

THE IDEAL FRAMEWORK OF A QUR'AN-BASED IN STRENGTHENING SOCIO-ECONOMIC RIGHTS OF WOMEN IN PREVENTION FROM DOMESTIC VIOLENCE CASES IN MALAYSIA

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Abstract: *Gender inequality in terms of economic participation and social standing of women appears to have contributed to violations of women's rights. As a result, women's economic empowerment is critical in ensuring equal social treatment. Inequality in gender treatment can lead to abuse, harassment, and violence. Should the people be concerned about women's rights, which are already enshrined in the Qur'an, these breaches and violations are unacceptable. Hence, this research aims to examine the governing Qur'anic principles on women's socio-economic rights and to propose the ideal Qur'an-based framework in strengthening socio-economic rights of women in prevention from domestic violence cases in Malaysia. The analysis is based on a qualitative which involves a textual inductive method of research, and employs content and non-doctrinal analysis. The research suggest that the government improve the effectiveness of the available mechanisms and frameworks by adapting the principles outlined in Qur'an and Sunnah to strengthen women's empowerment in the economic sector in Malaysia.*

Keywords: *Socio-economic, Rights of women, Qur'an-based, Domestic Violence, Malaysia.*

Introduction

In general, Islam deliberates on gender equity as Islam recognises and preserves women's roles and positions. The true teaching of Islam is that it preserves the rights of women based on the equity of human beings, whereby both genders play complementary roles in the creation of just societies where one is not superior to the other. There are many policies and frameworks provided by international and Malaysian law to prevent the issues of domestic violence towards women. However, the case still increases and women continuously suffer as victims of domestic violence. Based on the statistics from the Royal Malaysian Police (RMP), in the first eight

months of 2023 alone, Malaysia witnessed 3,640 cases of domestic violence. To comprehend the broader context, it is essential to examine the cumulative figures from 2020 to August 2023, which reached a staggering 22,908 cases. The yearly breakdown reveals notable fluctuations. The year 2021 saw a significant spike in domestic violence cases, reaching 7,468— a stark increase from the 5,260 cases reported in 2020. Encouragingly, the year 2022 exhibited a slight decrease in reported cases, totaling 6,540 (Hady, 2023). As there are no lacuna and weaknesses in the existing legal frameworks, it concluded that the existing strategy in combating domestic violence cases must be strengthened. Therefore, it is humbly proposed that the Government must improve the effectiveness of the available mechanisms and frameworks by adapting the principles outlined in Qur'ān and Sunnah that will serve as a guideline, so that women will realise their rights, responsibilities and protection available to them, as well as to overcome the problem of domestic violence in Malaysia. It is acknowledged that the framework is not comprehensive and serves as guidance. Nevertheless, it is highly recommended that all the elements in the guideline be considered in formulating the best ideal framework of Qur'ān-based women's socio-economic rights in preventing domestic violence in Malaysia.

Research Methodology

The study is qualitative which involves a textual inductive method of research. This method will be applied to specific verses of the Qur'ān that pertain to the socio-economic rights of women. The research also employs content and non-doctrinal analysis. Non-doctrinal analysis, also known as social-legal research, is research that employs methods taken from other disciplines to generate empirical data that answers research questions. It can be a problem, policy, or reform of the existing law. The non-doctrinal approach allows the researcher to conduct research that analyses the law from the perspective of other science disciplines and to employ those disciplines in drafting the law (Ali, 2017). Meanwhile, the content analysis entails reviewing relevant literature, whereby the doctrinal analysis is done by examining materials, including statutory provisions.

