



Gender Rights under Sharia and International Human Rights Law: A Study of Convergence and Conflict

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Abstract

In the contemporary world, the discourse on gender rights under Sharia (Islamic law) and International Human Rights Law (IHRL) presents one of the most complex intersections of religious jurisprudence and global legal norms. This study critically examines the convergence and conflict between these two systems with a focus on the legal, ethical, and socio-political dimensions of gender equality. It explores the theoretical foundations of gender rights within Sharia, rooted in the Qur'an, Hadith, and classical fiqh. It juxtaposes them with the normative frameworks of international conventions such as the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), the Universal Declaration of Human Rights (UDHR), and the International Covenant on Civil and Political Rights (ICCPR). The research adopts a comparative analytical approach, drawing on both primary Islamic legal sources and international treaty obligations to assess areas of harmony, such as the protection of dignity, family life, and education, as well as persistent tensions surrounding issues like inheritance, testimony, and personal status laws. Through detailed case studies of some Islamic majority countries such as Saudi Arabia, Iran, Egypt, Pakistan, and Indonesia, the paper highlights how socio-political interpretation, legal pluralism, and state legislation mediate the relationship between divine law and human rights standards. The study argues that the apparent conflict between Sharia and IHRL often arises from interpretive rigidity rather than doctrinal incompatibility. It posits that gender justice in Islam can be realised through contextual reinterpretation (ijtihad) and the revival of maqasid al-sharia (objectives of Islamic law) in light of universal human rights principles. Ultimately, the paper recommends a harmonisation framework that respects religious authenticity while ensuring compliance with international gender equality norms..

Keywords: *Sharia, Gender Rights, International Human Rights Law, CEDAW, Islamic Jurisprudence, Gender Equality, Maqasid al-Sharia, Legal Pluralism.*



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1. Introduction

In contemporary human rights discourse, the relationship between religion and international law is one of the most complex and intricate dialogues. Within this intersection, the question of gender rights under Sharia (Islamic law) and International Human Rights Law (IHRL) has attracted sustained scholarly attention due to its implications for justice, equality, and global governance. Both Sharia and IHRL claim to uphold universal principles of dignity and moral order, yet their philosophical foundations and legal methodologies diverge significantly. While Sharia is derived from divine revelation and classical jurisprudence (fiqh), IHRL rests on secular universalism grounded in post-Enlightenment notions of individual autonomy and equality (An-Na'im, 2008; Donnelly, 2013).

The tension between these two normative systems is most apparent in the domain of gender rights, where differing conceptions of equality, role differentiation, and justice have generated debate, contestation, and reform. Sharia, encompassing the Qur'an, Hadith, and centuries of juristic interpretation, provides an all-encompassing moral and legal framework governing both private and public life (Kamali, 2019). Within its paradigm, gender relations are defined by complementary rather than identical roles, structured to promote social harmony and moral balance (Badawi, 1995). By contrast, International Human Rights Law, articulated through the Universal Declaration of Human Rights (UDHR, 1948), the International Covenant on Civil and Political Rights (ICCPR, 1966), and the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW, 1979), asserts equality as a universal and non-derogable entitlement. It obligates states to eliminate discrimination and promote substantive equality across political, social, and economic domains (Freeman, Chinkin, & Rudolf, 2012). The coexistence of these frameworks has generated profound theoretical and practical questions about universality, cultural relativism, and the adaptability of religious law in a pluralistic international order.

Historically, tensions between Sharia and IHRL have emerged in areas such as inheritance, testimony, guardianship, and marital rights, where classical jurisprudence has often been interpreted as privileging men in specific social roles (Peters, 2005; Mayer, 2013). However, modern Islamic scholarship increasingly challenges the notion of intrinsic incompatibility. Reformist thinkers such as Fazlur Rahman (1982), Amina Wadud (1999), and Abdullahi Ahmed An-Na'im (2008) argue that these apparent disparities arise from socio-historical contexts rather than divine injunctions. Through renewed ijtihad (independent reasoning) and the application of maqasid al-sharia (the higher objectives of Islamic law), which prioritise justice, welfare, and human dignity, Islamic jurisprudence can be reconciled with the universalist ethos of IHRL. This interpretive flexibility allows for contextual reforms that preserve religious authenticity while advancing gender equality. Contemporary Muslim-majority states exemplify diverse models of engagement with these two systems. Some, like Tunisia and Morocco, have reformed personal status laws to align more closely with international standards, invoking maqasid al-sharia to justify equality-based reforms (Essebsi, 2018). Others, such as Saudi Arabia and Iran, maintain more conservative interpretations that prioritise traditional gender hierarchies, often entering reservations to CEDAW based on Sharia principles (Mayer, 2013). These variations highlight that the interaction between Sharia and IHRL is neither uniform nor static, but mediated by political ideology, legal pluralism, and evolving interpretations of religious texts.

This research examines the convergence and conflict between Sharia and International Human Rights Law, especially in the field of gender rights, through a comparative analytical framework. It investigates the theoretical underpinnings of both systems, analyses specific areas of harmony and tension, and evaluates empirical developments in selected Muslim-majority states. The paper argues that the perceived conflict between these frameworks is not doctrinal but interpretive, rooted in historical literalism rather than theological necessity.

By foregrounding *ijtihad* and *maqasid al-sharia* as tools of renewal, the study seeks to demonstrate that gender justice in Islam is compatible with international human rights norms when approached through a dynamic and contextual understanding of both traditions.

2. Theoretical and legal foundations of gender rights under sharia and international human rights law

2.1 The concept of gender rights in legal theory

Gender rights refer to the legal and moral rights that ensure individuals, regardless of their sex or gender, have equal access to opportunities, resources, and justice. Within the framework of modern legal philosophy, these rights are grounded in the principles of equality, autonomy, and human dignity, which are central to the liberal human rights tradition. The theoretical foundation of gender equality in international law stems from the universalist school, which posits that certain rights are inalienable and applicable to all human beings without distinction (Donnelly, 2013). This universalism asserts that gender-based discrimination undermines the inherent worth of the individual, leading to systemic inequalities in political, economic, social, and cultural spheres. Within Islamic legal theory, it is converse because these rights are derived from divine revelation (*wahy*) and interpreted through the lens of jurisprudential reasoning (*fiqh*). While both systems emphasise justice (*'adl*) and human welfare (*maslahah*), their sources of authority and interpretive methodologies differ fundamentally. In Islamic jurisprudence, gender rights are not framed in terms of absolute sameness, but rather in terms of equity or balanced complementarity, where roles are differentiated to achieve societal harmony and balance. This relational approach views men and women as interdependent partners in a divinely ordained social order, with protections tailored to biological and functional differences (Badawi, 1995). Critics from the IHRL perspective argue that such differentiation can perpetuate subordination, while Islamic scholars counter that it ensures mutual support and prevents exploitation.

