



Contemporary Fiqh Studies on Gender Equality: A Study of Women's Careers in the Modern Era

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Abstract

The issue of gender equality in the world of work is one of the contemporary issues that continues to be a concern in Islamic discourse. This article aims to examine fiqh's view on women's involvement in the career world and the limitations of *shari'i* that accompany it. Using a normative-theological approach, this article examines the postulates from the Qur'an, Hadith, and the views of classical and contemporary scholars on the role of women in the public sphere. The results of the study show that Islam in principle does not prohibit women from working as long as they maintain moral values, domestic obligations, and do not violate the provisions of sharia. This article also highlights the importance of contextually reinterpreting religious texts in order to be able to respond to the challenges of the times without overriding the basic principles of Islam. The conclusion of this study emphasizes the need for equitable equality between men and women in access to employment, as well as the protection of women's rights as individuals and part of the family and society.

I. INTRODUCTION

Along with the strengthening of global awareness that ontologically human beings, both men and women, have equal dignity and potential, the issue of gender equality has become one of the central discourses in social, legal, and religious studies (Nasution, 2023). Gender equality is no longer understood as a normative demand, but rather as a response to the reality of real and systemic inequality in various aspects of life, including education, economics, politics, and especially the world of work (Fathoni, 2020). The complexity of gender issues lies not only in the fact of inequality, but also in the root causes, the social legitimacy that perpetuates this inequality, and the debate about the solutions that are considered the most equitable and contextual.

One of the social spaces that most clearly shows gender inequality is the realm of career and professionalism (Nursyifa, 2020). In a long social history, women have often been placed in subordinate positions through the construction of roles that limit them to the domestic sphere. Before the strengthening of the emancipation movement and feminist awareness, women were often considered to lack adequate rational capacity, leadership, and mental resilience to take part in the public sphere. This view has direct

implications for women's limited access to higher education, equal employment opportunities, and fair and proportionate career paths.

Although in the modern era, women's participation in the world of work has increased significantly, the issue of equality has not been fully resolved (Mahbub, 2022). Career women still face various forms of discrimination, both structural such as wage gaps, limited strategic positions, and cultural ones in the form of social stigma and double expectations. Women are often faced with a dilemma between the demands of professionalism and domestic obligations, as if success in one realm must be paid for by sacrifices in another. This situation shows that gender inequality in careers is not only related to policies and systems, but also touches on the dimensions of values, culture, and society's perspective on women's roles (Virginia, 2024).

In the context of religious society, the issue of career women often intersects with religious interpretations. Religious teachings, including Islam, are often accused of being a legitimacy factor that limits the role of women in the public sphere. Certain religious views are understood as placing women inherently in the domestic realm and prioritizing their roles as wives and mothers rather than as individuals who have the right to

actualize in the professional field. These accusations create tensions between religious values and the demands of modernity, especially on the issue of gender equality (Gani, 2019).

However, if traced historically and normatively, Islam actually has a strong vision of human justice and equality. The Qur'an and Sunnah affirm the principle that human dignity is not determined by gender, but by piety and the quality of charity. In early Islamic history, women were not only present as domestic subjects, but also as active actors in the economic, educational, and even socio-political fields. This fact shows that the problem of gender gap does not lie in the teachings of Islam itself, but in the process of interpreting fiqh which is often influenced by the patriarchal social context in which the interpretation was born and developed (Gani, 2019).

This is where the main problem that is the focus of this study lies. Fiqh as a product of human *ijtihad* is dynamic and contextual, so it is very likely to experience gender bias if it is not reviewed in accordance with changes in social reality. The challenge of contemporary fiqh is how to formulate an understanding of Islamic law that remains faithful to the basic principles of sharia, but at the same time responsive to the reality of career women in the modern era. The issue of women working, women's leadership, the division of domestic and public roles, and the balance between family and career require a fiqh approach that is not merely textualistic, but also considers *maqāṣid al-syarī'ah*, substantive justice, and benefits.