Literature Review

In regard to ownership of property, Islam has given equal respect to women and men. A Muslim woman is allowed to involve herself in economic activities following some rules. Manjur Hossain Patoari opined that highly talented women with the opportunity to acquire higher degrees could render services for the betterment of society (Patoari, 2019). In the time of the Prophet (PBUH), women went out to the market or their farms. The Prophet (PBUH) did not stop a woman in her *'iddah* from going out of her house in case of necessity. Jabir bin 'Abd Allah says my aunt's husband divorced her, and when she was spending her *iddat* in the house, she wanted to go outside to get some of her date palms harvested and sold. Someone halted her, saying that you are not allowed to leave the house during *iddat*. She went to the Prophet (PBUH) to ask whether she could go outside of the house or not, and the Prophet (PBUH) said, "You go out and get the date trees harvested (and sold) so that you may be able to do some other good work." (Abu Dawud). This hadith clearly explained that if a woman has rights and is allowed to be involved in economic activities during her *iddat*, it is also allowed for her daily life.

Malaysia has advanced remarkably in terms of socio-economic development, and Malaysian women have also made significant progress in many realms of life (Azmawati, 2015). It is stated that the scenario of female graduates choosing to stay at home after getting married or having children also deteriorates their labour force participation (Halim, 2016). According to Amdadullah Baloch Lasbela (2018), for the working women, income inequality has been a persistent phenomenon in both developed and developing countries, even in sustained

macroeconomic growth. Due to the global socio-economic transformation, women can hold various positions in public and private agencies. However, it is reported in the previous research that, due to the male-dominated atmosphere, women are not fairly treated, especially in the provision of several high management posts (Hassan & Yusof, 2015). According to Zaiton Othman and Nooraini Othman (2015), women were under-represented in all management ranks due to women being discriminated against for promotion to higher levels despite their continued high performance. Women perceive unequal opportunities for advancement after recruitment. Women workers also have to work harder and longer to prove their credibility to achieve the same progress as men and to get an equal reward to the opposite gender for equal work. This revealed that women had been discriminated against in promotion opportunities. Nevertheless, concerning gender discrimination in economic involvement, Priscilla Shasha Devi, CJ Jacobs et al. recommended that Malaysia move forward without delay and come out with an idea to improve women's rights in the workplace (Priscilla Shasha Devi, 2017).

Alexandra Bernasek and Julie Hasen Gallaway (1997) confirmed that introducing policies is not enough to ensure they will be effective. Challenges to their implementation may render them ineffective, and some women may benefit while others do not. Hence, Priscilla Shasha Devi, CJ Jacobs et al. (2017) agreed that women are significant contributors and the government should recognise working women. Legislation protecting their rights has to be passed. Convention on the Elimination of all form of Discrimination against Women (CEDAW) should be adopted by the government on this matter.

In Malaysia, fundamental human rights are embedded in the Federal Constitution, among other things, in the form of the liberty of the person, protection against retrospective criminal laws, and equity. It is clearly stated in the Federal Constitution that these basic rights cannot be violated except according to the law.

Malaysia recognises that women's contribution in all aspects of life is essential to guarantee the country's capacity to improve its competitiveness at an international level as well as for the sustainable development of the country (Schleimer, 2016). Equal rights for women are not absolute, as there is no provision for discrimination based on the gender of a person. The disparity between women and men is a global phenomenon that needs to be addressed with a high sense of responsibility (Sakariyau, Rauf Tunde, and Ummu Atiyah, 2017).

Despite constant reports on gender equity issues, the Joint Action Group for Gender Equality (JAG), the National Council of Women's Organisations (NCWO), and the Women's Aid Organisation (WAO) launched a report on 'The Status of Women's Human Rights: 24 Years of CEDAW in Malaysia.' It is found that there is still no clear mechanism that should be applied and implemented for addressing gender equity (Henglee, 2020).

Women are greatly prejudiced because of their sex; customs can attribute to this silent suppression. With this mentality, most women often suffer at the hands of their spouses. Domestic violence commonly refers to violence against women within a family. According to M. Abdul Ghani, N.A. Ahmad and A. Mohamad (2016), domestic violence is also often described as a family-centred problem and generally understood as patterns of abusive and coercive behaviour which may cause physical injuries, psychological and emotional disturbances, sexual intimidation, and financial oppression to the victim. The previous research also stated several causes of domestic violence, such as drug abuse, stress, the domination of power and learned pattern of behavior (Daleleer Kaur Randawar & Najibah Mohd Zin, 2019).

