



# PERCEPTIONS AND REALITIES THE PUBLIC & PERSONAL RIGHTS OF MUSLIM WOMEN IN MALAYSIA

Findings from the Survey  
on Muslim Women's Realities in Malaysia

*sisters in islam*

Empowering Voices For Change



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European Union



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WOMEN IN MALAYSIA**

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# A MESSAGE FROM THE EXECUTIVE DIRECTOR OF SISTERS IN ISLAM

*There has never been a more exciting time to be a woman. In the 21st century, women have overcome many barriers and challenges, and reached multiple milestones and achievements to become doers, thinkers and leaders in fields previously dominated by men. This is merely the beginning, with many more still on the journey towards realising their full potential. The idea of women and men being equal has been essential to this development: it would not have been possible for women to be where they are now without recognition of who they are, and the exercise of their inherent rights as human beings of equal worth and dignity.*

*Women play such integral roles in the functioning of our families and communities, and permeate society in so many ways, that it would be unthinkable to exclude them from any particular space or aspect of modern life. To be sure, many people still find it inconceivable that women hold certain roles or positions – but the question of whether women can and should take on these roles is at least now being discussed and debated, passionately, in favour or against. The conversation has begun.*

*Malaysian Muslim women are very much a part of these exciting times. They are ready to embrace modernity and live their dreams, journeying on paths forged by their role models, icons and influencers, whether within their family or beyond. Nevertheless, for many women still, there remains a discomfort within the space to which they are confined, as they struggle to carefully balance between who they are and the expectations placed on them by their families and society.*

*It is a conversation that needs to be uncovered, placed on the table and discussed with openness and rigour, so that women's lived realities and experiences are heard and appreciated. Their views and voices should be taken seriously, and everything in the environment around them should respond accordingly, including laws, policies and practices that would support their experiences and realities.*

*I wish to congratulate the team at Sisters in Islam and Ipsos, and express my appreciation of the support given by the European Instrument for Democracy and Human Rights of the European Union, which made this important survey possible.*

*It is my hope that all of us, together, will contribute more to the conversations, awareness, solutions and actions that will enable Malaysian Muslim women to take centre stage, where they deserve to be.*

**Rozana Isa**

# SUMMARY OF FINDINGS

The objectives of this survey were to discover the experiences and realities that Muslim women in Malaysia face in their day-to-day roles as daughter, wife, mother and career woman. The findings below are in relation to the feedback and interviews conducted with 675 women across Malaysia.

The key findings in the report are :

## MEANING OF EQUALITY

For Muslim women, equality carries a broad meaning of just and fair treatment regardless of race, religion, gender, income level, social status or family background. Equal opportunities in education and employment and the right to vote were other aspects of equality identified. Equality between all races in Malaysia is another feature of equality that is valued.

Gender equality is identified and recognised mainly from the women's public roles, particularly from their location in the workplace rather than in private spaces such as the family. Gender inequality is experienced more prominently at an individual level; there is strong pressure to conform to expectations. As a wife, a Muslim woman experiences greater levels of inequality than in her other roles.

The concept of gender equality is not perceived as something that is not aligned with the religion. Men and women are equal before God. However, it is acknowledged that teachings under Islam can be used to favour men as the more 'dominant' gender.

## THE PROJECTED IMAGE OF THE MUSLIM WOMAN IN MALAYSIA

There is a pervasive need to project the image of a 'proper Muslim woman' to avoid negative perceptions on the part of others such as the extended family, neighbours, work colleagues, etc. The need for this projected image seems to apply almost exclusively to Muslim women, and not men. This situation is seen as unfair by Muslim women.

Muslim women want to be allowed the same level of freedom as men when it comes to social activities and dressing. Many are resentful of the overprotection of Muslim women as it portrays the idea that women are unable to take care of themselves.

There is a growing desire among Muslim women to make a bigger impact and to become more relevant in all spheres of their lives, namely as individuals, mothers, daughters, wives and career women. There is a dichotomy that we are seeing in Muslim women – while they believe they are fully empowered and mostly equal to men, they also feel constricted from participating and contributing fully in the different spheres of their lives. Muslim women feel these constrictions as a result of having to conform to the stereotypes of a woman, mother, daughter or wife.

## SOURCES OF KNOWLEDGE OF RELIGION

Religious knowledge on Islam is mostly gained through tradition (family) and formal learning from schools. For most of the women interviewed, there is no active effort to gain a more detailed understanding of the application of religion, and the veracity and accuracy of the information received are seldom questioned. There is also no active effort to acquire a more detailed understanding of the rights of Muslim women.

Muslim women feel the need to fit the expectations of a 'proper Muslim woman', yet not many are sure where these expectations come from. The expectations and understanding seem to be inculcated from a very young age through upbringing by parents, school and interaction with those around them.

## OBEDIENCE AS A PRIMARY DUTY OF THE MUSLIM WOMAN

The responsibilities of a Muslim woman revolve around obedience and conforming to expected roles and duties. Obedience is the main characteristic of a wife's relationship with her husband. This duty to obey one's husband has led to many situations where wives have not taken into consideration harm or injustices that may be committed unto them, such as in domestic violence. Muslim women feel that they do not have a right to refuse sexual relations within a marriage. Some women still believe that a husband has a right to beat his wife.

Muslim marriages under the Islamic laws of Malaysia have embedded static roles for the husband and wife. In return for the obedience of the wife, the husband has the duty to provide for the wife and children. Accordingly, women have identified maintenance from the husband as the most important right of a wife. Some women also believe that in cases where the woman is the breadwinner, she should then be the primary decision-maker in the family.



## **POLYGAMY**

Muslim women accept that a husband has the right to enter into a polygamous marriage if he can treat all the wives fairly. However, many Muslim women would not allow their husbands to take another wife. Muslim women feel that a wife should be able to demand a divorce if her husband decides to marry another wife.

## **CHALLENGES OF THE WORKING WOMAN**

Many Muslim working women struggle to juggle their lives at home and at work. They agree that men have more access to opportunities at work and career progression. Sexual harassment is a significant issue at work for these women.

Notwithstanding the demands of her job, a woman is still primarily responsible for the day-to-day running of the household. Many Muslim women feel the pressure of being judged by society when they are seen to be spending more time at work than with the family.

## **TOLERANCE AMONGST RELIGIONS AND RACES**

Cross-religious interactions are not widely acceptable to Muslim women in Malaysia. Acceptance and tolerance of cross-religious and cross-cultural activities are highest among East Malaysian Muslim women. Muslim women in the East Coast region of Peninsular Malaysia are the least open to these activities.

## **CONCLUSION**

Much greater effort will be required if Muslim women are to be brought to the same level of equality as Muslim men. The lives of Muslim women in Malaysia remain deeply rooted in normalised discrimination and oppressive, socially-conditioned expectations. Women need to be encouraged, supported and protected as they express themselves and identify the unfairness and injustices that they endure simply because they are Muslim women in Malaysia. There needs to be a shift in mindsets and belief systems, and this is as important as reforming laws, policies and institutional structures. Awareness needs to be raised on a mass level to identify and acknowledge inequality as an issue for all Malaysians, and to highlight how it is a barrier to the progress of women as well as the nation.







# CHAPTER 1

## INTRODUCTION

### A PROGRESSION TOWARDS REGRESSION?

**Sisters in Islam** has been advocating for equality in Islamic Family Laws in Malaysia since its inception in the 1980s. Sisters in Islam's *raison d'être* is to seek solutions to the problem of discrimination against Muslim women in the name of Islam. One of the first issues Sisters in Islam publicly challenged was the widespread belief that a Muslim husband had the right to beat his wife. Sisters in Islam provides new narratives based on new knowledge and interpretations of the sources of Islam to meet the realities and experiences of Muslim women on the ground.

Sisters in Islam's research has shown that oppressive interpretations of the Qur'an are influenced mostly by cultural practices and values that regard women as inferior and subordinate to men. It is not Islam that oppresses women, but human beings with all their weaknesses who have failed to understand God's intentions.

<sup>1</sup> Sisters in Islam; 1991

## ISLAMIC FAMILY LAW AMENDMENTS HAVE DIMINISHED RIGHTS OF MUSLIM WOMEN

The Islamic Family Law (Federal Territories) Act 1984 (IFLA) was once regarded as among the most progressive in the Muslim world. However, instead of moving forward to recognise the changing circumstances of women, subsequent amendments to the law in 1994 and 2005 diminished the rights of Muslim women in Malaysia.<sup>1</sup>

These grossly discriminatory amendments were met with public outrage, which led to the formation of a committee that included women's rights groups to review the amendments. A series of new recommendations for amendments to the law were proposed, and agreement on these amendments was reached in 2006. However, to date, 13 years later, these relatively more progressive amendments have yet to be submitted to Parliament.



## NON-MUSLIM WOMEN HAVE BEEN GRANTED GREATER EQUALITY IN THE FAMILY

Family law reform for non-Muslims in Malaysia has taken a very different path. Polygamy has been banned. The same rights to enter into marriage and grounds for divorce apply to both men and women, both parents have equal rights to guardianship of their children, and inheritance laws provide for equal division for widows and widowers. These rights were not accorded to Muslim women as they were regarded as not in accordance with the Shariah.

In effect, Muslim women in Malaysia face double discrimination – firstly, they are discriminated against vis-à-vis Muslim men within the IFLA, and secondly, they are discriminated against vis-à-vis women of other faiths, with Muslim women enjoying far fewer rights in marriage, divorce, guardianship of their children and inheritance.

In Malaysia, Islam is used as a source of law and public policy. The conservative and patriarchal interpretation of Islam has effectively stalled progress and blocked legislative amendments to uphold the rights of women, particularly in the context of the family. As other countries move towards gender equality policies and laws, and equality within the family, Malaysia's law reform process with regard to Islamic Family Laws remains stalled.

<sup>1</sup> In 1994, the first round of law reform allowed for divorces pronounced outside the courts and polygamy committed without the court's permission to be registered as legal, upon payment of a small fine. This created a legal loophole which led to a proliferation of men who divorced their wives at will, as well as those who took second, third and fourth wives without the permission of the court. The fifth condition for polygamy – 'no drop in standard of living of existing family' – was repealed, thus eliminating an important condition that a man had to fulfil before the court would consider giving him permission to marry again. According to anecdotal evidence, many women found out they had been divorced through a letter from the court, while many others only found out through friends that their husbands had taken second wives. Divorce via text messages was also considered valid by Syariah Court judges. Nine years later, in 2003, another round of law reform was introduced that further discriminated against Muslim women. More legal rights were given to men, and the use of gender-neutral language extended to men rights that historically had been seen as the rights of women. Amendments were first introduced in the state of Selangor in 2003, and thereafter the Islamic Family Law (Federal Territories) (Amendment) Act 2005 was passed in Parliament applicable for Federal Territories, with a number of discriminatory provisions which further dismantled the progressive provisions in the 1984 IFLA.

## OBJECTIVES OF THE SURVEY

Within this highly-charged and politically-sensitive environment, women's demand for change has been lost in the rhetoric of religious conservatism. Women's experiences and lived realities are secondary in policymaking. The primary consideration is an interpretation of the Qur'an that is traditional and patriarchal at its roots, offering no form of compromise that takes into account the changing realities on the ground.

This was the main motivation of the survey conducted by Sisters in Islam. We wanted women's realities to be known and understood by the Malaysian public. The position of the Malaysian Muslim woman needs to be discussed openly, critiqued and debated. Change will not occur if this remains a taboo issue. Malaysian Muslim women's lives are changing, and it is time we were served by laws and policies that met our changing needs.