Therefore, the study of contemporary fiqh on gender equality is very urgent, especially in examining the position and role of career women. This study does not aim to oppose religion with modernity, but to re-explore the spirit of Islamic justice in responding to changing social dynamics. By placing career women as the subject of the study, this study seeks to answer the fundamental question of the extent to which fiqh is able to provide a just, inclusive, and relevant normative foundation for women in carrying out their professional roles without having to lose their religious legitimacy or social identity.

II. RESEARCH METHODS

This study uses a qualitative method with a literature study approach (*Library Research*) (Kusumastuti & Khoiron, 2019). The primary data analyzed included authoritative sources in Islam

such as the Qur'an, Hadith, as well as classical and contemporary fiqh books that discuss the role of women in society and the world of work. Meanwhile, secondary data includes modern literature such as journal articles, books, ulema fatwas, and official documents related to gender equality issues in the context of Islam.

A normative-theological approach is used to understand religious texts based on the principles of *ushul fiqh* and *maqāṣid al-syarī'ah* (the purposes of Islamic law). The analysis is carried out in a descriptive-analytical manner, namely by describing the views of scholars and analyzing them in the current socio-cultural context. In addition, a comparative approach was used to compare the perspectives of classical and contemporary scholars related to women working in the public sphere.

The purpose of this method is to gain a proportionate and contextual understanding of the issue of gender equality, as well as to explore the possibility of reinterpreting Islamic law that is relevant to the needs of the times without ignoring the basic principles of sharia.

III. RESULTS AND DISCUSSION

The results of the study show that Islam does not in principle prohibit women from working or having a career in the public sphere. In primary sources such as the Qur'an and Hadith, there are a number of indications that support women's activities outside the home, as long as they meet the requirements of the sharia. For example, the wife of the Prophet Muhammad SAW, Khadijah, is known as a successful businessman who is economically independent. Similarly, in the classical history of Islam, there are many examples of women who were active in the fields of education, economy, and even health (Wine, 2019).

The views of classical scholars do tend to emphasize the domestic role of women, but this is more due to the cultural and social context of the time. On the other hand, contemporary scholars such as Yusuf al-Qaradawi, Amina Wadud, and Fazlur Rahman put forward a more progressive view, emphasizing the principles of justice, benefit, and women's involvement in social development (Hendra & Hakim, 2023).

Through the *maqāṣid al-syarī'ah*, found that gender equality in work should be directed at the protection of five key objectives *Shari'a (al-Darūriyyāt al-Khams)*: religion, soul, intellect, lineage, and wealth. As long as women work while

maintaining these values, there is no conflict with Islamic law (Rajafi, 2010).

Thus, women's involvement in the world of careers can be justified from a fiqh perspective, as long as it remains within the corridor of proportionate and contextual Islamic ethics and law.

A. Gender Equality in the Perspective of Fiqh

The Feminist Encyclopedia defines gender as a culturally formed group, attributes, and behaviors that exist in both men and women. Gender refers to the socially constructed, studied and changeable roles of women and men over time and diverse by culture and between cultures (Nasution, 2023).

The term gender is often equated with sex as the nature of a woman or man. Gender is only related to the process of believing how women and men should play and act in accordance with the values that apply in society, as well as the social and cultural conditions in which they are. Gender distinguishes the roles, functions, rights and behavioural responsibilities between women and men that are shaped by certain cultural and social provisions. For example, the view that women should be good at cooking, taking care of themselves, and being gentle, or the belief that women are always emotional and sensitive. On the other hand, men are often seen as leaders, protectors, heads of families, rational, and assertive. Gender refers to the social gender formed by society, which is not always true (Sugitanata & Aqila, 2023).

If the definition of gender is understood as the result of social construction, then gender equality is interpreted as the equality of situation for men and women to obtain their rights and opportunities as individuals to contribute and be involved in various aspects such as politics, economy, culture, defense and national security, as well as equality in enjoying the results of development. This situation requires high awareness from various parties so that gender can be seen as a new perspective and an element in social control to achieve justice, respect for human dignity, and equal treatment between others, both men and women can be applied with the record of not violating natural boundaries.