According to Elena Koshy (2018), most women who become victims of domestic violence cases are unemployed. Apart from that, M. Abdul Ghani et al. also stated that women with low income and low academic achievers who depend solely on their husbands' income tend to become domestic violence victims (Ghani, 2016).

Numerous Islamic prescriptions are targeted at preventing domestic violence. These include some dispute avoidance and dispute resolution mechanisms enshrined in the primary sources of Islamic law. Islam does not prescribe, condone or approve of any violence whatsoever, particularly in family relationships. Islam is often maligned and intellectually attacked when issues relating to wife beating emerge in public discourse. Zaleha Kamaruddin provides a general outlook of the position of Islamic law on wife beating or wife battering. The misconception of the divine sanction that the Qur'ān and Islamic tradition gives to violence against women is the core reason domestic violence is epidemic in some parts of the Islamic world. This phenomenon reflects deep societal dysfunction. Some Muslims believe that the teachings of Islam allow wife-beating in certain circumstances (Kamaruddin, 2007). For example, Kemal Guran, a Turkish Muslim cleric, mentioned in his booklet, *The Muslim's Handbook*, that men can beat their wives moderately. On the other hand, Dr Jamal Badawi, author of *Gender Equity in Islam*, in his discussion of Surah Al-Nisa' verse 34, which is often used by some to justify the maltreatment of women, indicates that:

Men are the protectors and maintainers of women, because Allah has given the one more (strength) than the other, and because they support them from their means. Therefore the righteous women are devoutly obedient, and guard in (the husband's) absence what Allah would have them guard. As to those women on whose part ye fear disloyalty and ill-conduct, admonish them (first), (Next), refuse to share their beds, (And last) beat them (lightly); but if they return to obedience, seek not against them Means (of annoyance): For Allah is Most High, great (above you all).

Dr Jamal Badawi stated that, under no circumstances does the Qur'ān encourage, allow, or condone family violence or physical abuse. In extreme circumstances, and whenever greater harm, such as divorce, is a likely option, in an effort to save the marriage it allows for a husband to administer a gentle pat to his wife that causes no sort of physical harm to the body nor leaves any sort of mark. He does not deny the prerogative but explains that such a measure is more accurately described as symbolic than punitive (Badawi, 1995).

The above summarises the position of Islam on domestic violence. Islam does not in any way condone or prescribe domestic violence towards women. To resolve marital discords (*nushūz*), which often lead to quarrels and, ultimately violence, Islam prescribes mediation (*ṣulḥ*) and arbitration (*taḥkīm*) in an integrated process to resolve any disagreement between the couple. It is a great disservice to Islam for one to still believe a religion that prescribes such mechanisms for dispute management in a family setting condones domestic violence.

Despite the international concern over violence as a crime against humanity, women in Malaysia are still subjected to violence perpetrated by their husbands. Moreover, Daleleer Kaur Randawar and Sheela Jayabalan stated that since this offence happens within the walls of a home, between a husband and wife, it is usually viewed as a 'private family matter', and at times these problems are just swept under the carpet. Such cases are often never detected or reported (Daleleer Kaur Randawar and Sheela Jayabalan, 2018). World Health Organization (WHO) ruled that the acceptance of domestic violence myth and attitude towards domestic violence

associated with battery encourages violent behaviour, and therefore concluded that promoting gender equity is a critical component of violence prevention.

In 2016, The New Straits Times reported a rapid rise of domestic violence cases received by Kuala Lumpur Hospital as compared to the previous years. Nevertheless, it must be noted that the local empirical studies and official records provide limited information on the number of cases, methods, risks and preventive measures of domestic violence. It is submitted that the unreported cases are far more than the reported ones and are documented in the available data (Kamaruddin & Oseni, 2013).