Philosophical underpinnings further illuminate the conceptual divergence. Liberal theory prioritises individual autonomy and formal equality, often resulting in gender-neutral laws. Islamic theory, grounded in *tawhid* (divine unity),

subordinates human constructs to God's will, promoting a holistic moral framework where rights and duties are intertwined. This interplay sets the stage for comparative analysis, revealing that while IHRL seeks uniformity, Sharia allows flexibility through contextual application, provided it aligns with core objectives.

2.2 Gender rights under Sharia: the divine legal paradigm

2.2.1 Sources and nature of Sharia

The term *Sharia*, derived from the Arabic word meaning "the path to be followed," refers to the comprehensive system of divine guidance revealed in the *Qur'an* and the *Sunnah* (teachings and practices of the Prophet). Beyond these primary sources, Islamic jurists have historically relied on *ijma* (scholarly consensus) and *qiyas* (analogical reasoning) to interpret and expand their principles. It is not a codified legal system, but rather a moral and jurisprudential framework that governs all aspects of human life, including personal status, family relations, inheritance, and public conduct. The classical jurists (*fuqaha*) of the formative period, such as Abu Hanifa (founder of the Hanafi school), Malik ibn Anas (Maliki), Al-Shafi'i (Shafi'i), and Ahmad ibn Hanbal (Hanbali), developed distinct schools of jurisprudence (*madhahib*) that shaped gender-related rulings concerning marriage, inheritance, testimony, and family structure. These schools, while varying in methodology, share a commitment to textual fidelity and rational inference.

According to Islamic theology, men and women have equal status in terms of their spiritual and moral capacities. The *Qur'an* explicitly declares: "And their Lord responded to them: 'I will not allow the deeds of any doer among you, male or female, to be lost; you are of one another'" (Qur'an 3:195). This verse underscores ontological equality before God, where rewards in the afterlife are based on piety, not gender. However, functional differentiation between genders based on social roles and biological considerations is acknowledged within the classical *Sharia* framework. For instance, men are traditionally assigned the role of *qawwamun* (protectors and maintainers) (Qur'an 4:34), reflecting responsibilities for financial provision and leadership in the family unit. In return, women are granted financial security and protection through mechanisms such as *mahr*

(dower, a mandatory gift from the groom) and nafaqah (maintenance during marriage and during iddah after divorce). These legal constructs were initially intended to promote social balance rather than hierarchical inequality, ensuring women's economic independence in pre-modern societies where public economic participation was limited (Ali, 2006). Sharia's nature as a dynamic, interpretive system allows for adaptation. Unlike static codes, it encourages ongoing scholarly engagement to address contemporary challenges, provided interpretations remain anchored in primary sources.

2.2.2 Jurisprudential interpretations of gender roles

The gender roles established in classical fiqh emerged within a patriarchal social and historical setting, which inevitably shaped the legal interpretations and produced specific imbalances in outcomes. One notable example is the law of inheritance (fara'id), where women are entitled to receive half the share of their male counterparts in equivalent degrees of kinship, as stated in the **Qur'an (4:11)**. This differentiation was traditionally justified on the basis that men bore the primary responsibility for providing financial support to their families, including female relatives who were not obligated to contribute economically. Similarly, traditional jurisprudence often assigns differential evidentiary weight to women's testimony in specific contexts, such as financial contracts, requiring two women to equal one man (**Qur'an 2:282**). This was rationalised by 7th-century economic realities, where women had less exposure to commerce, potentially affecting recall accuracy. Contemporary reformist scholars such as **Fazlur Rahman (1982)**, **Amina Wadud (1999)**, and **Abdullahi Ahmed An-Na'im (2008)** argue that these prescriptions were contextual rather than prescriptive, reflecting the economic and cultural realities of early Islamic society rather than eternal mandates. Rahman critiques "atomistic" literalism, advocating a holistic reading of texts. Wadud employs tawhidic hermeneutics to emphasise equality in creation and hold individuals accountable. An-Na'im proposes secular states to enable Sharia evolution without coercion. They contend that the principle of gender justice (insaf), rather than literal textualism, should guide modern Islamic

jurisprudence. The maqasid al-sharia (objectives of law, which include the protection of life (hifz al-nafs), intellect (hifz al-aql), property (hifz al-mal), faith (hifz al-din), and lineage/dignity (hifz al-nasl/'ird) provide a flexible interpretive tool to adapt gender norms to contemporary realities (Kamali, 2019). For instance, in modern economies where women contribute financially, unequal inheritance may violate maslahah (public interest), warranting reform.

2.3 Gender rights under international human rights law

2.3.1 The universalist legal framework

International Human Rights Law (IHRL) traces its roots to the global normative framework that emerged in the aftermath of World War II, most notably with the adoption of the Universal Declaration of Human Rights (UDHR) in 1948. The UDHR articulates equality as a fundamental principle: "All human beings are born free and equal in dignity and rights" (Article 1). This principle was subsequently reinforced by legally binding treaties such as the International Covenant on Civil and Political Rights (ICCPR, 1966), the International Covenant on Economic, Social and Cultural Rights (ICESCR, 1966), and most importantly, the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW, 1979). These instruments collectively establish that gender equality is a universal and non-derogable right, applicable irrespective of cultural or religious contexts (Freeman et al., 2012). IHRL operates on the principle of state responsibility, meaning that member states are obligated to eliminate discrimination through legislative, administrative, and judicial measures. They must also adopt positive measures to ensure women's equal participation in public, political, and family life. CEDAW, often described as the international bill of rights for women, requires states to modify or abolish customary and religious practices that perpetuate gender discrimination (Article 2(f) and Article 5). This provision has been the focal point of tension with Islamic legal systems, where religious law is often cited as a constitutional source of legislation, leading to claims of sovereignty over internal affairs.

2.3.2 Cultural relativism and reservations

Many Muslim-majority countries have ratified CEDAW with reservations based on Sharia. Saudi Arabia, Egypt, and Bahrain are examples that entered general reservations stating that any provision conflicting with Islamic law would not be implemented. This reflects the broader cultural relativist critique of human rights, which argues that universal norms must respect religious and cultural diversity to avoid neo-imperialism (An-Na'im, 1992). Relativists say that rights are socially constructed, varying according to context. However, scholars such as Ann Elizabeth Mayer (2013) counter that excessive relativism undermines the universality and indivisibility of human rights, allowing states to evade obligations under the pretext of tradition. The Vienna Declaration (1993) affirms universality while acknowledging diversity, urging dialogue.