Islam believes in equality between the rights of women, both men and women, by giving rise to the verses of the Qur'an that are egalitarian. One of these verses is stated in Q.S An-Nisa verse 124 which reads:

وَمَنْ يَعْمَلْ مِنَ الصَّالِحَاتِ مِنْ ذَكَرٍ أَوْ أُنْثَىٰ وَهُوَ مُؤْمِنٌ فَأُولَٰئِكَ يَدْخُلُونَ الْجَنَّةَ وَلَا يُظْلَمُونَ نَقِيرًا

Meaning: "Whoever does righteous deeds, both male and female, while he believes, will enter Paradise and will not be wronged in the slightest."

Q.S At-Taubah verse 71 also contains about the equality of women and men to take on the role of leader which reads:

وَالْمُؤْمِنُونَ وَالْمُؤْمِنَاتُ بَعْضُهُمْ أَوْلِيَاءُ بَعْضٍ يَأْمُرُونَ بِالْمَعْرُوفِ وَيَنْهَوْنَ عَنِ الْمُنْكَرِ وَيُقِيمُونَ الصَّلَاةَ وَيُؤْتُونَ الزَّكَاةَ وَيُطِيعُونَ اللَّهَ وَرَسُولَهُ أُولَٰئِكَ سَيَرْحَمُهُمُ اللَّهُ إِنَّ اللَّهَ عَزِيزٌ حَكِيمٌ

It means: "The believers, men and women, some of them are helpers to others. They enjoin (do) makruf and prevent (doing) disobedience, enforce prayer, pay zakat, and obey Allah and His Messenger. They will be blessed by Allah. Indeed, Allah is Mighty and Wise."

Not only the Qur'an, several Hadiths of the Prophet PBUH also concern gender equality, including the Hadith narrated by Abu Dawud No. 236 which reads:

عَنْ عَائِشَةَ رَضِيَ اللَّهُ عَنْهَا قَالَتْ قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: إِنَّمَا النِّسَاءُ شَقَائِقُ الرِّجَالِ

Meaning: "Aisyah Ra. said that the Prophet (peace and blessings of Allaah be upon him) said, 'A woman is a brother.'"

The hadith narrated by Ibn Majah No. 224 also explains the equality of education that must be lived for both women and men. The Prophet PBUH said:

طَلَبُ الْعِلْمِ فَرِيضَةٌ عَلَى كُلِّ مُسْلِمٍ

Meaning: "Seeking knowledge is obligatory for every Muslim".

Basically, both in the Qur'an and hadith, the call for mukallaf is addressed to men and women equally, starting from the determination of human status to their responsibilities in legal aspects by paying attention to the existence of several limited differences that have been clearly and clearly determined by Allah SWT.

In the Islamic view, everything created by Allah SWT is in accordance with its respective nature or nature. Islamic thinkers define *Qadar* (nature) in the Qur'an as the measures and qualities that Allah SWT has determined for all things, both for human beings of the female and male sex, animals, plants, and others. Therefore, women and men as individuals as well as gender have their own abilities. Mahmud Syaltut stated that the nature of humanity between men and women is different, but it can be ascertained that Allah SWT has given potential and abilities to women as given to men (Sugitanata & Aqila, 2023).

Muslim women have a crucial role in educating society, improving the condition of society, and building civilization, just like the wives of the Prophet PBUH and female companions such as Khadijah bint Khuwailid, Aisyah bint Abu Bakar, Nusaiba bint Ka'ab al-Anshariyyah and others who have directed their generation towards the progress of civilization. With high spirits, they proactively strive to optimize their entire natural appeal, ensuring that no aspect of their life is overlooked. Their impact spans every time, place, and level of life (Anisah et al., 2023).