Therefore, to end violence against women, we need a society that respects women's rights and dignity. The community needs to be largely exposed to women's rights, especially in treating women fairly. Apart from that, the government should also formulate policies that would decrease the cases of domestic violence in society and should emphasise providing facilities and services such as the provision of houses to accommodate victims. Apart from that, the government should recognise the role of NGOs in tackling violence against women by providing financial support to set up facilities and offer services for victims (Bahare Fallahi, Shahnaz Rahpaymaelizehee, Raziye Jafari Kojour, 2015). Also, many are ashamed or afraid to bring domestic violence cases to court as they are considered purely domestic problems that need to be hidden. The ineffectiveness of the current legal mechanism in dealing with a type of crime which is sensitive and requires special attention also contributes to the problem. Therefore, Nazli Mahdzir (2016) opined that it is high time the Malaysian government revisits the law on domestic violence and established a special court to resolve domestic violence cases more efficiently.

Based on the above, there appears to be a lack of comprehensiveness in developing a framework for women's economic and social rights protection against domestic violence, particularly from the Qur'anic context. Hence, this research is undertaken to fill the gap so that the socio-economic rights in preventing domestic violence cases as indicated in the Qur'an can be identified together with analysing the current position and the ability of the present Malaysian law in dealing with domestic violence cases.

In general, women should be honoured by the protection of their rights. The rights that should be protected for honouring women are:

1. Protection of rights in economic aspect. This right includes the right to work;
2. Protection of rights of women in prevention from domestic violence includes the right to be upbringing pleasantly in a family relationship, the right to a decent life, right to decide on reconciliation matters; and
3. Right of women based on the Maslahah principle.

Right to Work

The presence of women in the marketplace and their interest in trade was part of ordinary life in Arabia, and until today, it is the women who herd cattle and make woollen cloth for tents and clothing and sale in the marketplace. Women were essential to agricultural labour in Arabia as they were throughout the world and certainly in the areas into which Islam was to expand, from North Africa to India. The lines regarding agriculture in the Quran do not refer to either gender specifically but use the generic male. Hadith literature makes clear the involvement of women in agriculture as labour and as an investment:

Abd al-Hamid bin Muhammad informed us that Jabir told us that his aunt was divorced and she wished to go to her palm-trees but met a man who forbade her from going. She went to the Prophet who told her to go and harvest the dates off her palm trees; perhaps she would pay *sadaqa* and do good (Al-Nasai, 3494).

The Quran also gives equal importance to the work of women.

Do not covet those things by which God has preferred some of you more over others; to the men is a share of what they earned [iktasbu] and to the women a share of what they earned [iktasabna]; and ask God for his blessing, for God is all-knowing

(An-Nisa', 32).

While the Quran explicitly forbids certain acts, it does not link these acts to any particular type of work women performed. Thus, recurring themes include buying, selling, bartering, signing contracts, sowing, harvesting, and so on, with no indication of what work women can perform. Hadith literature does mention particular types of *work* forbidden to women as it does for men; here, the interest was in a work ethic and establishing a moral code for earning a living since all jobs had to be moral and acceptable to Allah. Hadith confirms this premise:

The Prophet of forbade earnings from selling a dog, earnings from blood-letting, earnings from prostitution, and earnings from bull stud fees

(Masnad Ahmad, 3494).

Prostitution was consistently forbidden for women, although the terms used were that they should not be forced into prostitution. This throws an interesting light on the helpless condition of women pre-Islam:

Do not force your young women [fatayatukum] to become prostitutes when they would rather be chaste, in order that you make a profit and enjoy your lives

(An-Nuur, 33).

Right to Good Upbringing in Family

Family relationship is a paramount and crucial part of any society. The family relationship is the relationship between husband and wife, between parents and children and between siblings. The relationship leads to rights and obligations (Arshad, 2010). The Holy Quran stated:

And it is He Who has made man from the water. Then He has set up relationships with family and marriage. And your Lord is ever All-Powerful over all things

(Al-Furqan, 54).