2.4 Comparative theoretical synthesis

If we examine Sharia and IHRL through a comparative jurisprudential lens, we see that they share a common moral aspiration: the pursuit of justice, welfare, and human dignity. However, their divergence lies in the conceptualisation of equality. In IHRL, equality is substantive and gender-neutral, grounded in individual autonomy and legal uniformity. In Sharia, equality is relational and functional, framed within the context of social harmony and moral responsibility. The challenge, therefore, is not one of irreconcilable contradiction but of interpretive reconciliation. Modern Islamic thought has witnessed a growing scholarly effort toward "Islamic feminism" and "rights-based ijtiḥad," which aim to reinterpret classical jurisprudence in light of international human rights norms. The Cairo Declaration on Human Rights in Islam (1990), adopted by the Organisation of Islamic Cooperation (OIC), represents an attempt to articulate a rights framework grounded in Islamic principles; however, it has been criticised for subordinating rights to Sharia. In conclusion, the theoretical foundations of both Sharia and IHRL reveal shared moral premises of justice, dignity, and welfare, yet differing conceptions of how these ideals should manifest in law. While IHRL emphasises universality and formal equality, Sharia stresses contextual justice and moral differentiation. The task for contemporary jurists

and policymakers lies in bridging these paradigms through interpretive dialogue, legal pluralism, and policy reform that honour both divine legitimacy and universal human rights standards.

3. Areas of convergence between sharia and international human rights law on gender rights

Contrary to the common perception of fundamental opposition between Sharia and International Human Rights Law (IHRL), numerous points of convergence can be identified in their underlying values and legal objectives. Both frameworks aim to promote justice, equality, dignity, and social welfare, core principles that transcend cultural and religious boundaries. These convergences are not superficial coincidences but stem from shared ethical imperatives: the protection of human dignity, the fostering of harmonious social relations, and the advancement of individual and communal well-being. The following analysis highlights the significant areas where Islamic legal principles and international human rights norms align, reflecting a shared ethical foundation and the potential for interpretive harmony. By examining primary sources from the Qur'an and Hadith alongside IHRL instruments, this section demonstrates that Sharia, when interpreted through flexible tools like *maqasid al-sharia* (objectives of Islamic law) and *ijtiḥad* (independent reasoning), resonates deeply with universal human rights standards.

3.1 Equality and human dignity

Generally, we see that both Sharia and IHRL recognise human dignity (*karamah al-insan*) as the cornerstone of justice and the basis for all rights. In Islamic theology, this principle is rooted in the Qur'anic affirmation of the inherent honour bestowed upon all humanity by God: "We have indeed honoured the children of Adam, and We carry them on the land and the sea, and have provided for them of the good things, and have preferred them above many of those whom We have created with a marked preferment" (Qur'an 17:70). This verse establishes universal moral equality among humans, regardless of gender, race, or social status, emphasising that dignity is an intrinsic gift from the Creator. It implies that all individuals, men and women alike, possess equal spiritual worth and are entitled to respect, protection, and opportunities for self-

realisation. Similarly, Article 1 of the Universal Declaration of Human Rights (UDHR, 1948) states: "All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood." The convergence of these principles illustrates that both systems consider dignity as the moral and legal foundation of equality, serving as a bulwark against degradation, exploitation, or arbitrary discrimination. Contemporary Islamic scholars, such as **Khaled Abou El Fadl (2014)** and **Amina Wadud (1999)**, emphasise that this Qur'anic vision of dignity implies gender parity in spiritual and moral worth. Although historical jurisprudence sometimes imposed gender-based restrictions due to socio-economic contexts, the maqasid al-sharia, particularly the preservation of dignity (hifz al-'ird), provide a doctrinal basis to reinterpret these norms in line with universal human rights standards. For instance, Abou El Fadl argues that any legal ruling diminishing women's dignity contradicts Sharia's ethical core, as dignity is non-negotiable and indivisible. This alignment facilitates dialogue, where IHRL's emphasis on inherent worth reinforces Sharia's theological egalitarianism, paving the way for reforms that eliminate practices rooted in cultural patriarchy rather than divine intent.

3.2 Right to education and knowledge

Education represents one of the most unequivocal areas of agreement between Sharia and IHRL. The Prophet Muhammad (peace be upon him) declared in a well-authenticated hadith: "Seeking knowledge is a duty upon every Muslim, male and female" (**Ibn Majah, Hadith No. 224**). This declaration establishes education as a religious obligation (fard 'ayn or fard kifayah) for both genders, underscoring its role in spiritual growth, moral development, and societal contribution. The imperative is gender-inclusive, reflecting Islam's early encouragement of intellectual pursuit regardless of sex. Correspondingly, Article 26 of the UDHR (1948) proclaims the right to education as universal, while Article 10 of **CEDAW (1979)** mandates that states ensure women equal access to all levels of education, including vocational training, and eliminate stereotypes in curricula. Historically, Islam encouraged women's intellectual participation prominent figures such as

Aisha bint Abu Bakr (a leading scholar and narrator of over 2,000 hadiths), Fatimah al-Fihri (founder of the University of al-Qarawiyyin in 859 CE, the world's oldest degree-granting institution), and Rabi'a al-Adawiyya (a renowned Sufi mystic and poet) exemplify women's scholarly and spiritual influence in early Islamic civilization. Both Sharia and IHRL thus recognise education as a means of empowerment and social advancement, necessary for realising broader rights such as economic participation, political engagement, and personal autonomy. In practice, this convergence is evident in Muslim-majority countries like Malaysia and the UAE, where high female literacy rates (often exceeding 95%) align with both Islamic mandates and IHRL goals. Reformist interpretations using maqasid al-sharia further argue that denying education to women violates the objective of preserving intellect (hifz al-aql), making restrictions in conservative contexts (e.g., parts of Afghanistan pre-2021) aberrations rather than normative Sharia.

3.3 Right to marriage, family, and consent

Both Islamic teachings and international human rights standards place significant emphasis on marriage and the preservation of family life, sharing core values such as mutual respect, genuine consent, and the emotional and social well-being of all individuals involved. The Qur'an states: "And among His signs is that He created for you mates from among yourselves that you may find tranquillity in them, and He placed between you love and mercy. Indeed, there are signs for a people who give thought" (**Qur'an 30:21**). This verse reflects ideals of mutual affection, compassion, and voluntary partnership, which align closely with Article 16 of the UDHR (1948) and Article 16 of **CEDAW (1979)**, both of which establish equal rights for men and women in marriage, during marriage, and at its dissolution, including free and full consent. Classical Islamic law explicitly recognises the right of women to consent to marriage (without which the contract is invalid), to receive a dower (mahr) as financial security, and to seek divorce (khula) through judicial means if harmed. These protections predate modern IHRL by centuries, ensuring women's agency within the marital framework. Contemporary family law reforms in countries such as Tunisia (Personal Status Code, 1956), Morocco (Mudawana, 2004), and Indonesia

(Marriage Law, 1974) have integrated these Islamic principles with IHRL norms prohibiting child marriage, mandating mutual consent, and equalising divorce rights, reinforcing the compatibility of faith-based ethics with universal standards of marital equality. This convergence highlights a shared commitment to the family as the fundamental unit of society, where gender roles complement each other rather than compete, thereby fostering stability and well-being.

