

WOMEN'S PUBLIC OFFICE POSITIONS IN ISLĀMIC JURISPRUDENCE: THE CASE OF MALAYSIA

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ABSTRACT

The disagreement opinions among Muslim scholars about permissibility for women to hold public office positions seem to be a never ending episode. The issue has been raised by Muslims all over the world, whereby the root cause is actually related to the misunderstanding of Muslim scholars about some controversial nuṣūṣ which related to the issue. Therefore, the objective of the study is to examine the reality of those arguments made by the Muslim scholars and the subsequent effects in the issue of fatwas by the scholars pertaining to the matter. The study also will include the finding data collected from a sample of 369 Malaysian Muslims respondents who met certain criteria set by the study conducted by the researchers; results of the study show several significant findings. The most important finding is the majority of respondents agreed that women can hold some public office positions, but not all the positions. The findings therefore will help to address the issue more appropriately and plan for better educational programs.

Keywords: *Women's public office positions in Islām, misunderstanding and fanatical opinions.*

Introduction

There is no argument between *‘ulamās* (Muslims scholars) that men and women are same in terms of moral, spiritual duties and acts of worship¹, except that women have some concessions due to their feminine nature and task. When we talk about work, the main question is about the right to have money and a woman also has the right to have it. The right was clearly established in Islamic law. *{Whatever men earn, they have a share of that and whatever women earn, they have a share in that}*². In fact, a woman is the receiving side of gift during engagement, marriage *mahr* (marital gift); she can spend it on whatever she chooses to. Even in the time of divorce, there are certain guarantees during the *‘iddah* (waiting period) and if the widow or divorcee has children, then she is

¹ Al-Qur'an, sūrah al-Nisā', 4:1, sūrah al-A'rāf, 7:189, sūrah al-Shūrā, 42:11

² Al-Qur'ān, sūrah al-Nisā', 4:32.