The Prophet (PBUH) said in his tradition,

Indeed, among the believers with a complete faith is the one who is the best in conduct and the kindest to his family

(Al-Tirmidhi, 2612).

This means a person is the most gracious if he is kind to his wife, children and kin, particularly to his family (al-San'ani, 2011). As a head of family, it is responsibility of man to fulfill rights to his wife and children. Consequently, the children will be growing up well in a good condition. Allah said in the Holy Quran on a child named Maryam:

*So, her Lord accepted her graciously and blessed her with a pleasant upbringing
-entrusting her to the care of Zachariah*

(Ali Imran, 37).

Zakariyya took care of her by covering her expenses and nursing, bringing up, and educating her as Zakariyya is Maryam's uncle (As-Saa'labi, 1418H). There are two scholarly opinions about pleasant upbringing. First, it is the perfection of upbringing, as the upbringing of Maryam is perfect, fast, and virtuous when differentiated from other children. Second, that Mary was taught to forsake sin until it was told that Mary never sinned anyone else (Al-Jawzi, 1422H). This is likened to the growth of a plant in fertile soil after a farmer strives to water, fertilise and remove weeds that interfere with its growth (Al-Zuhayli, 1418H). Therefore, it is important to raise a daughter pleasantly to become a good woman in terms of a social aspect.

Moreover, the love and affection that Allah has put between the parents should be manifested in their children's upbringing without differentiating between son and daughter. In Islamic law, the upbringing of a child or adult is by the mother or by someone legally entitled to it. It includes protection, love and care, education, and shelter (Al-Arabi, 1992). It is compulsory in Islamic law. For example, in one instance, a woman came to the Prophet (PBUH) and complained that her husband divorced her and wished to take her child away from her. She said, "O Prophet of Allah, this is my son, my womb contained him, my lap held him, and my breasts nurtured him, but his father divorced me and wishes to take him away from me." The Prophet (PBUH) said, "You have the first right to him as long as you do not remarry." (Abu Dawud, no. 2276)

It is important to say that the emphasis in dealing with all custody matters is for the child's best interest. Giving priority to the mother is therefore based on the assumption that it serves the child's best interest, as the mother is the best at nurturing her child and meeting their needs. On the contrary, if the mother is married to another man, she will be busy with her husband and ignore her child. That is why the mother is given custody of the child if she does not remarry (Ibn Al-Arabi, 1992). It is interesting to note that records of the companions of the Prophet (PBUH) show that the mother was always given preference over the father in matters of custody in the early stages of her children's life. At that point, they cannot distinguish between good and bad (Al-Rafi, 2007). Imam Ahmad ibn Hanbal and Ishaq said that the age of discretion is seven years old, whereas Imam Al-Shafie said that the age of discretion is 7 to 8 years old (Ibn Abd Al-Bar, 2000).

A daughter should enjoy parental love and be nursed in family relationships. Abu Hurayrah reported that the Prophet (PBUH) kissed his grandson A-Hasan ibn Ali in the presence of Al-Aqra' bin Habis. He remarked, "I have ten children and I have never kissed any one of them." The Messenger of Allah (PBUH) looked at him and said:

He who does not show mercy to others will not be shown mercy.

(Al-Bukhari, no 2318).

This tradition shows the generality of love and affection. This includes love and affection for children, helping the poor and needy, and love and respect for fellow Muslims and people (Al-Nawawi, 1392). The Prophet (PBUH) is the model for the whole of humankind. His attitude was always compassionate and merciful. He showed his love for his grandson by praying to him (Sahih Muslim, no. 2421). On another occasion, Abu Qatadah al-Ansari said:

The Prophet was praying and he was carrying Umamah (the daughters of Zainab who is the daughter of the Prophet) the daughter of 'As bin Rabi'a bin 'Abd Shams. When he prostrated, he put her down and when he stood, he carried her (on his neck).