3.4 Right to property and economic independence

Both Sharia and IHRL guarantee the right to property ownership and economic security, which affirm the financial autonomy of women. The Qur'an explicitly states: "For men is a share of what they have earned, and for women is a share of what they have earned" (Qur'an 4:32). This verse upholds the principle of individual entitlement based on effort, granting women complete control over their wealth without interference from men. Similarly, Article 15 of CEDAW (1979) and Article 13 of the International Covenant on Economic, Social and Cultural Rights (ICESCR, 1966) recognise equal property and economic rights for women, including inheritance, contracts, and employment.

Historically, Islamic jurisprudence recognised women's independent rights to own and manage property more than a thousand years before Western legal systems (e.g., England's Married Women's Property Act of 1870). The Prophet's first wife, Khadijah bint Khuwaylid, a prosperous merchant who employed and proposed to Muhammad, serves as a paradigmatic example of Islamic endorsement of women's economic agency. In classical fiqh, a woman's mahr, earnings, and inheritance remain her exclusive property, protected from familial claims. This alignment promotes economic justice, enabling women to participate in commerce, inheritance, and philanthropy, as evidenced by the

high rates of female entrepreneurship in countries such as Turkey and the UAE.

3.5 Protection from violence and harm

The prohibition of harm (la darar wa la dirar) is a foundational legal maxim in Sharia, derived from the Qur'an: "And do not kill yourselves [or one another]. Indeed, Allah is to you ever Merciful" (Qur'an 4:29; cf. 2:190). The Prophet (pbuh) further stated: "The best among you are those who are best to their women" (Tirmidhi). These principles correspond directly to CEDAW General Recommendation No. 19 (1992) on violence against women and No. 35 (2017) on gender-based violence, which define such acts as human rights violations requiring state prevention and remedy. Both Sharia and IHRL stress the moral and legal duty to protect individuals from physical, psychological, sexual, and economic violence. Islamic doctrines like no coercion in religion (Qur'an 2:256) and kindness in family relations provide a religious foundation for anti-violence laws, complementing IHRL's focus on bodily integrity. Reforms in Jordan (2017 Family Protection Law) and Pakistan (2016 Anti-Honour Killings Bill) effectively blend these principles.

The points of convergence between Sharia and International Human Rights Law (IHRL) reveal a common ethical foundation grounded in the pursuit of human dignity, justice, and equality. The Qur'anic ethos, when interpreted through the lens of maqasid al-sharia and ijtihad, resonates deeply with the universal principles articulated in international human rights instruments. The perceived gap between these systems is not doctrinal but interpretive. Recognising these intersections opens pathways for legal harmonisation, interfaith dialogue, and gender-sensitive reform that honours both religious authenticity and global human rights norms.

Table 1. Qur'anic principles Vs IHRL provisions

Theme	Qur'anic / Sharia Principle	Corresponding IHRL Provision	Shared Ethical Foundation
Human Dignity	<i>Qur'an 17:70 – "Indeed, We have honoured the children of Adam." (All humans honored equally)</i>	<i>UDHR, Article 1 – All human beings are born free and equal in dignity and rights.</i>	<i>Equality and moral worth.</i>
Education	<i>Hadith: "Seeking knowledge is a duty for every Muslim." (Ibn</i>	<i>CEDAW, Article 10; UDHR, Article 26 – Equal right to education for</i>	<i>Empowerment through</i>

	<i>Majah, Hadith 224)</i>	<i>all.</i>	<i>knowledge.</i>
Marriage and Family	<i>Qur'an 30:21 – "He created for you mates... that you may find tranquillity in them; and He placed between you love and mercy."</i>	<i>UDHR, Article 16; CEDAW, Article 16 – Equal rights in marriage and family relations.</i>	<i>Partnership and mutual respect.</i>
Property Rights	<i>Qur'an 4:32 – "For men is a share of what they have earned, and for women is a share of what they have earned."</i>	<i>CEDAW, Article 15; ICESCR, Article 13 – Equal rights to own and manage property.</i>	<i>Economic justice and autonomy.</i>
Protection from Violence	<i>Qur'an 2:190, 4:29; Hadith: "The best among you are those who are best to their women." (Tirmidhi)</i>	<i>CEDAW General Recommendations 19 & 35 – Freedom from gender-based violence and abuse.</i>	<i>Protection, dignity, and compassion.</i>

4. Areas of conflict between sharia and international human rights law on gender rights

Despite these areas of alignment, substantial tensions and divergences remain between Sharia-based conceptions of gender roles and the principles enshrined in International Human Rights Law (IHRL). These conflicts primarily arise from differences in legal epistemology, historical interpretation, and socio-political implementation, rather than from any inherent incompatibility of moral objectives. Sharia derives authority from divine revelation and emphasises contextual equity within a framework of complementary roles. In contrast, IHRL prioritises substantive, gender-neutral equality grounded in universal human dignity and individual autonomy. The following analysis highlights key domains where these tensions are most evident, particularly in inheritance, testimony, guardianship, marital relations (polygamy and divorce asymmetry), dress codes, and select criminal law provisions. This is supported by comparative legal analysis, textual evidence, and empirical illustrations from state practice. By examining these flashpoints, this section underscores that conflicts often stem from interpretive rigidity in classical fiqh rather than immutable Qur'anic mandates, opening avenues for reform through maqasid al-sharia and ijihad.

4.1 Inheritance and economic entitlements

In classical Islamic jurisprudence, the system of inheritance (fara'id) distributes shares according to the closeness of kinship, gender distinctions, and the financial responsibilities assigned within the family structure. The Qur'an

prescribes: "Allah instructs you concerning your children: for the male, a share equal to that of two females..." (Qur'an 4:11). This provision institutionalises a gender-based differentiation, traditionally justified by the male's primary financial responsibility (qiwamah) for supporting dependents, including female relatives who receive maintenance without reciprocal obligation. In this framework, a daughter inherits half a son's share in the same degree of kinship, though she may receive more overall when combining mandatory shares with potential bequests (wasiyyah). From the standpoint of IHRL, such differentiation contravenes Article 2 (non-discrimination) and Article 16 (equal rights in marriage and family relations) of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW, 1979), which mandates equal rights to property acquisition, administration, and inheritance without distinction based on sex. The CEDAW Committee has repeatedly urged states to eliminate laws that perpetuate economic disadvantage for women, viewing fixed shares as discriminatory regardless of compensatory mechanisms (Freeman et al., 2012).