B. Gender Bias Against the Limitations of Women's Rights

Gender bias is a problem that arises due to inequality that occurs between women and men. From the existing phenomenon, until now, there are five main problems that ultimately lead to unfair gender relations. The five problems are stereotype, subordination, marginalization, double burden, and violence (Puspitawati et al., 2021).

Stereotype or stereotype is the application of standards or labels to individuals or groups based on untrue or misleading assumptions. Labeling reflects the existence of an imbalance of power that aims to dominate or dominate the other party. Negative labels are often directed at women with the assumption that: women are considered weak, easily seduced, illogical, emotional, and incapable of making important decisions. Men are also sometimes labeled with high masculinity so there is a lot of assumption that men should not cry, should not be gentle, should not take care of themselves, and so on (Nasution, 2023).

Subordination indicates that a role performed by one gender is considered inferior to the other. The social and cultural aspects in society have differentiated the roles of women and men. Women are considered to have responsibilities and roles in reproduction, while men are in production or public affairs.

Marginalization is a process of exclusion caused by gender differences that have an impact on poverty. This concept arose because gender is understood to be equivalent to *Sex*. This view places working women as secondary breadwinners. As a result, women receive lower wages than men, especially if the level of education is minimal. Women are often easy victims of being laid off or quitting their jobs due to pregnancy and childbirth (Nasution, 2024).

Double load means that the workload borne by one gender is much more than that of the other. The reproductive role of women is often seen as a fixed and unchanging role. Although the number of women working in the public sector is increasing, their burden in the domestic sector remains undiminished (Nasution, 2024).

Violence is an act of violence, both physical and non-physical, committed by one sex against the other sex. The assumption that feminine women and masculine men are manifested in psychological characteristics turns out to be a distinction between these characters to justify violent acts such as domestic violence, rape, sexual harassment and so on (Nasution, 2023).

These five problems curb and condemn women in expression, so that their rights as a society that can participate in the public space are also denied. Therefore, the presence of feminism aims to allow women to regain their rights to fight for gender equality and free women from the shackles of deep-rooted social, cultural, and structural discrimination, not to compete solely with men. Feminism encourages the creation of a safe and inclusive space for women to voice their opinions, actively participate in decision-making, and express their identity and potential without fear of stigma or repression (Nasution, 2023).

With the vocal ferocity of feminism in speaking out, the government and society began to open up to the issue of gender inequality. It is not uncommon for people to take the initiative to create institutions or communities that are relevant to feminism and public facilities intended for women. It has only one purpose, which is to protect the rights of women who are vulnerable to being taken back, not for the mere validity that women should be taken back.

In addition, these five problems are also contrary to the main mission of Islamic teachings which is to realize benefits and free them from all forms of anarchy, inequality, and injustice. Therefore, there is a need for a reinterpretation and reinterpretation of such *fiqh*. According to Khalid, misinterpretation is caused by the 'phenomenon of authoritarianism', which is using the power of God to justify the arbitrary actions of readers of the Qur'an and hadith in understanding and interpreting the text, and followed up with the desire to implement it by setting aside the interpretation of others in religious fatwas.

C. Career Women in the Perspective of Fiqh

Career women are a term for women who take their profession or work seriously which can defeat their side of life. More specifically, a career is not just an ordinary job, but an individual's interest in a field that is pursued and pursued fully over a long period of time to achieve high achievements, both in terms of salary and status. Therefore, "Career Women" refers to women who wholeheartedly engage in and love one or more jobs for a long period of time in order to achieve advancement in life, profession, or position. Typically, career women are pursued by women who work outside the home (Fatimah, 2015).

Because the emergence of this career woman itself comes from the aspects of education, economy and compulsion. The education sector encourages the desire of educated women to carry out their roles in the professional world. Whereas the economic aspect is due to the sense of initiative and the desire of women to produce independently without depending on other parties. In addition, the element of coercion is also a cause for women in their careers due to unstable conditions, such as increasing living needs, decreasing economic conditions, responsibility for children abandoned by their husbands, and others (Abdullah, 2021).