In the Hadith, there is clear evidence of good Islamic treatment of women. Al-Fakhani said that the wisdom in carrying the Umāmah in prayer is to reject what the Arabs are accustomed to, which is to hate and carry girls. Therefore, the Prophet PBUH disagreed with them in that regard, and this was done in prayer to exaggerate the disagreement. This also shows the modesty of the Prophet PBUH, his kindness to children, and his generosity to them.

All of the above describe the daughter's right to be raised pleasantly in family relationships and her right to get love and affection from their parents. Therefore, parents should not be cruel and abusive to their daughters. It must be noted that women should receive good treatment; therefore, any violence towards women is forbidden and prohibited in Islam.

Right to a Decent Life

Women have the right to a decent life without facing aggression or being wronged.

O you who have believed, it is not lawful for you to inherit women by compulsion. And do not make difficulties for them in order to take [back] part of what you gave them unless they commit a clear immorality [i.e., adultery]. And live with them in kindness. For if you dislike them - perhaps you dislike a thing and Allah makes therein much good

(An-Nisa': 19).

From this verse, Ibn Kathir explained that Allah said that a husband lives with his wife honourably by saying kind words to her, treating her kindly and making his appearance appealing to her. It was the practice of the Messenger of Allah to be kind, cheerful, playful with his wives, compassionate, spending on them and laughing with them. The Messenger used to race with 'A'ishah, as a means of kindness to her. 'A'ishah said, "The Messenger of Allah raced with me and I won the race. This occurred before I gained weight, and afterwards I raced with him again, and he won that race. He said, "This victory is for that victory." When the Prophet was at the home of one of his wives, sometimes all of his wives would meet there and eat together, and they would then go back to their homes. He and his wife would sleep in the same bed, he would remove his upper garment, sleeping in only his lower garment. The Prophet used to talk to the wife whose night it was, after praying 'Isha' and before he went to sleep. Allah says that your patience, which is demonstrated by keeping wives whom you dislike, carries good rewards for you in this life and the Hereafter. Ibn 'Abbas commented on this verse, "That the husband may feel compassion towards his wife and Allah gives him a child with her, and this child carries tremendous goodness." An authentic Hadith states, "No believing man should hate his believing wife. If he dislikes a part of her conduct, he would surely like another." (Ibnu Kathir, 1999). The above clarification is a clear prohibition for the occurrence of domestic violence towards women. Therefore, any elements of action or forms of domestic violence must be prevented to upbring women's rights.

Right to Decide on Reconciliation Matters

This research also extends to the discussion reconciliation. *Al-raj'ah* (reconciliation) is an Arabic word for the time of return (Ibnu Manzur, 1414H). It is said that a man returned to his

place, which means he is coming back, opposite to going away. Technically, *al-raj'ah* means a woman's return to marriage (reconciliation) from a temporary divorce (*raj'i*) in the period of waiting (*iddah*) without appealing the marriage contract (Ibnu Manzur, 1414H).

The basic legal ruling regarding reconciliation of a marriage contract is permissibility (*mubah*). However, it will change based on the situation to either obligatory (*wajib*) or preferable (*mandub*) or reprehensible (*makruh*) or impermissible (*haram*) (Ibn Abidin, n.d). There are some Quranic verses which specified so. For example:

And their husbands have more right to take them back in this [period] if they want reconciliation

(Al-Baqarah, 228).

Then:

Divorce is twice. Then, either keep [her] in an acceptable manner or release [her] with good treatment

(Al-Baqarah, 229).

From the above verses, the husband who divorces his wife can reconcile back with his wife, provided she is still in her period of waiting. The aim is to reconcile with his wife, be righteous, and bring things back to normal. However, this ruling applies where the husband is eligible to take his divorced wife back two times only. It is sinful to commit any harm or injustice against the wife. Ali bin Abu Talhah reported that Ibn Abbas said:

When the man divorces his wife twice, let him fear Allah, regarding the third time. He should either keep her with him and treat her with kindness or let her go her way with kindness, without infringing upon any of her rights

(Ibnu Kathir, 1999).