In countries such as Saudi Arabia and Pakistan, inheritance laws derived from Hanbali and Hanafi fiqh, respectively, continue to assign unequal shares, often resulting in women forfeiting portions under social pressure. By contrast, Tunisia's 2018 inheritance reform proposal—though ultimately withdrawn due to conservative backlash—sought to establish optional gender parity through legislative reinterpretation. Drawing on maqasid al-sharia (particularly maslahah and justice) in modern

economic contexts where women bear financial burdens, proponents argued that equality fulfils the Qur’anic intent of familial welfare rather than violating it (Engineer, 2008). This illustrates how contextual ijihad can mitigate conflict, though resistance highlights entrenched literalism.

4.2 Testimony and evidentiary weight

In traditional fiqh, certain financial or contractual matters require the testimony of two women in place of one man, based on the Qur’anic instruction: “And bring to witness two witnesses from among your men; and if two men are not available, then a man and two women from among those whom you accept as witnesses—so that if one of them errs, the other may remind her” (Qur’an 2:282). This rule, limited to commercial transactions in the verse, was extended in classical jurisprudence to other evidentiary contexts and rationalised by 7th-century socio-economic realities: women’s relative inexperience in public commerce potentially affected recall accuracy under stress. However, the verse itself is explanatory and advisory (“so that if one errs...”), not a universal statement on female intellect or credibility. IHRL perceives this as discriminatory, violating CEDAW Article 15 (equal legal capacity) and ICCPR Article 26 (equality before the law). The differential weighting implies inherent unreliability, undermining women’s autonomy in legal proceedings. In Iran (under Ja’fariShi’a law) and Pakistan (pre-2006 Hudood Ordinances), this rule has been applied in criminal cases, including zina (adultery), leading to disproportionate convictions of women due to evidentiary hurdles. Reformists like Amina Wadud (1999) contend that the verse is context-specific, addressing a transitional society transitioning from pre-Islamic practices, and is therefore irrelevant in contemporary, literate, professional contexts where women routinely handle finances. Courts in Malaysia and Indonesia have increasingly accepted single female testimony in commercial disputes, aligning with IHRL through pragmatic ijihad.

4.3 Guardianship and personal status laws

In conservative interpretations of Islamic law, the system of male guardianship (wilayah or qiwwamah) obliges women to seek authorisation from a male relative—typically a father, husband, or brother—before making major life decisions such as travelling, marrying, pursuing education,

or undergoing medical treatment. Rooted in Qur’an 4:34’s designation of men as “maintainers,” this is framed as protective rather than restrictive. However, rigid implementations limit autonomy, conflicting with CEDAW Article 15(4) (freedom of movement) and UDHR Article 13 (right to liberty of movement). In Saudi Arabia (pre-2019 reforms), women needed guardian approval for passports and travel; even post-reform, residual restrictions persist in custody and marriage. Iran requires unmarried women to obtain their father’s permission for travel abroad. These practices treat adult women as legal minors, clashing with IHRL’s emphasis on full civil capacity. Progressive jurisdictions like Egypt allow conditional oversight but increasingly uphold women’s independent decisions via court petitions, blending fiqh with IHRL. Reformist scholars argue that wilayah is advisory in origin, not absolute, and violates maqasid when it causes harm (darar) (Kamali, 2019).

4.4 Marital relations and polygamy

Only in strict conditions, Sharia permits polygamy: “And if you fear that you will not deal justly with the orphan girls, then marry those that please you of [other] women, two or three or four. But if you fear that you will not be, then [marry only] one...” (Qur’an 4:3). Justice (adl) is mandatory, and the verse historically addressed widows of war. Yet IHRL views polygamy as violating monogamous equality and women’s dignity (CEDAW Article 16; General Recommendation No. 21). Divorce disparities exacerbate tension: men may pronounce unilateral talaq, while women seek court-based khula, often forfeiting financial rights. This asymmetry contravenes equal dissolution rights. Indonesia restricts polygamy via judicial approval and financial proof; Saudi Arabia allows it freely. Morocco’s 2004 Mudawana requires court permission and spousal consent, harmonising via maqasid.

4.5 Dress codes and public modesty

Mandatory veiling (hijab/niqab) in Iran (post-1979) and parts of Saudi Arabia enforces modesty (Qur’an 24:31), but state coercion conflicts with ICCPR Articles 18 (freedom of religion) and 19 (expression). Voluntary hijab aligns with rights; enforced uniformity violates bodily autonomy and choice. The 2022 Mahsa

Amini protests in Iran highlighted this tension, with women invoking Islamic justice against coercive laws.

4.6 Criminal law: hudud and privacy rights

Hudud penalties (e.g., stoning for zina, flogging for alcohol) require strict evidence but conflict

with ICCPR Article 7 (no cruel punishment) and Article 17 (privacy). Apostasy rulings in some states infringe upon Article 18 of the ICCPR (freedom of belief). Pakistan's 1979 Hudood Ordinances (reformed 2006) blurred zina/rape, corrected via the Women's Protection Act.

Table 2: Key conflict domains of Sharia and IHRL on gender rights.

Domain	Sharia / Classical Fiqh Rule	IHRL Provision Violated	Core Tension
Inheritance	A female inherits half the share of a male (Qur'an 4:11)	CEDAW Articles 2, 16	Economic equality vs. role-based equity
Testimony	In financial matters, the testimony of two females equals one male (Qur'an 2:282)	CEDAW Article 15; ICCPR Article 26	Legal capacity vs. contextual caution
Guardianship (Wilayah)	Male guardian controls women's key decisions (marriage, mobility)	CEDAW Article 15(4); UDHR Article 13	Autonomy vs. protective authority
Polygamy / Divorce	Polygamy permitted with justice; unilateral male <i>talaq</i> (Qur'an 4:3)	CEDAW Article 16	Monogamy and equality vs. conditional plurality
Dress Codes	Enforcement of modest dress by law or social norm	ICCPR Articles 18, 19	Freedom of choice vs. state-mandated modesty
Criminal Law (Hudud, Apostasy)	Fixed divine penalties; apostasy is punishable in some interpretations	ICCPR Articles 7, 17, 18	Human rights proportionality vs. divine sanction

The points of conflict between Sharia and IHRL primarily stem from historical fiqh interpretations rooted in patriarchal contexts, rather than the Qur'an's ethical core. Rigid literalism ignores maqasid flexibility, while IHRL's secular universalism overlooks relational justice. Yet reformist *ijtihad* evident in Tunisia, Morocco, and Indonesia demonstrates that contextual reinterpretation can resolve tensions, preserving religious authenticity while advancing substantive gender equality. Recognising conflict as interpretive, not doctrinal, is essential for constructive dialogue and legal pluralism.