The objectives of this survey were thus set to discover the experiences and realities that Muslim women in Malaysia face in their day-to-day roles as daughter, wife, mother and career woman. As will be seen, every aspect of these roles is burdened by preconceived ideas of 'what makes a good Muslim woman'. In particular, the survey sought to answer the following questions:

- What does equality typically mean to Muslim women? What does equality mean to Muslim women, from an Islamic point of view?
- What are their sources of religious knowledge, and from where do beliefs and perceptions concerning religion develop?
- Is equality variable and changeable according to different environments/situations/life roles? Are women asserting their rights equally at work, in public and in the family?
- Are current Malaysian practices, norms and laws seen as adhering to the Muslim woman's comprehension of equality? Where are the biggest gaps between beliefs and practices/norms?

## CONTINUING THE REFORM AGENDA

The findings of this survey are expected to form the evidentiary basis of Sisters in Islam's advocacy of reform of Islamic Family Laws in Malaysia. The laws of Malaysia must reflect the lived realities of these women and their struggles. This work must continue in order to ensure that women can exercise their rights that are granted in the family within a 21st-century context in which women play a critical role in both private and public spheres. The enforcement of women's rights in marriage, divorce and with regard to their children, as well as the empowerment of women at work and in their public role, are critical to ensuring well-being in the family unit as well as the productivity of the nation.



# CHAPTER 2

## RESEARCH DESIGN

**Ipsos** was commissioned by Sisters in Islam to conduct an independent survey on Muslim women in Malaysia. Drawing on its vast experience, Ipsos ensured that it combined fresh insight through engaging, action-focused research narratives to deliver smarter, methodologically neutral research design. While Sisters in Islam had been receiving feedback on women's lived realities<sup>2</sup>, it was found that there did not exist a nationwide survey on attitudes of Muslim women in Malaysia with regard to women's rights and equality, both in terms of their understanding of it conceptually as well as in the day-to-day realisation of these rights. While many surveys were available in this broad subject area, very few explored the issue of religion alongside gender equality, gender-based discrimination, practices, norms and cultural traditions. With grounded, method neutral research solutions, Ipsos ensured that the study conducted was free of any bias and that objectivity was maintained all throughout.

<sup>2</sup> Sisters in Islam publishes statistical data on the feedback received from its Telenisa clients. Telenisa is a free legal advice clinic offered by Sisters in Islam. For the latest statistics see [https://sistersinislam.org/wp-content/uploads/2019/04/Telenisa\\_booklet\\_en\\_FA\\_reduce-compressed.pdf](https://sistersinislam.org/wp-content/uploads/2019/04/Telenisa_booklet_en_FA_reduce-compressed.pdf)



## METHODOLOGY

The survey was conducted between 2018 and 2019 in two phases – the qualitative phase followed by the quantitative phase. Due to the complexity of the topic and the objectives of unearthing perceptions as a result of religious beliefs, a comprehensive and multi-method approach was adopted to provide a more holistic and complete understanding of the matter.

The two phases involved survey questions and one-on-one interviews. The language used was mainly Bahasa Malaysia, as this was the language most respondents were comfortable with. The interviewers were mainly women, again taking into account that this would be more effective in eliciting more frank and open discussions.

The **qualitative phase** was conducted with different segments of the population to understand their current views and the roots of their attitudes and perceptions. Acknowledging that there were very few studies that directly addressed perceptions and religion, we adopted an exploratory approach and provided a platform for respondents to freely express themselves.

The platform used was the Ipsos Online Community. The Online Community was carried out with a total of 20 respondents over five days. The respondents for the study were sampled from various locations, namely the Klang Valley and Johor Bahru (major urban areas in Malaysia), Kedah, Kelantan, Sabah and Sarawak. The community was moderated by a fully-trained member of the Ipsos qualitative team using an activity guide that had been developed based on the objectives of the survey.

The **quantitative phase** was carried out as the second phase of the research to quantify responses to the identified issues of the qualitative phase. The area of coverage was expanded in this phase.

A total of 675 Muslim women were interviewed. The respondents were aged between 18 and 55. The interviews were conducted nationwide, in urban and rural areas. The respondents were approached through street intercept and house-to-house. Respondents were asked a set of questions based on a questionnaire developed by Ipsos and Sisters in Islam. One-on-one interviews were held with individuals, where possible in complete privacy.

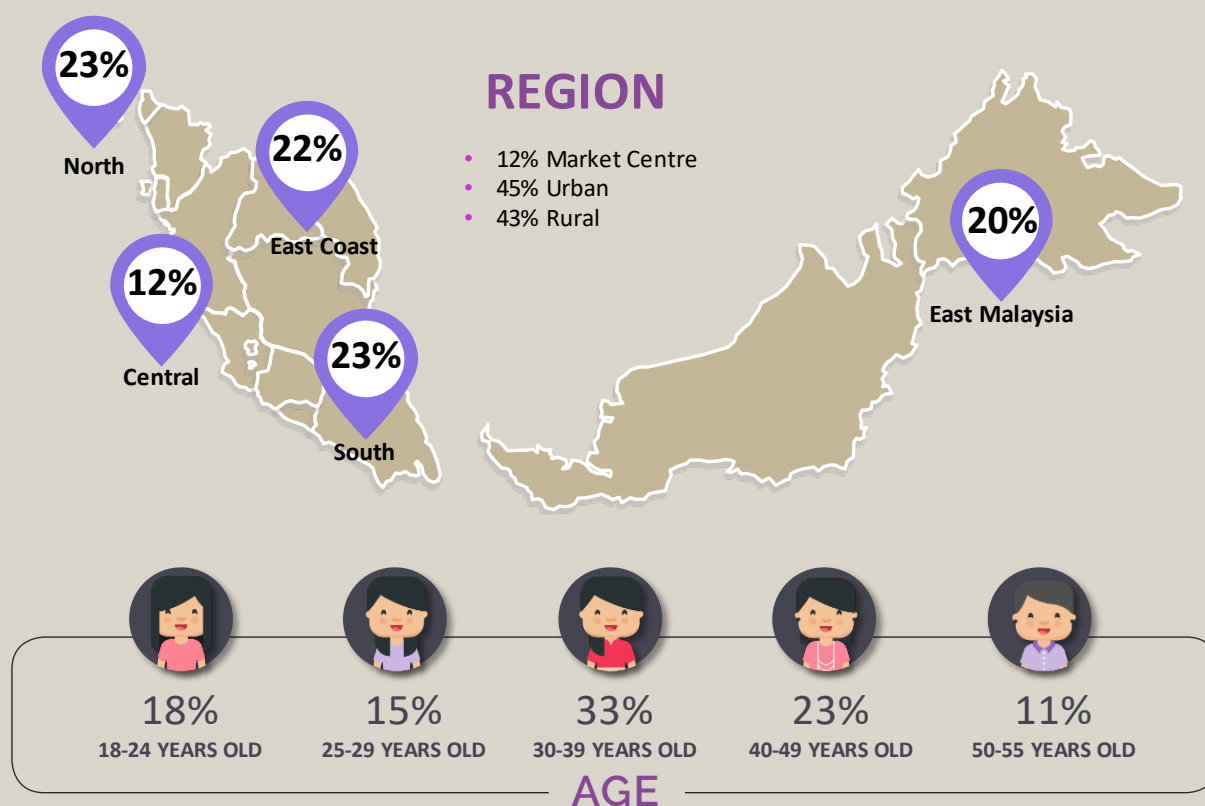
The geographical and strata distribution are as below:

North Malaysia (Kedah, Perlis, Penang, Perak)	23%
Central Malaysia (KL, Selangor)	12%
South Malaysia (Johor, Melaka, Negeri Sembilan)	23%
East Coast (Kelantan, Terengganu, Pahang)	22%
East Malaysia (Sabah, Sarawak)	20%
Market Centre	12%
Urban	45%
Rural	43%

Definition of Market Centre, Urban and Rural

Criteria	Main Business Centre	Population 10,000 or more	At least 60% of population (age 15 & above) engaged in non-agricultural activities
Market Centre	✓	✓	✓
Urban	x	✓	✓
Rural	x	x	x

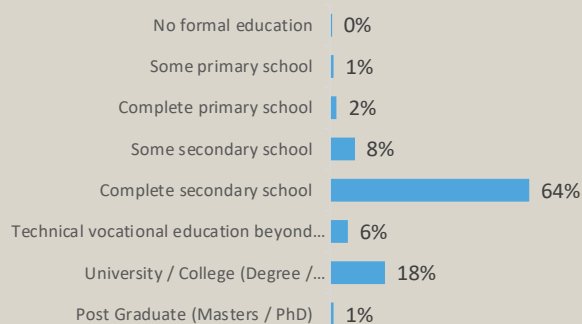
## PROFILE OF RESPONDENTS



## EDUCATION

Across the age groups, the group of **30-39-year-olds** was the largest group (**33%**), followed by the 40-49-year-olds (**23%**) and the young adults (**18%**).

More than half of the respondents (**64%**) had received up to **secondary-school education**, followed by university or college graduates (**18%**).



About **56%** of them were **working**: 47% were working full-time, and another 9% were working part-time. Homemakers formed the second largest group, comprising 35% of the respondents.

## OCCUPATION

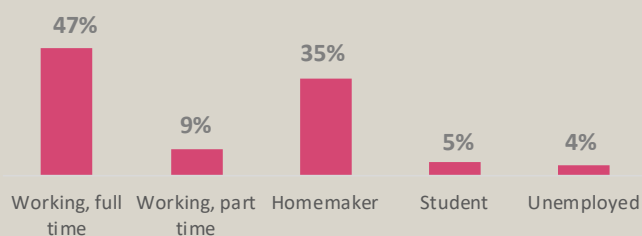
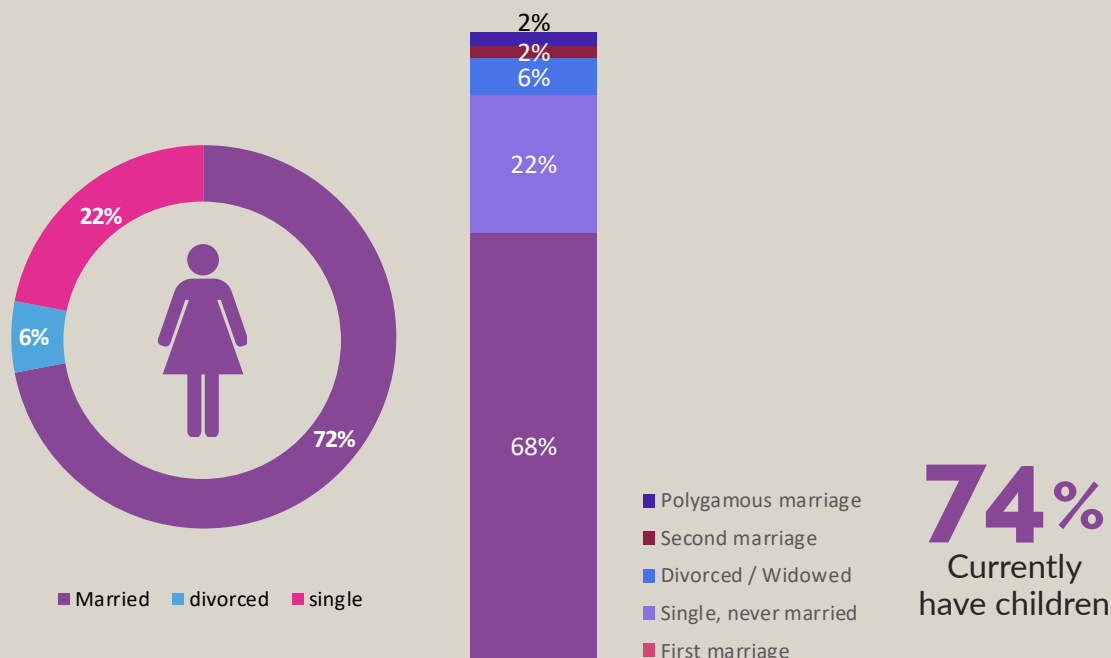
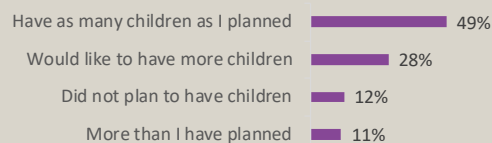


Figure 1: The Profile of the Muslim Women Interviewed - geographical distribution, age, education and occupation



## NUMBER OF CHILDREN



## DECISION MAKER ON HAVING CHILDREN

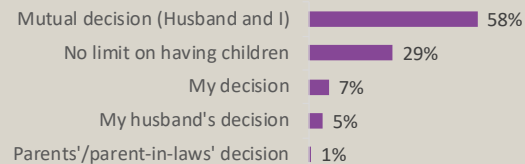


Figure 2: The Profile of the Muslim Women Interviewed – marital status, number of children, decision on having children

**72%** of the respondents were married while 6% were divorced. About 2% of them were in a polygamous marriage. **74%** of respondents had children, and almost half of them (49%) had the number of children as they planned. Only 12% did not plan to have children. **58%** decided the number of children together with their husbands, whereas 6% of the women had this decision made for them by others.