Indeed, Islam provides a wide opportunity to optimize the potential of human resources ideally in a society, where both women and men play a role, Islamic society can be active and produce, not trapped in noise or dissolved in useless debates or developing ideas that are not concrete. Women can also lead a decent and honorable life by playing an active role and contributing significantly in economic and social aspects, on an equal footing with men. However, this does not mean that women are obliged to do all the work that is usually done by men, but it is an effort to develop women so that they have skills if at any time they have to work (Abdullah, 2021).

The career carried out must be carried out within the framework of Islamic norms through the criteria of faith, so that women's activities outside the home run in accordance with Islamic sharia which will ultimately get rewards and rewards from Allah SWT, accompanied by rewards that have been given in the world (Zulfatma, 2022).

In general, women are an element in society. Women's roles and obligations in community formation are vital and valuable. Therefore, women need to recognize their position, function,

and rights regulated by Islamic law. The main role of women begins as a daughter, wife, mother, community member, and leader.

One of the crucial roles of women is the role of housewife. Wives who have a career are often worried that it will trigger domestic harmony to become strained. In addition, her role as a mother who provides education and affectionate attention is not sufficiently fulfilled and is even vulnerable to destruction.

The woman is the manager of his household, and he will be required to be responsible for his leadership. A wife can escape from obligations or responsibilities outside the home, such as performing Friday prayers or fighting, but is allowed to support Islamic fighters in battle if necessary (Zulfatma, 2022).

However, Islamic law on women is very wise. If a woman needs household needs, such as needing health care or looking for a job because of her status as a widow or incapable, Islam allows the words of the Prophet PBUH which reads:

قَدْ أَذِنَ اللَّهُ لَكُمْ أَنْ تَخْرُجْنَ لِحَوَائِجِكُنَّ

Meaning: "Indeed, Allah has allowed you (women) to go out (work) to meet your needs." (H.R. Bukhari).

Through this hadith, the Prophet PBUH encouraged women to try to meet their life needs. However, wives should ensure that tolerance does not change the basic principle of Islamic society, namely that the main role of women is in the household. Such tolerance should not be considered as unlimited freedom so that the wife neglects her primary role.

In addition, there are three views from scholars and scholars that influence the discussion about career women. First, those who allow women to work without any conditions. Second, it is not allowed at all, and third, it is allowed but with certain conditions.

According to the Egyptian scholar and intellectual, Sayyid Qutb, the teachings of Islam are more in line with the latter's view, as quoted from the Kitab *al-Mawsu'at al-Fiqhiyyah al-Kuwaitiyyah*. She explained that there is no prohibition for women to work in Islam. Even so, there are three aspects that need to be considered, namely women's physical weaknesses, their natural roles, and ethical norms that must be followed.

Among the ethical norms that must be adhered to are: (1) Ethics in behaving and dressing; (2) Asking permission from the husband or parents or guardians; (3) The work does not contain

elements of khalwat and ikhtilath, and; (4) Be able to do your duties as a mother and wife.

In this all-digital era, technology provides opportunities for career women to work flexibly, pursue the blessings that have been bestowed by Allah SWT such as through remote work (WFH/ *Work From Home*), online business (*Source*) to digital marketing through social media such as Instagram and Whatsapp Story, Live tiktok and so on which are in accordance with Islamic principles to utilize existing resources for the good (Zulfatma, 2022).

Thus, it can be concluded that in Islam, there is no provision that prevents women from pursuing careers outside the home, including from the point of view of their husbands. Islam affirms the principle of equal rights between men and women. History in the time of the Prophet shows the active involvement of women in social activities. In the 4.0 era, a woman can pursue her career as long as she follows Islamic principles and does not face obstacles.

D. Gender Pay Gap in Fiqh Perspective

Gender Pay Gap or gender wage gap refers to the difference in income received by female and male workers. This concept is based on the average annual wages of all full-time working women compared to men's wages calculated using a similar method. A case can be categorized as a gender-based wage gap if a female worker earns a lower salary than a man who has similar positions and hours. Historically, gender pay inequality has been a long-standing problem in the world of work that has been discussed since the early 19th century (Rizka et al., 2025).