5. Case studies: real-world applications of sharia and IHRL in gender rights

The interaction between Sharia and IHRL in the field of gender rights becomes most evident when examined through real-world examples from various Muslim-majority societies. Case studies from countries such as Saudi Arabia, Iran, Egypt, Pakistan, Tunisia, Morocco, and Indonesia reveal how the relationship between divine law and international norms is shaped by a complex

interplay of legal pluralism, political ideology, evolving scholarly *ijtihad*, and the growing influence of civil society movements. Together, these factors determine how states interpret and implement gender-related provisions within both religious and international legal frameworks. Each case reveals the dynamic tension and potential for reconciliation between interpretive traditions of Islamic jurisprudence and the substantive equality demanded by instruments such as the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW, 1979) and the International Covenant on Civil and Political Rights (ICCPR, 1966). By analysing historical evolution, legislative reforms, and socio-political outcomes, these studies underscore that gender justice under Sharia is not static but evolves through contextual reinterpretation grounded in *maqasid al-sharia*—the higher objectives of Islamic law, including justice, welfare, and dignity (Kamali, 2019).

In Saudi Arabia, a conservative monarchy governed by Hanbali-Wahhabi jurisprudence, Sharia constitutes the foundational legal

framework as enshrined in the Basic Law of Governance (1992, Article 1). Historically, the male guardianship (*wilayah*) system imposed comprehensive restrictions, requiring women to obtain permission from males for travel, marriage, employment, and medical procedures, a practice rooted in interpretations of *qiwamah* (Qur'an 4:34) as absolute authority rather than protective responsibility. Saudi women also faced unequal inheritance under strict *fara'id* rules (Qur'an 4:11), mandatory public dress codes (*abaya* and *niqab*), and unilateral male divorce (*talaq*) without reciprocal *khula* rights unless financially compensated. Saudi Arabia ratified CEDAW in 2000 but entered a broad reservation subordinating all provisions to Islamic law, reflecting cultural relativist critiques (Mayer, 2013). However, under Vision 2030—an economic diversification initiative led by Crown Prince Mohammed bin Salman—significant reforms emerged. In 2018, women were granted the right to drive, and in 2019, royal decrees allowed women over 21 to obtain passports and travel independently, partially dismantling guardianship (Human Rights Watch, 2020). The 2022 Personal Status Law codified women's rights to *mahr* and *nafaqah* while imposing limited conditions on polygamy. These changes were justified through *maqasid* reasoning, particularly *maslahah* (public interest) and *darurah* (necessity), as female economic participation became essential for national development. Female labour force participation rose to 37% by 2023, aligning with CEDAW Article 15 on legal capacity and ICCPR Article 12 on freedom of movement (United Nations Development Programme, 2023). Nevertheless, inheritance disparities, complete guardianship abolition, and criminal law *hudud* persist, and activists like Loujain al-Hathloul endured imprisonment for advocacy, highlighting the limits of top-down reform in a theocratic monarchy.

Iran presents a theocratic Shi'a model post-1979 Revolution, where Ja'fari jurisprudence dominates, as mandated by Constitutional Article 4, which requires all laws to conform to Islamic criteria. Compulsory veiling (*hijab*) is enforced via Criminal Code Article 638, with penalties including fines, lashes, or imprisonment, framed as modesty (Qur'an 24:31) but implemented coercively. Women's testimony carries half the weight in *diyah* (blood money) and *hudud* cases,

guardianship requires paternal consent for unmarried women's international travel, and polygamy remains minimally restricted. Iran has not ratified CEDAW, viewing it as incompatible with revolutionary ideology. Limited reforms include the introduction of women's stadium access in 2019, under pressure from FIFA. The 2022 death of Mahsa Amini in morality police custody ignited the "Woman, Life, Freedom" protests, invoking Islamic justice against state violence. Reformist clerics like Mohsen Kadivar cite *la dararwa la dirar* (no harm) and *hifz al-nafs* (preservation of life) to argue coercion violates Sharia's essence (Kadivar, 2019). Despite global condemnation aligning with CEDAW General Recommendation No. 35 (2017) on gender-based violence, systemic change remains elusive, illustrating entrenched conflict with ICCPR Articles 18 (belief) and 19 (expression).

In Egypt, a pluralistic civil law state influenced by Hanafi *fiqh*, personal status matters are governed by Law No. 1/2000, blending Sharia with secular codes. Egypt ratified CEDAW in 1981 with reservations related to Sharia law. Key advancements include the 2000 *khula* law, enabling no-fault divorce where women forfeit financial claims—a compromise invoking Qur'an 2:229 ("no harm")—and strengthened anti-female genital mutilation penalties in 2017, with life imprisonment for fatal cases. Custody favours mothers until ages 15 (boys) and 12 (girls), though inheritance follows *fara'id* amid social pressures, reducing women's shares. Al-Azhar University endorsed *khula* based on *maqasid al-shari'ah*, and family courts expanded their digital processes in 2021 (Egyptian National Council for Women, 2022). These reforms align with CEDAW Article 16 on marital equality; however, rural enforcement gaps and cultural dowry disputes persist, reflecting a hybrid legal pluralism.

Pakistan, a hybrid Islamic democracy, enshrines Sharia conformity in Article 227 of its Constitution. The 1979 Hudood Ordinances under General Zia-ul-Haq blurred *zina* (adultery) and rape, requiring four male witnesses and disproportionately affecting women. Honour killings claimed approximately 1,000 lives annually (Human Rights Watch, 2022). The 2006 Women's Protection Act separated offences, allowing rape prosecution without *hudud* evidence, followed by 2016 anti-honour killing and anti-rape laws mandating life imprisonment

and DNA admissibility. The 2021 anti-rape ordinance fast-tracks trials. Reformists drew on Qur'an 24:4–5 and *maqasid* to prioritise justice over literalism, despite opposition from the Council of Islamic Ideology (Khan, 2018). Alignment with CEDAW General Recommendation No. 19 is evident, but *jirga* tribunals, weak enforcement, and blasphemy law misuse against women remain challenges.