## CHAPTER 3

### WHAT IS EQUALITY?

The respondents approached the issue of equality from a broader perspective. The principle of just and fair treatment regardless of race, religion, gender, income level, social status or family background was, for them, the foundation to their understanding of equality. Equal opportunities in education and employment and the right to vote were other aspects which cut across the responses received.

In addition to this, during the discussion on equality, some respondents made reference to specialised facilities for girls and women to address safety concerns, such as women-only car park spaces and women-only coaches in public trains.



*Equality means justice or sameness. A clearer example is that everyone should be given the same opportunity in every aspect of life no matter their gender, religion or race.*



*Equality is rights for all of society. The same treatment should be given to any race or religion.*



*Equality means treating someone without discrimination. It doesn't matter whether they're male or female, beautiful or handsome or not. For example, if someone is soft or a tomboy, people think negatively of them but I prefer being friends with them because they're much more open and can accept other people.*



More than 90% of the respondents agree that they should have the right to vote (98%), the right to choose their life partner (97%), the right to education (96%) and the right to freedom of speech (93%). The right to choose whether or not to wear the hijab had the lowest percentage (83%).

Table 1: Questions: Please select whether you agree with the following statement. Do you think these rights are being exercised?

As a Muslim woman, I have the right to....		ARE THESE RIGHTS EXERCISED?	
		YES	NO/ SOMETIMES
... vote	98%	94%	6%
...choose my own life partner	97%	90%	10%
...education/ be educated to the highest level/ degree I wish to go	96%	92%	8%
...decide when to get married	95%	92%	8%
...live my own life the way I wish to	94%	87%	13%
...speak my mind freely	93%	86%	14%
...decide whether I want to get married or remain single	91%	89%	11%
...decide to wear a hijab	83%	88%	12%

The right to speak freely was ranked 6th by respondents as can be seen in Table 1 above. However, 14% responded that they did not (or could not) practise this right. This was followed by 13% of respondents who said that they did not (or could not) practise the right to live their lives as they wished, and 12% who said the same regarding the decision to wear the hijab.

Freedom of speech and expression is regularly identified as an area of dissatisfaction or discord with the current norms. Social, religious and cultural norms dictate that a woman (a Muslim woman in Malaysia) should not be too demanding, nor should she voice her opinions too strongly. However, the findings here indicate that some of these women feel that such expectations of them are not fair and impinge upon their right to freely express themselves.

When examined within the context of the different roles these women take on within their life cycle, the dissatisfaction becomes more obvious. From the perspective of a Muslim daughter, 75% felt that daughters had a lesser right in making family decisions; and as a Muslim mother, 76% demanded a greater right to speak up and give opinions. For the Muslim woman in the role of a wife, 97% responded that it was their duty to obey the husband. Conversely, the data also showed that 57% of the women viewed the need to obey the husband as a challenge, particularly in their role as a mother. The need to obey a husband's instructions "leads to limitations in carrying out a lot of things."

The right to self-determination, especially in making independent life choices, is another right that women sometimes feel they are not in a position to exercise. In their role as daughters, 78% of respondents thought that their parents were too controlling and 68% thought that their parents did not allow them to be independent. The need for a wife to obey the husband sometimes results in the wife being deprived of opportunities to further her studies or her career. At work, the respondents felt that they did not have as many opportunities as men, such as opportunities for development and promotion, and that there was a bias against women who are married and have children.

Questions on the hijab – whether respondents viewed it as a choice or mandatory – elicited views that were contradictory. As can be seen in Table 1 above, the data showed that 83% felt they had a right to choose whether or not to wear a hijab. In Table 2 below, 62% of the respondents felt that it is acceptable for a Muslim woman not to wear a hijab<sup>3</sup>. In a different set of questions on the issue of right and wrong under the religion, 90% felt that wearing a hijab is mandatory for Muslim women.

<sup>3</sup> Incidentally, feedback from the question on hijab also revealed that 76% of the respondents thought it unacceptable for a woman wearing a hijab to smoke.

Table 2: Question : What do you think the ideal environment would be like, for a woman, if Islamic rules of treating women were adhered to your “Expectations”?

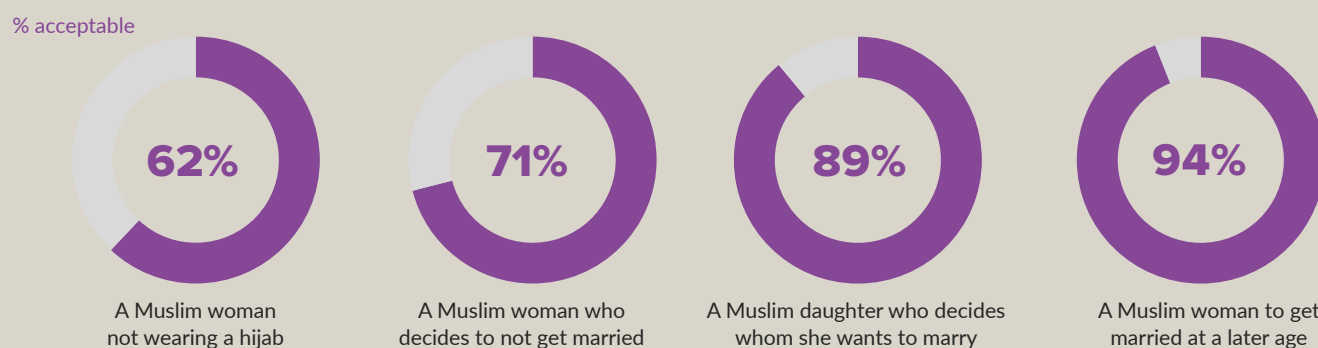


Table 3: Question: Do you agree with the following statements?

		South	North	East Coast	Central	East Malaysia	Market Centre	Urban	Rural
	Base	157	154	153	78	133	79	303	293
When things are declared as haram, it is haram. There is no tolerance towards it	94%	97%	95%	95%	90%	95%	94%	95%	95%
Wearing a hijab is a must for a Muslim woman, not a choice	90%	93%	97%	97%	85%	74%	90%	91%	89%
Men and women are being treated equally in Islam	88%	92%	88%	80%	88%	89%	87%	89%	86%
An individual is considered as not a good Muslim if he or she questions what is being authorised by JAKIM	74%	70%	69%	82%	76%	75%	78%	78%	69%
A woman can still be a good Muslim even if she is not wearing a hijab	73%	62%	68%	72%	79%	88%	73%	73%	72%
A person can be a good Muslim even if she is not praying 5 times a day	49%	47%	42%	29%	60%	79%	51%	55%	44%

Respondents identified gender inequality mainly from their public roles, in particular as women in the workplace<sup>4</sup>. While it will be seen from Table 4 below that inequality in treatment as well as in opportunities for women exist in the family environment, this was not identified by the respondents as inequality or discrimination. Many women, despite wanting equal treatment in the family, provide excuses or justifications for the differential treatment of women and men in the family. Patriarchal values – such as the idea that women must have limitations imposed on them in order to protect them or ensure their wellbeing – seem very much entrenched within the minds of Muslim women in Malaysia.

Gender inequality is more prominent at an individual level; there exists strong pressure to conform to expectations. Independence is lacking in a Muslim woman's roles as a daughter, as a wife and as a mother. As a wife, a Muslim woman experiences greater levels of inequality than in other roles.

When the discussion was directed to equality within Islam, respondents' feedback showed that the concept of equality was not perceived as something that is not aligned with the religion. Islam is viewed as a just and fair religion. Respondents felt that all human beings are on the same level in God's eyes. Men and women are equal before God. Table 3 above shows that 88% of respondents were of the view that men and women are treated equally in Islam. However, they acknowledged that teachings under Islam can be used to favour men as the more 'dominant' gender and this is a pressure point for women to portray an acceptable self-image.

<sup>4</sup> See Chapter 7, section entitled Challenges of the Working Woman.



Every human being is of the same position in the sight of Allah swt. Hence, we should treat everyone equally and ethically regardless of gender as our Iman (faith) in Islam and Taqwa (piety) to Allah obliges us to do so.



The concept of equality from an Islamic point of view is in faith and piety. Islam judges men and women from their levels of faith, regardless man or woman.



In the context of Islam, Muslim women defined 'equality' as equal treatment in any social status (91%), being equal before God (84%) and equality in terms of ability to perform religious activities (80%).

In an ideal environment where women are treated as per Islamic ideals, women would receive fair treatment, emotionally and physically. Women would be treated with respect, and husbands and wives would share family and household responsibilities.

As can be seen in the data in Table 4 below, the respondents in the Central and East Coast regions had the highest response on the question on respect compared to other options<sup>5</sup>, while in all other regions the highest response was in relation to the question on fair treatment<sup>6</sup>. On husbands sharing the household responsibilities, the expectation was highest in the East Coast (97%) compared to other regions. The respondents from the East Coast region rated all the questions very highly – in the 90th percentile. There were lower expectations for gentle treatment, quality time, and shared responsibilities among those from Central and Market Centres.

Table 4: Question: What are your expectations in an ideal environment where Islamic rules of treating women are adhered to?

		South	North	East Coast	Central	East Malaysia	Market Centre	Urban	Rural
	Base	157	154	153	78	133	79	303	293
To be treated fairly	94%	99%	95%	99%	78%	90%	89%	93%	96%
To be respected as a daughter, a wife, a mother	89%	89%	86%	99%	86%	84%	82%	90%	90%
To be treated gently as a person, especially as a wife	88%	92%	81%	97%	76%	87%	81%	90%	87%
To be able to spend enough quality time with family	84%	89%	82%	96%	69%	75%	73%	85%	85%
To be loved unconditionally	82%	83%	75%	96%	74%	77%	78%	81%	84%
To have the husband share the household responsibilities	81%	84%	67%	97%	69%	80%	76%	82%	81%

However, when respondents were asked about their lived realities, the responses revealed that women face the following top three challenges: husbands who do not help with household work, the lack of care towards their emotional needs, and being physically or emotionally abused. This reality is even more prominent among respondents from the East Coast.

<sup>5</sup> Comparing responses to questions, not responses across regions.

<sup>6</sup> Comparing responses across regions. Note that the East Coast region rates fairness and respect equally at 99%.

As shown in Table 5 below, at least 83% claimed that household responsibilities were not being shared and were only being carried out by the wives. This was very prominent among those in the East Coast region (93%). The second-highest challenge faced by respondents at 82% was that women's emotions were never being cared for or given attention, again with the East Coast region surveyed higher (88%) than the average. Physical/emotional abuse, wives who work to support the families, as well as unequal treatment towards divorced wives are among the other realities that are far from ideal.

Table 5: Question: What do you think is the reality that you are facing, as a Muslim woman in Malaysia?