There are also traditions of the Prophet (PBUH) on the issue of reconciliation. In a situation, the Prophet (PBUH) divorced Hafsah, and then he reconciles her in marriage (Abu Dawud, no 2283). Sālim also narrates that Abd Allah bin Umar told him that he had divorced his wife while she was in her menses. Thus, Umar informed the Prophet (PBUH) of that. The Prophet (PBUH) became very angry at that and said:

Ibn Umar must return her to his house and keep her as his wife till she becomes clean and then menstruates and becomes clean again, whereupon, if he wishes to divorce her, he may do so while she is still clean and before having any sexual relations with her, for that is the legally prescribed period for divorce as Allah has ordered.

(Sahih Bukhari, 4908).

On another occasion, Fatimah bint Qays reported that she came to the Prophet (PBUH) and said:

I am the daughter of Ali Khalid and my husband named so and so, sent word to me divorcing me. I asked his family for provision and shelter but they refused. They said, 'O Messenger of Allah, he sent word to her divorcing her thrice.' Then the Prophet (PBUH) said, "The woman is still entitled to provision and shelter if the husband can still take her back."

(An-Nasai, no. 3403).

Therefore, Muslim scholars unanimously agreed that if a husband divorces his wife, either once or twice, he is entitled to reconcile with her until the end of the waiting period (Ibn al-Munzir, 2004). The reconciliation must be on the temporary divorce (raji) either one or two times of divorces as Allah the Almighty said in the Holy Qur'an:

Divorce is twice. Then, either keep [her] in an acceptable manner or release [her] with good treatment

(Al-Baqarah, 229).

Then Allah revealed:

And when you divorce women and they have fulfilled their term, do not prevent them from remarrying their [former] husbands if they agree among themselves on an acceptable basis. That is instructed to whoever of you believes in Allah and the Last Day. That is better for you and purer, and Allah knows and you know not

(Al-Baqarah, 232).

Then, the reconciliation must be with the wife who has had her sexual intercourse (*al-dukhl*). Thus, a wife who has not yet had her sexual intercourse with her husband will have no waiting period after her divorce. The husband and wife have no right to reconcile to their marriage. Allah the Almighty says:

O You who have believed, when you marry believing women and then divorce them before you have touched them, then there is not for you any waiting period to count concerning them. To provide for them and give them a gracious release

(Al-Ahzab, 49).

The above verse indicates that a wife who her husband has divorced would have no waiting period if she had not yet had sexual intercourse with her husband. The husband has no right to reconcile with her divorced wife and has no financial obligation toward his former wife after the divorce. Muslim scholars unanimously agreed on the matter, as mentioned by Ibn al-Munzir (2004). Next, the reconciliation must be during the waiting period of the wife (*al-iddah*). If the period lapse, they have no right to reconcile as Allah the Almighty said:

And their husbands have more right to take them back in this if they want reconciliation

(Al-Baqarah, 228).

The husband has more right to reconcile with his wife back in this, which means in this waiting period, as mentioned by Ibn Mundhir and being the consensus of all Muslim scholars (Ibn al-Munzir, 2004). Otherwise, a man should adhere to a new marriage contract (*al-aqd*) if he wishes for his former wife. Also, the reconciliation must be with a wife who does not pay some of the amount of redemption (*al-fidyah*) to her husband. By paying that amount, she intended to release herself from her husband, and her husband will no longer have the right to reconcile with her. There is a consensus among Muslim scholars on this matter, as mentioned by Ibn al-Rifa'ah al-Ansari (2009). Allah the Almighty said in the Holy Quran:

But if you fear that they will not keep [within] the limits of Allah, then there is no blame upon either of them concerning that by which she ransoms herself

(Al-Baqarah, 229).