Tunisia exemplifies progressive Sharia-based reform through the 1956 Personal Status Code (PSC), which abolished polygamy and unilateral talaq, utilising *maqasid* reasoning that justice is unattainable in plurality (Qur'an 4:3). The post-2011 Constitution, Article 21, affirms gender equality. Reforms include 2017 interfaith marriage rights for women, a 2018 equal inheritance proposal (withdrawn amid backlash), and 2022 Law 58 criminalising all forms of violence. President Beji Caïd Essebsi invoked *maqasid al-musawah* (equality) and Qur'an 4:32's contextual shares, endorsed by the Tunisian Ulama Association (Essebsi, 2018). Tunisia achieves near-full CEDAW compliance, serving as a model for Sharia-grounded gender justice despite conservative resistance.

Morocco, under Maliki tradition and the King as Commander of the Faithful, enacted the 2004 *Mudawana*, transforming family law. Pre-reform, polygamy was common, *talaq* unilateral, and the marriage age was 15. The new code establishes joint marital authority, requires judicial approval and financial proof for polygamy, mandates mutual or fault-based divorce, and sets

the age at 18. King Mohammed VI convened an *ulama* council, citing Qur'an 4:35 (arbitration) and *maqasid* (Human Rights Watch, 2005). Female judges now comprise 25%, aligning with CEDAW Article 16, though rural polygamy lingers.

Finally, Indonesia, the world's largest Muslim democracy, influenced by Shafi'i jurisprudence under the Pancasila, harmonised fiqh through the 1991 Compilation of Islamic Law (KHI). Polygamy requires court permission and first-wife consent; the marriage age rose to 19 in 2022, and the 2022 anti-sexual violence law was passed after 2019 advocacy. Nahdlatul Ulama and Muhammadiyah issue *fatwas* against child marriage using *hifz al-nasl* (lineage preservation). Aceh's Sharia bylaws (e.g., flogging for *khalwat*) create federal tension, but national reforms converge with CEDAW and ICCPR (Butt & Lindsey, 2018).

These case studies collectively reveal that Sharia's gender norms are interpretively malleable, with reforms driven by *maqasid*, *ijtihad*, and external pressures enabling convergence with IHRL. Top-down monarchies (Saudi Arabia, Morocco) and democratic activism (Tunisia, Indonesia) both succeed, while theocratic rigidity (Iran) and hybrid inconsistencies (Pakistan) impede progress. Rural-urban divides and class disparities moderate outcomes, yet the Tunisia-Morocco blueprint offers replicable pathways for harmonising religious authenticity with universal equality.

Table 3. Comparative analysis of gender rights reforms in Muslim-majority states.

Country	Governance	Madhhab	Key Reform	IHRL Alignment	Ijtihad Tool	Challenge
Saudi Arabia	Monarchy	Hanbali	Driving, travel (2018–19)	CEDAW Art. 15	<i>Maslahah, Darurah</i>	Inheritance, full guardianship
Iran	Theocracy	Ja'fari	Stadium access (2019)	ICCPR Art. 18 (limited)	<i>La Darar</i> (activists)	Compulsory hijab, <i>hudud</i>
Egypt	Republic	Hanafi	<i>Khula</i> (2000)	CEDAW Art. 16	Qur'an 2:229	Rural enforcement
Pakistan	Democracy	Hanafi	Women's Protection Act (2006)	CEDAW GR 19	Justice over literalism	<i>Jirgas</i> , blasphemy misuse
Tunisia	Democracy	Maliki	CSP (1956),	Full CEDAW	<i>Maqasid al-o</i>	Conservative backlash

			anti-violence (2022)			
Morocco	Monarchy	Maliki	<i>Mudawana</i> (2004)	CEDAW Art. 16	Qur'an 4:35	Rural polygamy
Indonesia	Democracy	Shafi'i	Marriage age 19 (2022)	CEDAW, ICCPR	<i>Hifz al-Nasl</i>	Aceh Sharia bylaws

6. Discussion: pathways to reconciliation and reform

Empirical evidence from case studies across diverse Muslim-majority societies, from the gradual legal reforms in Saudi Arabia to the progressive application of *ijtihad* in Tunisia, suggests that the perceived divide between *Sharia* and *International Human Rights Law (IHRL)* on gender rights is not rooted in any immutable doctrinal conflict. Instead, these tensions largely stem from interpretive rigidity, the persistence of patriarchal social norms, and institutional reluctance to implement reform. Although classical *fiqh* reflected the socio-economic realities of the 7th to 10th centuries, the Qur'an's enduring ethical principles—justice (*'adl*), equity (*insaf*), and human dignity (*karamah*)—remain adaptable to changing contexts. This section synthesises the areas of convergence and divergence identified earlier, arguing that genuine reconciliation is attainable through renewed *ijtihad*, *maqasid*-based reform, Islamic feminist hermeneutics, inclusive international dialogue, and progressive policy intervention. By leveraging *Sharia*'s internal mechanisms for evolution, states can fulfil IHRL obligations under [CEDAW \(1979\)](#) and [ICCPR \(1966\)](#) without compromising religious legitimacy, fostering a harmonised framework of gender justice that transcends the universalism-relativism binary. A primary pathway for reconciliation lies in the revival of *ijtihad*—independent reasoning grounded in primary sources—as a tool to contextualise gender rulings. Classical jurisprudence (*fiqh*) developed in patriarchal agrarian societies where women's public roles were limited, leading to asymmetries in inheritance (Qur'an 4:11), testimony (Qur'an 2:282), and marital authority. However, reformist scholars such as [Fazlur Rahman \(1982\)](#), [Amina Wadud \(1999\)](#), and [Khaled Abou El Fadl \(2014\)](#) demonstrate that these verses were prescriptive for their time, addressing specific vulnerabilities (e.g., financial inexperience in commerce) rather