		South	North	East Coast	Central	East Malaysia	Market Centre	Urban	Rural
	Base	157	154	153	78	133	79	303	293
Husbands who let their wives do all the house chores	83%	85%	73%	93%	81%	83%	81%	84%	83%
Women's emotion are never being cared or given attention	82%	84%	77%	88%	71%	85%	77%	83%	83%
Some women or wives are being physically and/or emotionally abused	82%	86%	74%	91%	63%	86%	67%	85%	82%
Only the wife works to support the family	78%	76%	71%	89%	78%	75%	70%	81%	77%
Divorced women are not being treated rightfully, i.e children's custody, alimony, etc.	75%	81%	68%	87%	59%	72%	66%	75%	77%

## GREATER AWARENESS NEEDED OF THE NECESSITY FOR EQUALITY

Most respondents believe that before equality for the Muslim woman can be effectively realised, the topic must first be recognised as an issue of importance.

79% agreed that awareness in society had to be heightened to improve equality. 76% stated that there should be more working opportunities to generate income for low-income households, while the same percentage wanted the right to speak their minds. Three quarters of respondents (75%) wanted better law enforcement to combat gender-based abuse and attacks on or unequal treatment of women.

## EQUALITY REGARDLESS OF RACE OR RELIGION IS A VALUED FEATURE

The politicisation of race and the religion of Islam in Malaysia has led to changes in society and communities, giving rise to an environment that promotes and tolerates racially divisive statements and actions, among many other issues. Within this environment, it is refreshing to note that the majority of the respondents of this survey identified with the concept that there must be equal treatment regardless of race or religion. This is identified as one of the features of equality that are valued. This is an important point to note, as women may be able to play a role in promoting a more racially inclusive society in the country.

The United Nations Development Programme stated in its report "Journey to Extremism in Africa" that women were more likely than men to agree that people belonging to different religions should be treated equally. Local connections in their communities, an understanding of culturally specific issues, and skills at mobilising social capital, position women as strong interlocutors for peace. UNDP has previously highlighted the potential of grassroots women to lead resilience-building in their communities in the face of disasters.<sup>7</sup> It is time to do the same within the context of dealing with racial, religious and other forms of extremism, such as those experienced in Malaysia.

<sup>7</sup> March 29, 2018; <https://www.undp.org/content/undp/en/home/blog/2018/violent-extremism-reopens-the-conversation-about-women-and-peace.html>



## EQUALITY BETWEEN MEN AND WOMEN IN THE QUR'AN

In the eyes of God, Muslim women and men are equal participants in all aspects of Islamic life. Several verses in the Qur'an (33:35-36, 9:71-72, 4:124, 3:195, 40:40, 16:97) specifically address both women and men, giving them equal roles and responsibilities in spiritual life and in the Islamic struggle, and equal rewards and punishment for their actions.

However, due to a number of historical and cultural factors, many Muslims have come to believe that men are inherently superior to women. Surah An-Nisa' verse 34 has often been cited to subjugate women to a secondary position to men.

The surah states:



**Men are *qawwamun* (protectors/maintainers) in relation to women, according to what God has favoured some over others and according to what they spend from their wealth. Righteous women are *qanitat* (obedient), guarding the unseen according to what God has guarded. Those [women] whose *nusyuz* (rebellion) you fear, admonish them, and abandon them in bed, and strike them. If they obey you, do not pursue a strategy against them. Indeed, God is Exalted, Great.**

*Translation by Kecia Ali*



Verse 4:34 continues to be invoked as the main textual basis for male authority and hierarchical gender relations in Muslim societies. *Qiwamah* as constructed by classical jurists includes not only the idea that husbands have the financial responsibility of providing for their wives and children, but also that men have authority over women in general.

However, the construction of the above verse into the assigned meaning of men's authority over women is not a Qur'anic concept. They are human-made constructs that were developed by classical Muslim scholars working in the context of the gender norms and practices that were prevalent in their time, that is, when it was the norm for men to be in a position of authority over women.<sup>8</sup> That was their lived reality.

These beliefs have imprinted themselves on the Muslim mind, causing immeasurable harm to women throughout the centuries. More essentially, they contradict the true spirit of the Qur'an.

Other Qur'anic principles beautifully elucidated in the sacred text instruct as the foundation for marriage and gender relations, the following: tranquillity (*sakinah*), love and compassion (*mawaddah wa rahmah*), that which is commonly known to be good (*ma'ruf*), justice (*'adl*), fairness (*qist*), kindness (*ihsan*), and consultation and mutual consent (*tashawur wa taradi*). It is timely that these principles be the foundation of laws and policies that govern Islamic Family laws in Malaysia.

<sup>8</sup> See Men In Charge? Rethinking Authority in Muslim Legal Tradition; Edited by Ziba Mir-Hosseini, Mulki Al-Sharmani and Jana Rumminger; 2015

## CHAPTER 4

### THE PROJECTED IMAGE OF THE MUSLIM WOMAN IN MALAYSIA

One of the key findings of this research is the pervasive need to project an image of a 'proper Muslim woman', not for self-satisfaction, but to avoid negative perceptions that others may have. The image of the proper Muslim woman includes behaviour and dress codes. The need for this projected image seems to apply almost exclusively to Muslim women, and not men. This situation is seen as unfair by the respondents.

The need to conform to accepted norms and social expectations is still dominant in the communities of the respondents. 80% of respondents agreed that they face challenges relating to social conformity, and 59% experienced moral policing and public shaming.

#### The Pressure to Conform Starts from Childhood



*When it comes to me, I can't do this, I can't do that. They say that girls shouldn't be out so often, what would the neighbours say.*



*Daughters need to always watch what they do as they carry their parents' and family's image. Girls are usually watched by society so their movements are limited and they always have to say the right thing so that they look just right.*



*When I'm with my parents outside, my behaviour strongly follows the formalities and rules as a Muslim daughter. I need to maintain a spotless image so that I don't embarrass my parents. My dressing needs to be looser and decent.*



*From my own experience, I'm the eldest daughter in the family so inequality is very real, I'm not allowed to go out or come home too late, while my younger brother is allowed to do so. In terms of dressing, he (younger brother) is given more freedom while I have to watch my dressing both at home and outside.*

For many respondents, their experiences in their upbringing had impressed on them that Muslim daughters were always expected to behave and dress in a certain manner. As daughters, respondents also felt the pressure of their families' reputations being dependent on their behaviour and dressing.

The challenges identified by the respondents (in their role as daughters) included: over-controlling parents (78%), daughters feeling they had a lesser right in decision-making as their parents made family decisions (75%), many feeling exposed to the possibility of being slandered for inappropriate behaviour (70%), and parents not allowing daughters to be independent (68%). Technology was identified as a challenge as there is a higher possibility that aspects of a daughter's lifestyle which are hidden from the family might be exposed through social media.

Conversely, when asked about their role as mothers, respondents' feedback reflected the same pressure of raising their children to conform to social expectations. 84% of respondents (who were mothers) felt that the main challenge as a mother was to raise their children the 'right' way. These mothers always felt they were being judged by people around them on how they raised their children. 80% of the respondents acknowledged that teaching their children about religion was not easy.

84% of respondents saw education for their daughters as a key determinant of equality. 83% felt that religious education was necessary to ensure their daughters' knowledge of Islam remained solid as they grew up. 80% agreed that daughters should be allowed to explore opportunities as long as this did not cross the boundaries of Islam. 78% thought it was important to teach daughters about respect from the beginning so that they would grow up knowing their limits. Only 62% agreed that it was important to raise awareness on daughters' rights in marriage.

## FORM VERSUS SUBSTANCE

In trying to unpack the issue of perception versus reality, we also need to understand the approach of women towards form and substance within the religion. Is one's appearance a barometer of her piety? 90% of respondents agreed that wearing the hijab is mandatory for Muslim women, but this contrasts strikingly with another point of view where 73% of the respondents felt that a woman could still be viewed as a good Muslim woman even if she did not wear the hijab. 49% of the respondents also held the view that a person can be a good Muslim even if he or she does not pray five times a day.

## EQUALITY STARTS AT HOME

The challenges that Muslim daughters face are all connected to their ability and space for their expression as individuals, and their decision-making capacity within the family. The pressure to maintain the image of a 'proper Muslim woman' comes from the reality of being judged by others, and knowing that the perception of others vis-à-vis daughters shapes the standing of the whole family within society.

The traditional way of raising children in Muslim households in Malaysia is usually more protective of daughters. Parents tend to be stricter and more policing towards their daughters as compared to their sons. They are more controlling about clothing style for daughters. It is not uncommon for parents to promote modesty in dressing from young. Young girls can be seen in fully-covered clothing and sometimes in hijab as well. Boys, on the other hand, may be permitted to wear shorts.

As children grow up, boys would normally have later curfews than girls. Sometimes, even when the children have graduated, become adults and started working (but continue to live with their parents), girls would still have to abide by curfews whereas boys would not. This is due to parents (and society) wanting to protect women and girls and avoid vulnerable situations that might lead to harm, both physically and emotionally. These vulnerable situations are often imagined to be immoral activities, perhaps resulting from over-socialising or having unrestricted interactions between genders.

In fact, the view on staying out late remains even after a woman has her own family. Muslim women view it as unfair that men can socialise late into the night while they have to stay home.

Ideally, the respondents interviewed want to be allowed the same level of freedom when it comes to social activities and dressing. It is worth noting that some of these women resent being overprotected. For them, the very idea that women need protecting more than men undermines women as it implies that women are unable to take care of themselves.

Freedom of mobility and dressing represents the sort of progressiveness and fair treatment that the respondents, and indeed Muslim women generally, are seeking. What is also evident is that even though respondents are bound by societal and religious norms, there is a growing desire to make a bigger impact and to become more relevant in all spheres of their lives, as individuals, mothers, daughters, wives and career women. The issue gets more complicated as these women feel that they are limited in their ability to achieve and make full use of the opportunities presented to them as they fear that doing so would disrupt the family structures and social norms that are traditionally set for them. Thus, we see a dichotomy in the Muslim women involved in this survey – while they believe they are fully empowered and mostly equal to men, they also feel constricted from participating and contributing fully in the different spheres of their lives. In many cases, these constrictions are the result of having to conform to the stereotype of a good Muslim woman, mother, daughter or wife.

From the feedback received, inequality is obviously more starkly practised at home. However, because it exists in the private spaces, it is regarded as personal experiences. Perhaps another important factor to note is that as the inequality in the family environment is practised by loved ones, women tend to think it is an individual-level experience. Statements like “My father only wants to protect me” or “My mother was brought up that way too” provide distractions from the reality of discrimination within the family. Considering these equality issues to be very individual-centric is the basis as to why the respondents believe that it is not an issue at a collective or societal level. For this reason, a concerted and long-term awareness programme is required to change cultural, traditional and religious norms that have caused entrenched discrimination against women.

## A VISION FOR THE EGALITARIAN FAMILY

Musawah<sup>9</sup>, the global movement for equality and justice in the Muslim family, asserts that in the 21st century, there cannot be justice without equality. Many provisions in Muslim family laws, as defined by classical jurists and as reproduced in modern legal codes, are neither tenable in contemporary circumstances nor defensible on Islamic grounds. Not only do these family laws fail to fulfil the Shariah requirements of justice, but they are also being used to deny women rights and dignified choices in life. These elements lie at the root of marital disharmony and the breakdown of the family.

Qur’anic principles and the richness of the Islamic juristic tradition enable us to formulate Muslim family laws today that are egalitarian and that reflect the needs of contemporary societies. Islamic teachings and universal human rights standards are fully compatible and are dynamic and constantly evolving, based on changing times and circumstances. Inspired by the Qur’anic vision of justice and gender relations, gender equality and non-discrimination can only be achieved with laws, practices and norms that transform power relations in the family and in society in the direction of just outcomes.