According to findings from the Korn Ferry Gender Pay Index, the gender wage gap in Indonesia as a whole is 5.3%, where women are paid 1.7% less in the same job position. According to the Central Statistics Agency in 2017, the gender wage difference in Indonesia reached 690 thousand rupiah per month (Rizka et al., 2025).

Wages according to regulations are employee rights that must be fulfilled and protected by the company because they are part of the worker's human rights. The significance of this wage protection is clearly stated in Article 23(2) of the United Nations Universal Declaration of Human Rights (UNDHR) 1948 which states that "every individual, without discrimination of any kind, is entitled to equal pay for equal work".

According to Islamic law, hiring human labor to do a job is categorized as *Akad al-Ijarah ala al-*

'amal. In Islamic law, *ijarah* (agreement) like this is permissible if the type of work is clear. Insiders *Ijarah* i.e. *Mu'ajir* as a person who provides wages and rents workers, while *Musta'jir* is a person who receives a wage for doing something (Fitriawati & Zainuddin, 2020).

This is based on what is conveyed in the hadith which reads:

وَعَنْ أَبِي سَعِيدٍ الْخُدْرِيِّ رَضِيَ اللَّهُ عَنْهُ أَنَّ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ: مَنْ اسْتَأْجَرَ أَجِيرًا فَلْيُسَمِّ لَهُ أَجْرَهُ

It means: "From Abu Said Al-Khudry that the Prophet said: 'Whoever works for a worker should determine his wages'". (Narrated by Abdul Razzaq in the hadith of munqathi. Meanwhile, according to Baihaqi from the path of Abu Hanifah the hadith of maushul).

From the above hadith, it can be concluded that an employment contract by utilizing human labor to carry out a task is permissible in Islam, in other words in addition to wages (working salaries) which are included in one type of *ijarah* in Islamic law can be justified. And if *Mu'ajir* gives a difference in salary between female and male workers based on discrimination, while the type of work and workload between the two are the same, then in Islamic law it is not allowed, because Allah SWT has created human beings, namely women and men, in the best form and has an honorable degree. Therefore, the Qur'an does not recognize the difference between women and men because before Allah SWT, both have equal degrees and positions, and what distinguishes men and women is only their faith and piety.

IV. CONCLUSIONS AND SUGGESTIONS

A. Conclusion

Gender is not something that is natural like sex, but the result of social and cultural constructions that can change. Gender forms different roles and responsibilities between men and women based on the social and cultural values of the society. In Islam, equality between men and women is affirmed in various verses of the Qur'an and hadith. Islam recognizes that both men and women have the same potential to believe and do righteous deeds and receive equal rewards from Allah.

Forms of gender injustice that still occur in society, such as negative stereotypes against women, subordination of women's roles in public spaces, economic marginalization, double burdens (domestic and public work), and gender-based violence. All of these forms of inequality limit women's rights and are contrary to Islamic

values that emphasize justice and welfare. Therefore, it is necessary to reinterpret religious texts that have tended to be gender biased.

Islam does not prohibit women from working as long as the activity does not violate the principles of sharia. Islam provides space for women to be active in the public sphere, contribute to economic and social life, and maintain a balanced domestic role. The Prophet's hadith also shows that women are allowed to go out of the house to meet their needs, including work, as long as they maintain Islamic values.

B. Suggestions

In facing the issue of gender equality for career women, it is recommended that Muslims improve gender fiqh literacy that is fair and contextual so as not to be trapped in biased understandings. Muslim scholars and scholars are expected to re-ijtihad on classical texts with the approach of maqashid sharia in order to give birth to views that are more relevant to the reality of modern women. Religious institutions also need to develop gender-friendly policies and encourage synergy between Islamic law and positive law in shaping fair protection for women. A humanistic approach in fiqh is very necessary so that women who choose a career can still carry out their religious roles without experiencing discrimination or marginalization.

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