). Mubādalah interpretation emphasizes the mutuality between men and women in rights and obligations.	Women's rights are fully guaranteed to live, work and have an opinion. CEDAW Articles 1 & 3 reject all forms of gender discrimination.
Role in the Public	Maqāṣid sharia supports the role of women in education, economics and social affairs if it produces benefits (maṣlaḥah). Example: sahabiyah participation in the public sphere.	The Beijing Platform promotes women's participation in development and public decision-making, as well as equitable access to education and employment.
Leadership	Contextual interpretation opens up space for women's leadership as long as they meet the requirements of justice and capacity. Examples: Syajarat ad-Durr, KUPI, female rectors at UIN.	CEDAW Article 7 and the Beijing Platform emphasize the importance of women's representation in parliament, government, and social organizations.
Normative goals	'Adl, rahmah, and maṣlaḥah are the main foundations of Islamic law. Maqāṣid guarantees the protection of women's lives, minds, dignity and rights.	Human rights and gender equity as universal values. Goal: eliminating discrimination and promoting substantive equality across all sectors.
Legitimacy	Revelation (Qur'an and Hadith) + contextual ijtihad. Strengthened by progressive scholars: Amina Wadud, Husein Muhammad, Faqihuddin A. Kodir.	Global and multilateral consensus. CEDAW, UN, global convention on human rights and gender.
Implementation Example	KUPI (Indonesia), Women become religious judges, Islamic boarding school leaders, and PTKI rectors. Women in Saudi Arabia lead	Female leaders in Muslim countries: Tunisia, Bangladesh, Indonesia (President), Saudi Arabia (Shura Council member).

	the Vision 2030 project.	

Islamic thought based on maqāṣid and progressive interpretation (Maulidi, 2015) can meet the principles of international law in the fight for gender equality. This meeting point confirms that the struggle for women's rights and leadership is not contrary to Islam, but rather is part of the mandate of substantive Islamic values in the fight for rights, roles, and leadership, including: a. affirming women's dignity; b. encouraging women's participation in the public sphere; c. rejecting discrimination on the basis of gender; d. providing a normative and ethical basis for gender-just social transformation.

3. Reorientation of Women's Rights, Roles, and Leadership in Islam and Muslim Societies

Women in Muslim societies often experience marginalization in the public sector, both as a result of gender-biased legal systems and patriarchal social constructs. This inequality stems not from Islamic teachings themselves, but from religious interpretations that fail to consider the principles of substantive justice. Amina Wadud, in "Qur'an and Woman", emphasizes that literal interpretations without regard for the socio-historical context (Anggraini & Bayes, 2022) have led to unequal gender relations legitimized in the name of religion. This demands a reorientation of perspectives on the role of women as part of the Islamic mandate of justice.

This reorientation is supported by Faqihuddin Abdul Kodir's approach to interpretation, which emphasizes the principle of reciprocity between men and women in terms of rights, obligations, and social authority (Hermanto et al., 2022). In this view, every provision in the Quran that addresses men also applies to women, unless there is explicit evidence indicating an exception. This approach provides an ethical foundation for women's leadership in the public sphere, including in politics, education, and religion. International law shares the same values in affirming women's rights as leaders in society.

The maqāṣid framework of sharia is a crucial element in supporting this reorientation. Maqāṣid not only safeguards the five basic principles of life (religion, life, reason, progeny, and property), but also evolves to ensure social justice and gender equality. Jasser Auda (Auda, 2008a) states that maqāṣid must be viewed dynamically and contextually so that Islamic law can respond to the challenges of the times. Maqāṣid-based fiqh reform can provide a strong foundation for recognizing women's roles in the public sector, as long as the principles of benefit and justice are consistently upheld.

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The issue of women's leadership is also inextricably linked to social and cultural factors. Patriarchal constructs often use religious texts as legitimacy to deny women their public roles. However, as Husein Muhammad points out, women's subordination in classical Islamic law stems more from interpretations of pre-Islamic Arab culture assimilated into fiqh (Islamic jurisprudence), rather than the teachings of the Quran itself. Therefore, a reorientation of the sources of Islamic law is crucial, not only textually but also structurally. The importance of women's involvement in religious authority structures is crucial so that women's voices can inform the establishment of more gender-equitable policies.

Thus, reorienting women's rights, roles, and leadership in Muslim societies is not merely an interpretive choice, but rather an ethical, social, and theological necessity. Reformulating a more contextual, maqāṣidiy (intrinsic) understanding of Islam, based on women's experiences, is a strategic step towards building a just society. Efforts such as KUPI (Indonesian Islamic Reform Movement), the interpretation of mubādalah (Islamic legal framework), and support for the principles of international law are not forms of secularization of Islam, but rather a strengthening of universal and transformative Islamic values. Women's leadership in Muslim societies is an indicator of the moral and civilizational progress of the Muslim community.

Conclusion

This study demonstrates that a reorientation towards women's rights, roles, and leadership in Muslim societies is an urgent need to address the challenges of structural inequality and the prevailing biases in religious interpretation. Progressive interpretive approaches such as Faqihuddin Abdul Kodir's interpretation of mubādalah, Amina Wadud's ethical-conceptual reading, and Husein Muhammad's critique of patriarchal culture demonstrate that Islam does not fundamentally reject women's leadership but can instead serve as a strong theological foundation for championing gender equality. The principles of the maqāṣid of sharia, when understood contextually and holistically, align with the values of universal justice as reflected in international law such as CEDAW and the Beijing Platform for Action.

This study's contribution lies in its emphasis on the importance of integrating Islamic thought based on the principles of maqāṣid (the principles of Islamic law), gender justice interpretations, and international human rights principles to strengthen women's participation in the public sector. Furthermore, it demonstrates how local movements such as the Indonesian Women's Ulema Congress (KUPI) have significantly contributed to opening up religious authority for women. Although this study is limited to a literature-based approach and has not yet addressed the empirical dimensions of Muslim women's participation in diverse community contexts, further research is highly recommended to explore women's leadership practices in various Muslim regions and their impact on public policy, Islamic law, and inclusive community development.

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