<sup>9</sup> Musawah was initiated by Sisters in Islam and launched in February 2009 at a Global Meeting in Kuala Lumpur, Malaysia, attended by over 250 women and men from 47 countries, including 32 OIC countries.

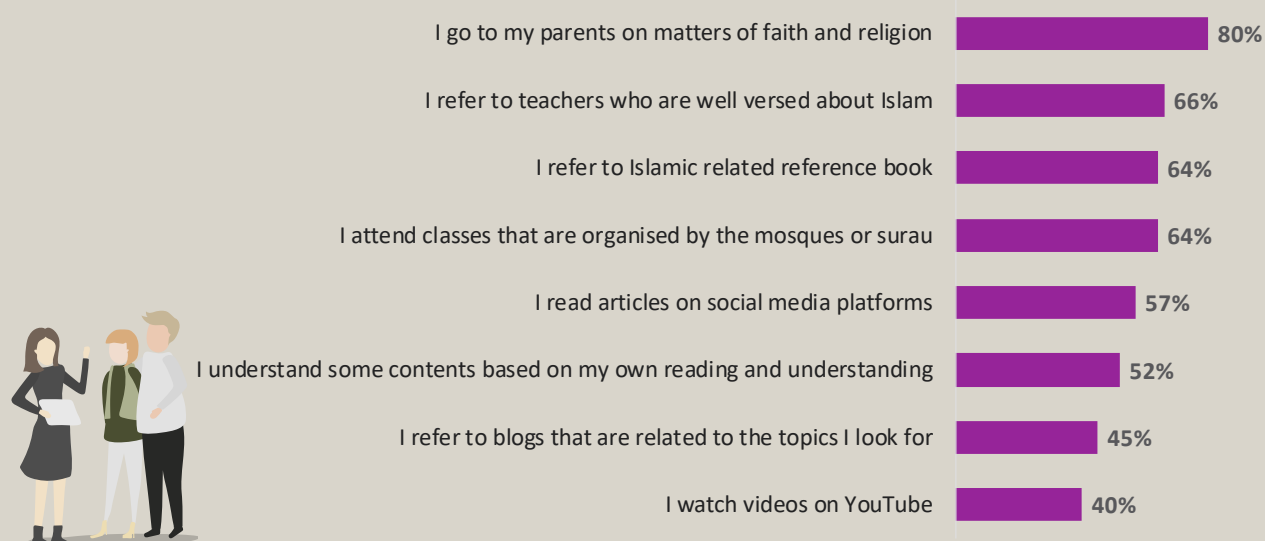


## CHAPTER 5

### SOURCES OF KNOWLEDGE ON RELIGION

From respondents' feedback, religious knowledge on Islam is mostly gained through tradition (family) and formal learning from schools. There is little or no active effort to gain a more detailed understanding of the application of religion in day-to-day life. Teachings from school and parents are most common, and are taken at face value. The veracity and accuracy of the information received are seldom questioned. There is little or no active effort to achieve a more detailed understanding of the rights of Muslim women.

Table 6: Question: Where did you hear/find out/learn about religion? Are there specific people that you turn to or trust on these matters?



Interestingly, many respondents admitted that their sources of Islamic knowledge were limited and many were content with the teachings they had received from school and their parents. 80% claimed that they received their knowledge from their parents, followed by teachers who are well-versed (66%), Islamic-related reference books (64%), classes organised by the mosque/surau (64%) and articles on social media platforms (57%).

Islamic scholars are sometimes “followed” socially (online) but it is likely that only snippets of the lectures are viewed. The scholars are also followed based on popularity (likely to be forwarded links), rather than their expertise or qualifications in a given field. Some Islamic scholars are followed based on popularity within their social circles rather than the content they talk about.



Although respondents feel a strong need to push themselves to fit the expectations of a ‘proper Muslim woman’, not many are sure where these expectations come from. The expectations and understanding seem to be inculcated from a very young age with a combination of their parents’ upbringing styles, lessons taught from schools and interaction with those around them.

## CREATING A NEW NARRATIVE OF ISLAM

While all Muslims accept the Qur'an as the source of our religion, the human effort in interpreting the Qur'an has always led to diverse and differing opinions. Until today we have the diverse schools of law and schools of theology that are still in use throughout the Muslim world. It is precisely because of this wealth of diversity that Islam spread and flourished in different cultures and societies – all could accommodate the universal message of justice in Islam.

The hegemonic approach to the religion of Islam (as in Malaysia) is also a denial of the historical context within which Islamic jurisprudence (*fiqh*) itself was constructed. For example, in classical Islamic jurisprudential texts, gender inequality is taken for granted. Women are depicted as 'sexual beings', not as 'social beings', and their rights are discussed largely in the context of family law. The classical jurists' construction of women's roles and responsibilities was right for their times, for it reflected the world in which they lived where inequality between women and men was the order of things and women did not have a large role in public life. Men were supposed to provide for and protect women and the family, and in return women had to obey and be available for men's needs.

Our realities have changed. And yet the conservative ulama that dominate the religious authorities and so many Islamist activists of today seem unable or unwilling to see Islamic law from a historical perspective as rules that were socially constructed to deal with the socio-economic and political context of the time. Similarly, many are unable or unwilling to see that given a different context, these laws have to change to ensure that the eternal principles of justice are served.

In this process, it is human agency, and with that the accumulation and production of new knowledge, that determines which Qur'anic texts are relevant, and how they should be interpreted to serve the best interests of the community. While the source is divine as it is the revealed word of God, human understanding of the word of God is a human construct that is fallible and changeable in accordance with changing times and circumstances. It is thus human experience and intellect, in engagement with the divine text, that lead to the production of Islamic knowledge and Islamic laws which cannot then be regarded as divine.

For this reason, the knowledge of the religion that is widely accepted must be challenged for its continued existence and truth within the understanding of the religion. How do we find solutions from within our faith if we do not exert *ijtihad* (understanding) and produce new knowledge and new understandings of Islam in the face of new problems? How do we ensure that the eternal principle of justice in Islam remains at the core of Islamic law in substance and in implementation?

Today, there is a real disconnect between the dogma that we learn and the reality that we experience, particularly as Muslim women. Muslim women's issues that arise as a result of discriminatory elements, and that are rooted in an ideology that subscribes to inequality without apology, must be subjected to open debate and critique.



## CHAPTER 6

### OBEDIENCE AS A PRIMARY DUTY OF THE MUSLIM WOMAN



The responsibilities of a woman in Islam revolve around obedience and conforming to expected roles and duties.

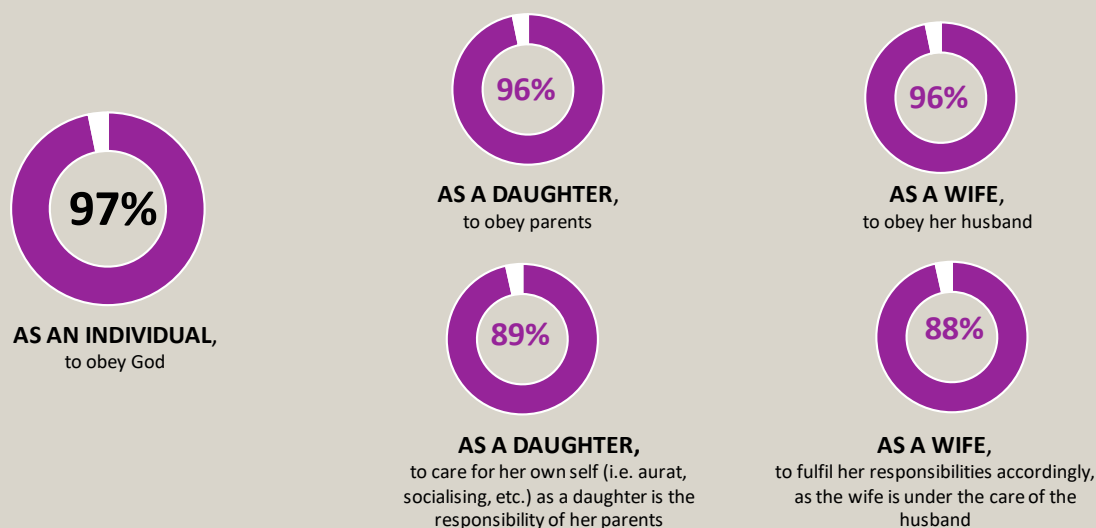


Figure 3: Question: What do you think are the roles of women in Islam?

The results overwhelmingly revolve around a woman's duty to obey, and reflect an entrenched view on the role of a Muslim woman – obedience to parents as a daughter and obedience to the husband as a wife are uncompromisable requirements of a good Muslim daughter and wife. 96% of respondents agreed that a Muslim woman had to obey her parents and husband; 89% believe that a daughter must take care of herself (modesty in terms of dress, social behaviour and interactions), while 88% believe a wife needs to fulfil her duties as a Muslim woman and that she is under the care of her husband.

## THE OBEDIENCE AND MAINTENANCE RIGHTS FRAMEWORK

Obedience is the main characteristic of a wife's relationship with her husband. 97% of Muslim women agree that they must obey their husbands and take care of their children, and that a woman's obedience defines her as a 'good wife'.

This uncompromising duty to obey one's husband has led to many situations where wives have not taken into consideration harm or injustices that may be committed unto them. In the experience of Sisters in Islam and in feedback we have received, women have said that they are reluctant to report domestic violence, including marital rape, because this would be a betrayal of the husband, and the family may regard the wife as having been disobedient with the husband.

Women are also afraid to leave violent situations in the home as they regard this as *nusyuz*.<sup>10</sup> Women stop working or reduce commitment to work, forgo opportunities to further their studies, accept not being able to visit their family as often as they would like, accept not being able to decide on family planning and so on – as in their minds, all this may constitute disobedience.

<sup>10</sup> Under the Islamic Family Law of the Federal Territories in Malaysia, a woman who commits *nusyuz* or disobeys any order lawfully given by her husband has committed an offense and can be fined. See discussion later under "Challenging the Maintenance Versus Obedience Framework".

In the area of domestic violence, the availability of legal recourse under the Domestic Violence Act 1994 has led many Muslim women to claim their right to live free from violence. 94% of the respondents believe they have a right to report to authorities if they are being mentally or physically abused. However, the figure drops significantly to 69% where there is sexual violence or where the husband forces sexual relations without the consent of the wife.<sup>11</sup> Only 68% of respondents felt they had a right to decide when to have sexual relations within the marriage.

Worryingly, 21% of respondents believe that a husband has a right to beat his wife.<sup>12</sup> Among those who accept this, the concept of *nusyuz* appears to provide a justification. 88% of respondents agreed that it would be *nusyuz* if a wife were to leave the house without her husband's consent, refuse to move with the husband (54%), refuse to have sexual intercourse (52%), refuse to open the door for the husband (50%) or refuse to answer the husband's calling (46%). Under these circumstances, they believe a husband may beat his wife. They believe that these are acts of disobedience by the wife, and therefore the husband is permitted to strike her. This goes directly against the principles of the Qur'an and is in complete contradiction to the practice of Prophet Muhammad who never hit his wife under any circumstances.

While 89% of the respondents considered themselves equal to their partner, only 57% believe they can leave the marriage at any time. 76% of respondents believe that the right to divorce must always be in the hands of the husband.<sup>13</sup>

Table 7: Question: Please indicate whether you agree with the following statements.



<sup>11</sup> Note that the criminal offence of rape under section 375 of the Penal Code excludes "sexual intercourse by a man with his own wife..."

<sup>12</sup> See Table 9

<sup>13</sup> See Table 9



Muslim marriages under the Islamic laws of Malaysia define static roles for the husband and wife. The attitude of obedience to the husband is embedded in the law. In return for the obedience of the wife, the husband has the duty to provide for the wife and children.