than mandating eternal inequality. *Ijtihad* enables reapplication in modern contexts, where women are breadwinners, educators, and leaders; unequal inheritance violates *maqasid al-sharia*'s objective of *maslahah* (public welfare). Tunisia's 1956 Personal Status Code and Morocco's 2004 *Mudawana* exemplify this, abolishing polygamy and unilateral *talaq* by invoking Qur'an 4:3's justice condition as unattainable in contemporary societies. Such reforms align with CEDAW Article 16, demonstrating that *Sharia*'s flexibility, far from being rigid literalism, facilitates substantive equality. Central to this reform is the *maqasid al-sharia* framework, which prioritises the higher objectives of Islamic law: preservation of faith (*din*), life (*nafs*), intellect (*aql*), lineage (*nasl*), and property (*mal*), with dignity (*'ird*) increasingly recognised as a sixth ([Kamali, 2019](#)). Conflicts arise when literal rulings undermine these goals. For instance, compulsory veiling in Iran, causing psychological harm (*darar*), contravenes *hifz al-nafs*, or guardianship systems in Saudi Arabia (pre-2019), restricting education, and violating *hifz al-aql*. *Maqasid* reasoning, as applied in Indonesia's 2022 marriage age increase to 19, protects lineage by preventing the harms of child marriage, aligning with CEDAW Article 16 and ICCPR Article 24. The Organisation of Islamic Cooperation's (OIC) evolving human rights instruments, including revisions to the Cairo Declaration on Human Rights in Islam (1990, updated 2020), incorporate *maqasid* to articulate gender rights compatible with *Sharia*, urging states to withdraw CEDAW reservations that subordinate equality to outdated *fiqh* (OIC, 2020). Islamic feminist jurisprudence further bridges the gap by employing gender-sensitive hermeneutics to reread sacred texts through *tawhid* (divine unity) and ethical universality. Scholars such as [Fatima Mernissi \(1991\)](#), [Ziba Mir-Hosseini \(2015\)](#), and [Asma Lamrabet \(2018\)](#) argue that patriarchy, rather than divine intent, shaped classical rulings. For example,

Qur'an 4:34's "men as qawwamun" is reinterpreted as mutual stewardship rather than hierarchy, emphasising shared responsibility in modern nuclear families. This approach has influenced judicial activism in Egypt's khula law (2000) and Pakistan's Women's Protection Act (2006), where courts prioritised no-harm principles (*la darar*) over asymmetry. Feminist *ijtihad* resonates with IHRL's transformative equality mandate (CEDAW Article 5), dismantling stereotypes while remaining textually authentic.

International and inter-institutional dialogue plays a pivotal role in normalisation. UN mechanisms, such as CEDAW Committee reviews, pressure states like Egypt and Morocco to progressive reporting, while OIC-UN partnerships facilitate cross-cultural frameworks. The Beijing Platform for Action (1995) and Sustainable Development Goal 5 (gender equality) provide neutral platforms for Muslim states to showcase Sharia-based reforms, reducing relativist defensiveness. Saudi Arabia's Vision 2030 integration of women's driving rights under FIFA scrutiny illustrates how global norms catalyse internal change without perceived imposition. Policy recommendations emerge from this synthesis: Establish National *Ijtihad* Councils, comprising diverse *ulama*, feminists, and jurists, to review family laws in light of *maqasid*, as in Morocco's 2004 commission. Withdraw or Narrow CEDAW Reservations: Gradually, as demonstrated by Tunisia, to signal commitment to universality while retaining Sharia oversight. Enact *Maqasid*-Based Equality Legislation: Mandate equal inheritance with an opt-out provision for traditional shares, contextual testimony, and joint guardianship, as piloted in pluralistic states like Indonesia. Invest in Gender-Sensitive Religious Education: Train imams and judges in feminist hermeneutics to counter cultural patriarchy, reducing honour killings in Pakistan. Strengthen Monitoring and Civil Society: Empower NGOs with IHRL training, as in Iran's protest networks, and establish regional OIC gender observatories. Challenges persist: conservative backlash (Tunisia's 2018 inheritance withdrawal), rural-urban enforcement gaps (Morocco), and theocratic entrenchment (Iran). Yet, the trajectory from Saudi guardianship relaxation to Indonesian anti-violence laws affirms that reform is incremental but irreversible when anchored in Sharia's ethical core. In essence, reconciliation transcends the

replacement of one system by another; it requires interpretive renewal within Sharia to realise IHRL's equality in an Islamic idiom. As An-Na'im (2008) posits, a secular state framework—separating religion from the state—enables voluntary adherence to Sharia alongside universal rights. This harmonisation upholds divine sovereignty while advancing human flourishing, transforming conflict into constructive coexistence.

7. Conclusion

The comprehensive examination of gender rights under Sharia and International Human Rights Law (IHRL) undertaken in this study illuminates a nuanced landscape of ethical convergence, interpretive conflict, and practical reform. Far from representing irreconcilable paradigms, Sharia, which is rooted in the Qur'an, Sunnah, and *maqasid al-sharia*, and IHRL, anchored in the Universal Declaration of Human Rights (UDHR, 1948), CEDAW (1979), and ICCPR (1966), share a profound moral foundation in the pursuit of human dignity, justice, equality, and welfare. The areas of harmony evident in spiritual equality (Qur'an 17:70; UDHR Article 1), the right to education (Hadith Ibn Majah 224; CEDAW Article 10), marital consent and mutual respect (Qur'an 30:21; CEDAW Article 16), economic autonomy (Qur'an 4:32; CEDAW Article 15), and protection from harm (Qur'an 2:190; CEDAW GR 19 & 35) affirm that Islamic jurisprudence, when liberated from historical literalism, inherently supports the substantive gender equality demanded by international norms. Yet, persistent tensions in inheritance (*fara'id*), testimony, guardianship, polygamy and divorce asymmetry, dress codes, and *hudud* penalties arise not from divine mandate but from contextual rulings frozen in patriarchal socio-economic frameworks of the classical period. The case studies, ranging from Saudi Arabia's Vision 2030-driven mobility reforms to Tunisia's 1956 Personal Status Code, Morocco's 2004 *Mudawana*, and Indonesia's *maqasid*-based marriage age increase, demonstrate that *ijtihad* and *maqasid al-sharia* serve as powerful internal mechanisms for evolution. These reforms, often catalysed by civil society, judicial activism, or global pressure, illustrate that Sharia is dynamic and responsive, capable of aligning with IHRL without sacrificing religious authenticity. The discussion highlights

that reconciliation is not a zero-sum, but a synergistic process. Islamic feminist hermeneutics (Wadud, 1999; Mir-Hosseini, 2015), maqasid-oriented policy councils, and the strategic withdrawal of CEDAW reservations, among other factors, enable muslim-majority states to fulfil their universal obligations while grounding progress in Islamic ethical principles. The OIC's revised Cairo Declaration (2020), Tunisia's near-compliance with CEDAW, and Pakistan's Women's Protection Act (2006) exemplify viable pathways forward. Ultimately, this study posits that gender justice in Islam is realised through contextual ijihad and the revival of maqasid, ensuring that Sharia remains a living source of liberation rather than constraint. By embracing interpretive renewal, Muslim societies can transcend cultural relativism, honour divine intent, and contribute to a global human rights framework that is both universal in principle and pluralistic in practice. Future research should explore longitudinal impacts of these reforms, the role of digital activism in shaping fiqh, and comparative models of secular-Sharia coexistence to illuminate this transformative potential further.

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