Respondents identified *nafkah* (maintenance) as a woman's most important right in a marriage (92%). This was followed by other rights such as mutual decision-making (84%), having one's feelings respected and opinions heard (82%), the right to object to the husband's new marriage (74%), and the right to decide on sexual relations with the husband (67%).

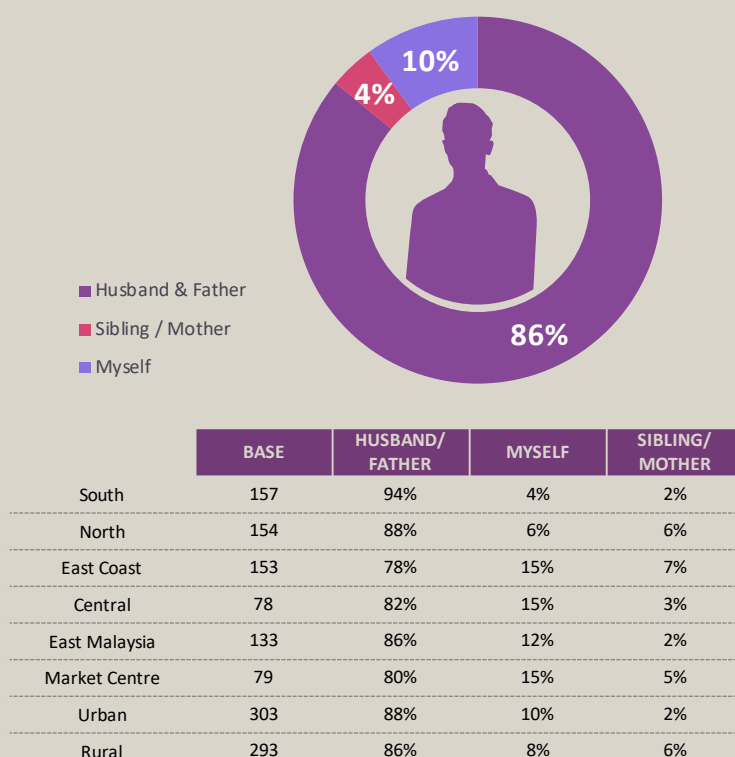
*Table 8: Question: What do you think are the rights of a Muslim woman after she gets married?*



Respondents reported that in their families, the men were the main breadwinners in the household (86%). 62% found it unacceptable for women to be the breadwinner of the family. As shown in Figure 4 below, of the respondents who accepted that women can be the breadwinner of the household, 66% said that they should then hold the decision-making role in the family. Therefore, there seems to be an underlying understanding that whoever provides, should have the right to be the primary decision-maker.

## WHO IS THE MAIN BREADWINNER?

Figure 4: Question: In your household, who is the main breadwinner?



### What if the wife/ mother were the breadwinner and/or the decision maker of the household?

**62%**

say that it is **not acceptable** for the **wives or the mothers to be the breadwinner** of the household even if the father/ husbands take over the responsibilities as a caregiver / home maker

**66%**

agree that it is **acceptable** for **wives or mothers to take over the decision making role** if the **wife/mother** is the breadwinner of the household

## CHALLENGING THE MAINTENANCE VERSUS OBEDIENCE FRAMEWORK

The Islamic Family Laws of Malaysia are grounded in a marital framework based on 'reciprocal' or 'complementary' rights (as opposed to 'equal' rights) between the two spouses, whereby in return for maintenance and protection from her husband, a wife is expected to 'obey' him. Her failure to obey might lead to a loss of her right to maintenance. This classical legal framework that regards all men as providers and protectors of the family leads to privileges and rights granted to men in terms of marriage, divorce, guardianship, inheritance, etc. In practice, when men fail to undertake their roles and their responsibilities, their privileges remain in place; meanwhile, Muslim women today who provide for and protect their families do not get any recognition in law that they are worthy of being treated as equal to men.

## OBEDIENCE IN OTHER SITUATIONS

This entrenched attitude to obey 'authority' without question extends to Islamic authorities in Malaysia. Where an Islamic authority has declared a matter *haram*<sup>14</sup>, 94% of respondents will not question the logic or veracity of it. There is no tolerance for going against such declarations.

With regard to the role of a Muslim daughter, 70% believe they can disobey their parents' wishes if these go against her beliefs, but 14% of them claim that this cannot be exercised in reality.

<sup>14</sup> Forbidden in Islam

The law on *nusyuz* cements this reciprocity of rights. Section 59 of the IFLA states that:

- (2) Subject to Hukum Syarak (Islamic law)<sup>15</sup> and confirmation by the Court, a wife shall not be entitled to maintenance when she is *nusyuz*, or unreasonably refuses to obey the lawful wishes or commands of her husband, that is to say, inter alia—
  - (a) when she withholds her association with her husband;
  - (b) when she leaves her husband's home against his will; or
  - (c) when she refuses to move with him to another home or place, without any valid reason according to Hukum Syarak.
- (3) As soon as the wife repents and obeys the lawful wishes and commands of her husband, she ceases to be *nusyuz*.

The idea of complementarity of rights is a manifestation of male authority (*qiwamah*) and guardianship (*wilayah*) over women. It does not in practice lead to equality in rights and responsibilities between the husband and wife. Men who fail to provide do not lose their authority over women, while women who financially provide for the family do not enjoy corollary rights and privileges. This concept plays a central role in institutionalising, justifying and sustaining a patriarchal model of families in the Muslim context, and must be challenged. Far from creating harmony in marriage, these laws are among the main causes of marital breakdown and violence against women. There is thus an urgent need for reform.

The law on *nusyuz* is particularly harmful to women. Based on feedback received by Sisters in Islam, not only are women reluctant to act against violence, but husbands also use it as a threat against their wives. The law enables some of these husbands to act with violence without suffering any consequences.

Other Muslim countries have recognised the need for change in order to create more harmonious family relations. In Algeria, the family is based on equality between spouses under the Constitution and the Civil Code. In Turkey, the Family Code requires spouses to live together in harmony, mutual respect and kindness, contribute jointly to the preservation of the family's interests, the protection of their children and the provision of a sound education for them and mutually agree on the management of the family's affairs, including the spacing of births. In Morocco, the Family Code (*Moudawanna*) recognises the marriage as a partnership of equals and specifies the 'mutual rights and duties' between spouses which include: (i) cohabitation, mutual respect, affection and the preservation of the family interests; (ii) both spouses assuming the responsibility of managing and protecting household affairs and the children's education and (iii) consultation on decisions concerning the management of family affairs.

These laws are in existence in Muslim-majority countries, where the approach has been to adopt Qur'anic principles which promote harmony, compromise, mutual respect, kindness and affection. Thus, reform is possible within the Muslim family structure. And as we can see, reform is urgently needed to reduce women's vulnerability to harm and discrimination.



<sup>15</sup> Section 2 of the Islamic Family Law (Federal Territories) Act 1984 - "Hukum Syarak" means Islamic Law according to any recognized Mazhab

# CHAPTER 7



## POLYGAMY

An overwhelming **70%** of the respondents accept that a husband has the right to practise polygamy if he can treat all the wives fairly. However, only 32% among them would allow their husbands to take another wife.

***"Polygamous marriage is okay provided that men can be fair and just, but I am not allowing my husband to marry another wife"***



Figure 5: Question: Would you allow your husband / future husband to marry another wife if he is able to be fair and just, both financially and emotionally, to each of the wives?

In Table 9 below, 93% agreed with the statement that the first wife must be informed of her husband's intention to take a second or third wife, while 59% of respondents felt that polygamy is still relevant and could be accepted today.

Table 9: Question: For each, please indicate whether you agree or disagree.

		South	North	East Coast	Central	East MY	Market Centre	Urban	Rural
	% agree	157	154	153	78	133	79	303	293
A child is a blessing. And having many children is a way of God blessing me	97%	96%	98%	98%	91%	97%	94%	97%	97%
A good wife and mother is a woman who obeys her husband & takes care of the children	97%	98%	97%	99%	92%	95%	96%	97%	97%
A married woman must always be obedient to her husband as he is the provider of the family	97%	99%	99%	98%	91%	92%	91%	98%	96%
A wife must always obey her husband	93%	95%	98%	97%	87%	85%	90%	96%	92%
The first wife must be informed of her husband's intention to take another wife	93%	90%	92%	94%	99%	95%	94%	93%	93%
The right to divorce must always be in the hands of the husband	76%	84%	78%	81%	76%	56%	77%	80%	70%
Muslim men can practice polygamy so long as they are able to treat all of the wives fairly and just	70%	69%	66%	79%	65%	67%	61%	66%	75%
Taking care of the children is the wife's responsibility	68%	55%	68%	75%	63%	78%	68%	70%	66%
House chores are the responsibility of the husband	62%	72%	65%	58%	60%	52%	56%	66%	59%
Polygamy marriage is still relevant and could be accepted today	59%	65%	51%	70%	54%	50%	53%	53%	65%
A wife who does not cook for the husband and family is not a good wife	29%	19%	27%	29%	37%	37%	32%	31%	26%
A man has the right to hit his wife to discipline her	21%	23%	13%	14%	24%	32%	27%	18%	21%
A working mother is usually not a good mother to her children	20%	17%	20%	17%	29%	21%	29%	20%	17%

In Figure 6 below, 66% of respondents agreed that it is fine for a wife to demand a divorce if her husband decides to marry another wife. In Table 8 above<sup>16</sup>, 74% of respondents agreed that a wife has a right to object should her husband wish to take another wife.

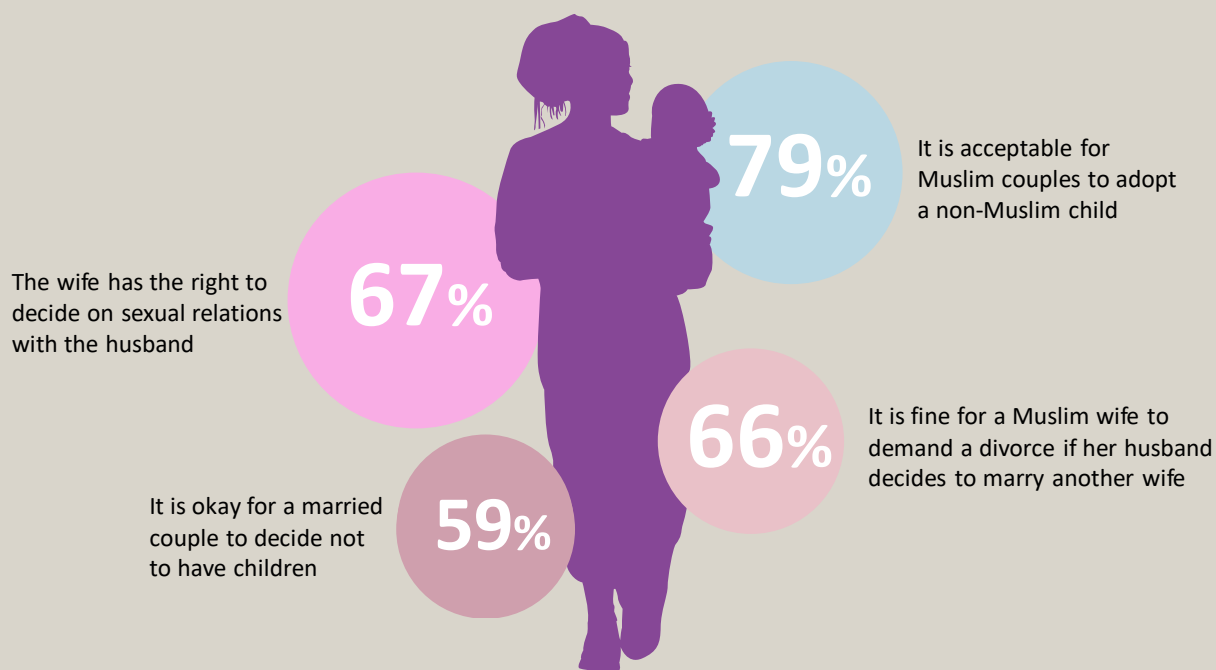


Figure 6: Question: What is deemed acceptable, and what is not, for the Muslim wife and partner?

## PROTECTING WIVES' RIGHTS IN A POLYGAMOUS MARRIAGE

Amendments to the Islamic family laws in Malaysia have made it easier for Muslim men to enter into polygamous marriages. The 1994 amendments to the Islamic Family Law (Federal Territories) Act 1984 saw the repeal of the fifth condition (no drop in standard of living of the existing family) that had to be fulfilled before the Syariah Court could permit polygamy. Additionally, while the 1984 law only allowed polygamy with the permission of the court, the 1994 amendment allowed an illegal marriage entered into without the court's permission to be registered upon payment of a minimal fine. Amendments in 2005 resulted in further leniency regarding a man's ability to commit polygamy. The first condition, that he had to prove the proposed marriage was both "just AND necessary", was amended to "just OR necessary". Implementation of the remaining conditions for polygamy also remains weak.

Sisters in Islam in collaboration with Universiti Kebangsaan Malaysia, Universiti Sains Malaysia and Universiti Malaya conducted a national survey on "The Impact of Polygamy on Muslim Families in Peninsular Malaysia" from 2007-2012. The research showed that polygamy was often conducted in secret, without court approval and without the knowledge of the current wife. The families often suffered financial setbacks and emotional trauma. Sisters in Islam has been advocating to tighten laws on polygamy to ensure justice and fairness are accorded to the current wife and children.

<sup>16</sup> See Chapter 6

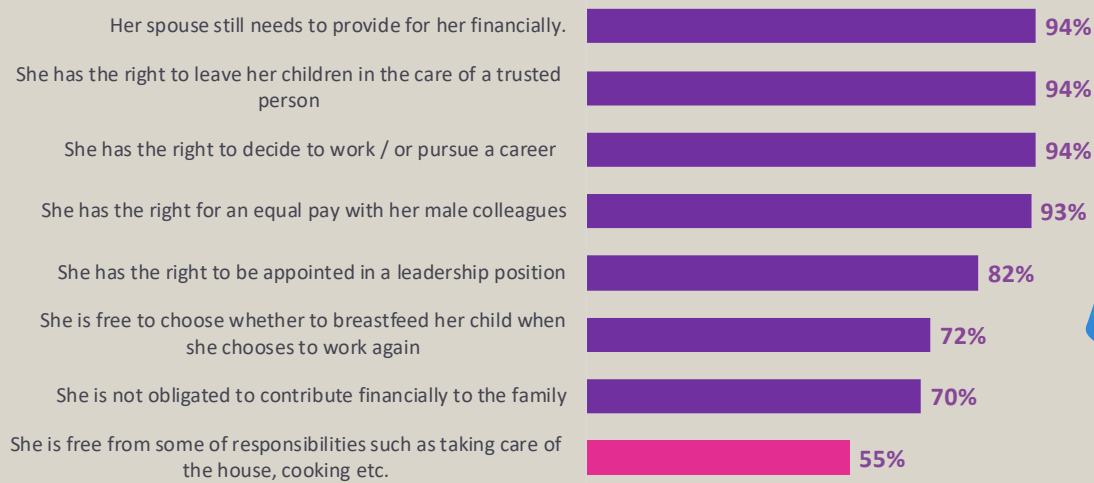


## CHALLENGES OF THE WORKING WOMAN

Table 10 below rates respondents' views on the rights of a working woman.

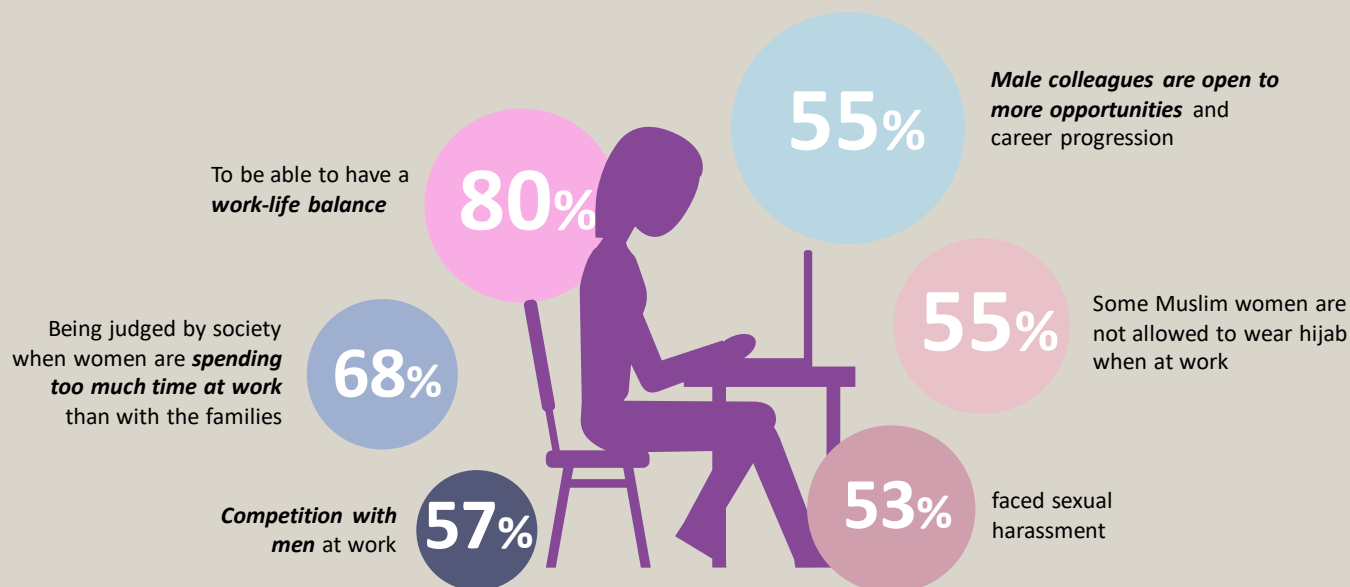
Table 10: Question: What do you feel are the rights of a Muslim woman with a career in Malaysia?

### The rights of a working Muslim Woman



We also asked respondents what the major challenges were for a Muslim working woman.

Figure 7: Question: What are the typical challenges that are faced by working Muslim women?



*The challenge is to compete with the men but also maintain your life at home. There is a lot to balance.*

Many working women struggle to juggle their lives at home and at work. As working Muslim women, 80% said that they faced challenges in achieving work-life balance.



*The challenge is that there will always be people around you who think you don't deserve your success.*

More than half (57%) felt they had to compete with men and another 55% agreed that men had more access to opportunities at work and career progression.



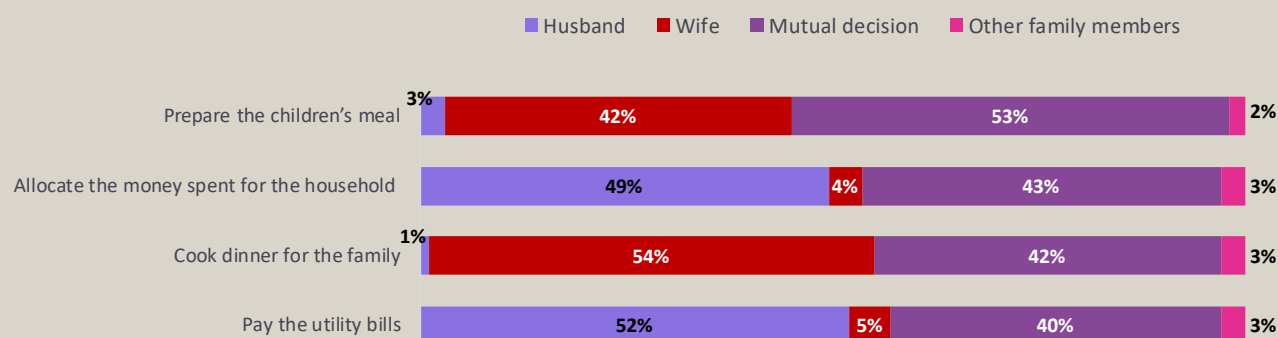
*As a female employee in Malaysia, I feel that women's rights really depend on the individual workplace. Some only want women for part-time jobs and don't allow communication avenues as they're not seen as worthy of the work title. For the really career-driven ladies, only a few make it because to take up the challenge, they're forced to put several other priorities aside.*

Among those surveyed, 53% had faced sexual harassment before, and 55% faced challenges related to wearing the hijab at their work place.

## SHARING OF HOUSEHOLD RESPONSIBILITIES

In many Muslim households today, both the husband and wife are breadwinners. However, the research shows that the day-to-day running of the household is still primarily the responsibility of the woman.

Table 11: Question: In your current household, who is responsible for carrying out the work?



83% of the respondents stated that the main challenge as a mother was having to handle different roles at the same time. 80% requested for more equality in this area – and for the understanding and consideration of the husbands. However, the ability to express this challenge remains limited with only 37% of respondents stating that there should be public education to encourage the acceptance of the idea of men as house husbands or at least the sharing of household responsibilities.



**87%**

Family should be able to spend quality time to make sure everyone is communicating with each other



**80%**

Husbands to be more understanding and considerate towards wives



**77%**

Create more awareness about equality for mothers, so that they are able to stand up for themselves and fight for their rights



**76%**

Allow mothers to speak up and give opinions



**63%**

Limit the usage of mobile phones and other gadgets during family time



**37%**

Educate the public on men as house husbands – or at least sharing house responsibilities

Figure 8: Question: What are the things you feel could be improved on, to encourage equality in the lives of Muslim mothers?

## WORKING WOMEN FEEL JUDGED BY SOCIETY

In their role as working women, 68% of respondents felt the pressure of being judged by society when women are seen to be spending too much time at work and not enough with the family. 77% of respondents wanted to create awareness in society about not being judgemental towards working Muslim women. 90% of respondents wanted to be able to manage time accordingly between work and family.

Unpaid caregiving such as caring for the children, shopping for the family and cleaning the house is very time consuming, yet often not valued by society. Respondents feel biased against as they are stereotyped as being too “busy at home”. This stereotype impacts on the impression that their employers have on their professionalism and commitment to their jobs. To overcome this, 72% of Muslim women want a gender equality guideline/law in the workplace that will allow women to challenge these stereotypes and assert their equality at work, in terms of career development and progression as well as equal pay for equal work.

With more women entering the workforce, the division of household responsibilities is becoming an important area requiring greater attention and awareness. The stereotypes of women being the party responsible for chores and childcare are keeping women away from the workforce or limiting the career progress of women already in the workforce. Unfortunately, this also becomes a cause of contention within the marriage. This is not an issue specific to the Muslim community in Malaysia.

90%

want to be able to  
**manage time** accordingly  
for work and for family

77%

want to create **awareness** among  
the society about **not being**  
**judgmental** towards working  
Muslim women

72%

want every organisation to  
have a **law or guideline** on  
gender equality at the  
workplace

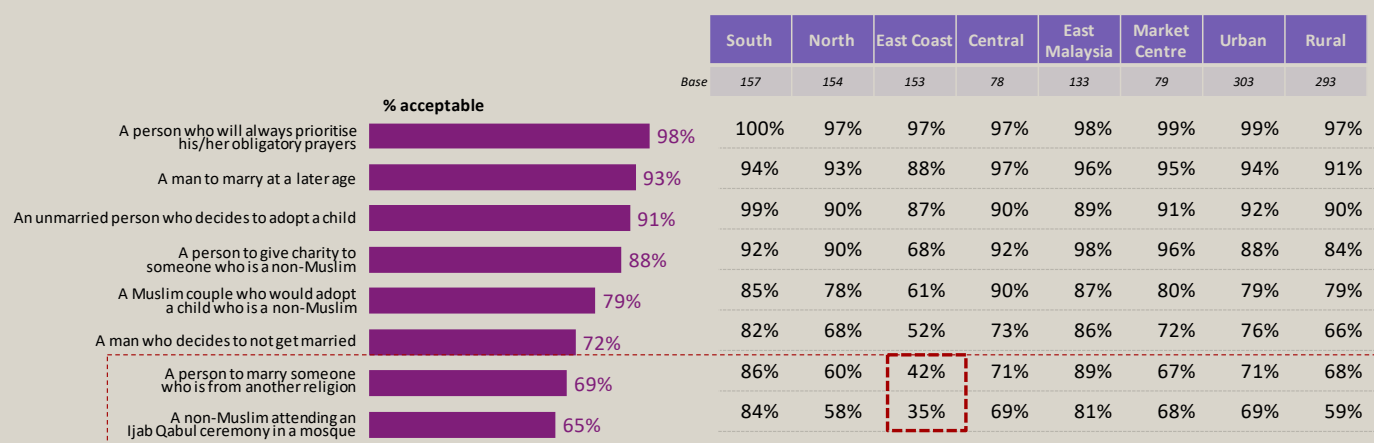


Figure 9: Question: What are the things you feel could be improved on, to encourage equality in the lives of working Muslim women?

## TOLERANCE AMONG RELIGIONS AND RACES

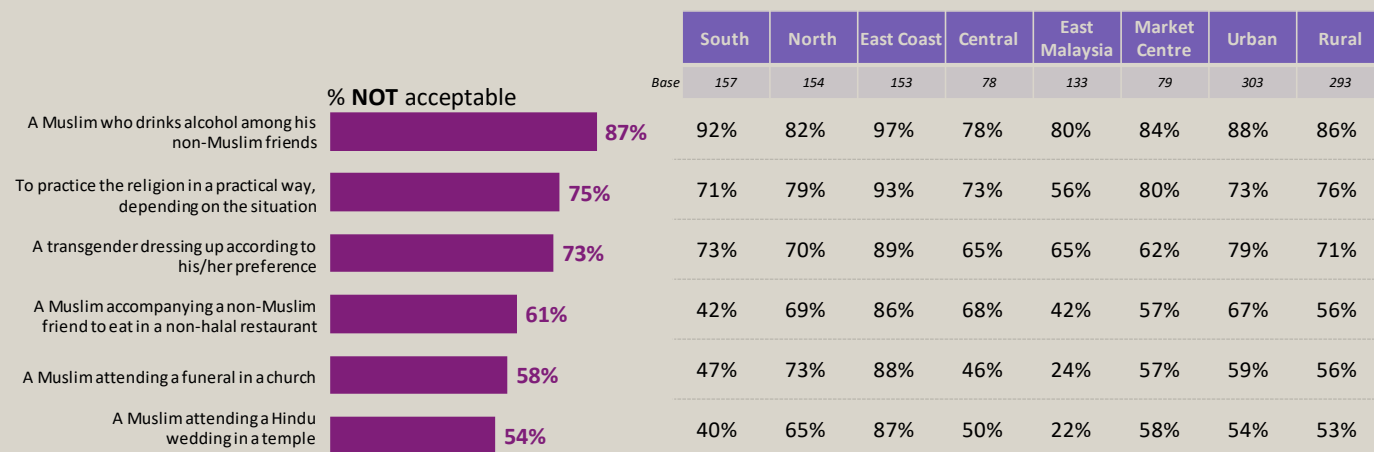
The survey also asked questions to ascertain the tolerance level of Muslim women in Malaysia, particularly where it involved other races and religions.

Table 12: Question: Please indicate how you feel about the following practices, whether acceptable or not acceptable.



From the data in Table 12 above, cross-religious interactions were the least acceptable among all. Marrying someone from another religion was ranked seventh, with only 69% acceptance, and respondents from the East Coast being the least accepting group at 42%. Allowing a non-Muslim to attend an *Ijab Qabul* ceremony (Islamic matrimonial ceremony) in mosques was perceived as the most unacceptable act (65%), with East Coast respondents being the least accepting of it, at only 35%. Across all the questions, the acceptance and tolerance of East Malaysians were the highest.

Table 13: Question: Please indicate how you feel about the following practices, whether acceptable or not acceptable.



Again, Table 13 above shows that the practices above are more tolerable among respondents from East Malaysians. Respondents from the East Coast region were the least open to these practices.



Recently, divisive and unchecked identity politics have pitched Malays against non-Malays, and Muslims against non-Muslims. The evidence is around us, and the results above show a worrying trend towards non-tolerance. The polarisation of race and religion is, among others, a result of conservative and hegemonic interpretations of Islam, and the need to assert the Islamic way of life across society. For example, the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), which is a convention by the United Nations that aims to promote racial equality throughout the international community, was denounced as an instrument that would remove the special rights and privileges of the Malays and Bumiputera of Malaysia and threaten Islam's position as the official religion of the country. This led to the government of the day reneging on their commitment to ratify the Convention.<sup>17</sup>

A few months later, Malaysia withdrew from ratifying the Rome Statute of the International Criminal Court (ICC), which prosecutes perpetrators of genocide, war crimes and crimes against humanity. The opposition to the ratification was on the basis that it would subject the nation's royalty to risk of prosecution and undermine national sovereignty.<sup>18</sup> This, and many other incidents, have fuelled and enabled increasing religious conservatism, intolerance and repression of those who speak for a more progressive Islam and a political environment that looks beyond race and religion.

Looking at the data above, and as we progress within a democratic society, urgent steps must be taken to move away from the divisive politicisation of race and religion. All citizens in Malaysia have equal rights as per the Federal Constitution, and they should therefore be treated equally.



<sup>17</sup> <https://www.nst.com.my/news/nation/2018/11/434078/why-malaysia-backpedalled-icerd-ratification>

<sup>18</sup> <https://www.thestar.com.my/news/nation/2019/04/05/malaysia-withdraws-from-the-rome-statute>

# CONCLUSION

In short, the survey shows us that greater effort will be required if Muslim women are to be brought to the same level of equality as Muslim men.

The survey findings conclude that:

1

Gender inequality is more prominent at an individual level; there exists strong pressure to conform to expectations. Independence is lacking in the roles of Muslim women as daughters, wives and mothers. As a wife, a Muslim woman encounters far greater levels of discrimination than in other roles;

2

There is a need to project an image of the 'proper Muslim woman', not for self-satisfaction, but to avoid negative perceptions that others may have – women, more so than men, are subjected to this type of pressure;

3

Religious knowledge comes mostly through traditions. Teachings from parents and school are the most common, but are taken at face value, with many Muslim women feeling no real need to verify the teachings. There are no active efforts to gain a more detailed understanding of the rights of Muslim women;

4

Many women feel that Islamic teachings can be used to favour men as the more 'dominant' gender and this is a pressure point for women to portray a correct self-image as a Muslim woman. This can be seen at home and at work; and

5

The concept of equality does not conflict with Islam. Islam is viewed as a just and fair religion, and the current practice and behaviour seen today are influenced by the expectations as set out by society and cultural norms.

Sisters in Islam remains committed to protecting, nurturing and progressing the position and rights of women, as well as improving their standards of living in order for them to have a quality and dignified life. Malaysia, as a responsible member of the international human rights community, also has obligations to promote equality of gender and put in place the necessary policies to ensure non-discrimination. The involvement of women is an important aspect of a progressive, inclusive society that allows them to have direction and determine their future in Malaysia.



In the context of political Islam, rising extremism and identity politics in Malaysia, the law reform to Islamic Family Laws that we have consistently demanded pertain to the following areas:



The adoption of more progressive interpretations of Islam (*fiqh*) so as to strengthen Muslim women's rights and rights for the welfare of children under Islamic laws;

Making child marriage under the age of 18 illegal;

Strengthening the rights of the wife and children so as to protect the current family from financial and emotional burdens prior to the husband entering into a polygamous marriage;

Ending the stigmatisation of children born out of wedlock who currently suffer indignity and shame by being named 'bin Abdullah';

Granting mothers the right of guardianship over their children upon divorce;

Making polygamy and divorce outside the courts illegal, with heavy punitive consequences;

Make marital rape a criminal offence;

Removing the application of *fara'id* concepts to the Employees Provident Fund and insurance, which has had the effect of further reducing women's share of inheritance.



Gender equality requires equal enjoyment by women and men of socially-valued goods, opportunities, resources and rewards. Where gender inequality exists, it is generally women who are excluded or disadvantaged in relation to decision-making and access to economic and social resources. Therefore a critical aspect of promoting gender equality is the empowerment of women, with a focus on identifying and re-dressing power imbalances and giving women more autonomy to manage their own lives. Gender equality does not mean that men and women become the same; only that access to opportunities and life changes is neither dependent on, nor constrained by, their sex. Achieving gender equality requires women's empowerment to ensure that decision-making at private and public levels, and access to resources are no longer weighted in men's favour, so that both women and men can fully participate as equal partners in productive and reproductive life.<sup>19</sup>



**It is untenable and unjust that in this day and age, while laws that discriminated against women of other faiths have been amended to recognise equality, law reform in the name of Islam has made it worse for Muslim women in Malaysia.**

In short, Malaysia's progress, as a secular country that respects the rights of all citizens under the Federal Constitution and that supports the progress of all communities including women, is under serious threat.

Gender equality is an aim we should all strive towards for the betterment of our country. Gender equality generally connotes an environment where persons of all genders are treated equally in all spheres of life. They are not discriminated against based on gender and they have equal rights and equal protection under the laws and policies of the country. Substantive gender equality considers the outcome; governments should therefore create an environment where the laws, policies, procedures and practices allow for equal outcomes for all genders.

More and more, the lives of Muslim women in Malaysia today are deeply rooted in normalised discrimination and oppressive, socially-conditioned expectations, and their voices are not being heard. It is the norm that women are expected to remain silent and not speak of their negative experiences, as these are seen as worldly challenges that they must simply endure. In many cases, women speaking up has led to extreme backlash, from family alienation to threats and insults. Understandably, women are acutely aware that this is an area that entails significant risks to them.

It is within this environment that organisations such as Sisters in Islam continue to create spaces for women to be able to express themselves and identify the unfairness and injustices that they endure, simply because they are Muslim women in Malaysia. The shift towards equality is in the change of mindsets and belief systems, as much as it is in the reform of laws, policies and institutional structures. The challenge is to build the awareness to a mass level so that as a nation, we are in a position to engage in honest reflection on the future of the women of Malaysia and drive the changes required to achieve the best outcomes for our future generations.

<sup>19</sup> <https://www.unfpa.org/resources/frequently-asked-questions-about-gender-equality>

Al-Qur'an Surah 33. Al-Ahzab, Verse 35



For Muslim men and women, – for believing men and women, for devout men and women, for true men and women, for men and women who are patient and constant, for men and women who humble themselves, for men and women who give in charity, for men and women who fast (and deny themselves), for men and women who guard their chastity, and for men and women who engage much in Allah's praise, – for them has Allah prepared forgiveness and great reward



*Translation by Abdullah Yusuf Ali*



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The survey which is the subject of this report sought to discover the experiences and realities that Muslim women in Malaysia face in their day-to-day roles as daughter, wife, mother and career woman. In doing so, the report reveals many preconceptions and traditional beliefs that undermine the equality between women and men.

**Sisters in Islam (SIS)** is a civil society organisation which believes that Islam upholds Equality, Justice, Freedom, and Dignity. SIS is made up of Muslim women and men working on women's rights within the frameworks of Islam and universal human rights, taking into account the lived realities of women on the ground. Since its official establishment in 1998, SIS has successfully created a public voice and a public space that enable Muslims to engage with their faith in the struggle for justice, human rights, and democracy in the 21st century.

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