The above requirements, either for the husband or the wife, are intended to make the reconciliation fulfil its objective, improving relationships between spouses. It is the wisdom of the urgency of reconciliation as a man may divorce his wife and then regret his action (Al-Kasani, 1986). Allah the Almighty said:

You know not; perhaps Allah will bring about after that a [different] matter
(At-Talaq, 1).

For that reason, the mistake leading to an act of divorce must be corrected. If there is no reconciliation, the mistake will not be able to be corrected. Thus, it is the great wisdom from Allah the Almighty (Wuzarah al-Awqaf wa al-Shuun al-Islamiyyah, 1404-1427H).

The rule is the wife's consent is not required for the reconciliation. Thus, the husband can reconcile with his wife, whether she consents or not. A husband has more right compared to his wife in this matter as Allah the Almighty said:

And their husbands have more right to take them back in this if they want reconciliation
(Al-Baqarah, 228).

Ibn al-Munzir (2004) mentions that this rule has become a consensus of the Muslim scholar. The same consensus recited by Ibn Hazm, Ala' al-Din al-Samarqandi, Ibn Rushd, Ibn Qudamah, al-Qurtubi, al-Ayni, Ibn al-Hamam, al-San'ani dan other (Al-Qahtani, 2012). However, it is reprehensible (*makruh*) to reconcile a marriage contract if it is expected to harm and illegal (*haram*) if the purpose is harmful (Ibn Abidin, n.d). Allah the Almighty says:

And when you divorce women and they have [nearly] fulfilled their term, either retain them according to acceptable terms or release them according to acceptable terms, and do not keep them, intending harm, to transgress [against them]. And whoever does that has certainly wronged himself. And do not take the verses of Allah in jest
(Al-Baqarah, 231).

This is an order from Allah to men that if one of them divorces his wife with a reversible divorce, he should treat her kindly. Or, he should release her after her waiting period finishes and then kindly ask her to depart from his house without disrespect, fighting with her or using foul words (Ibnu Kathir, 1999). Besides, it is impossible to reconcile except for those who want to improve themselves and the relationship and intend goodwill (Ibn Taymiyah, 1418H).

Domestic violence is an abusive behaviour directed by one family or household member against another. In reconciliation, a husband should not intend to afflict harm upon his wife, rather he should intend to rehabilitate their relationship as Allah the Almighty said:

And their husbands have more right to take them back in this [period] if they want reconciliation. And due to the wives is like what is expected of them, according to what is reasonable
(Al-Baqarah, 228).

The verse indicates that the wife has rights over her husband, just as he has certain rights over her, and each is obliged to give the other spouse due rights (Ibn Kathir, 1999). The Prophet (PBUH) said:

Fear Allah regarding your women, for you have taken them by Allah's covenant and were allowed to enjoy with them sexually by Allah's Words. You have the right on them that they do not allow anyone you dislike sitting on your mat. If they do that, then discipline them leniently. They have the right to be spent on and to be bought clothes in what is reasonable

(Sahih Muslim, no 1218).

Thus, it is reprehensible (*makruh*) to reconcile a marriage contract if it is expected to harm and illegal if its purpose is to inflict harm (Ibn Abidin, n.d). She must prove to the court that her husband will cause her harm if they reconciled. It is sinful for those husbands who divorce their wife and then reconcile with them, and intends to inflict harm (Wuzarah al-Awqaf wa al-Shuun al-Islamiyyah, 1404-1427H).

A wife is permissible to ask for a divorce if harm is afflicted upon her. Therefore, if a wife is permissible to ask for divorce due to harm which is afflicted to her during marriage, it is also permissible for a wife to refuse reconciliation during her waiting period based on the expected harm as a result reconciliation.

Rights Of Women Based On The Maslahah Principle

The concept of *maslahah mursalah* is very broad in maintaining the benefits and avoiding harm from human beings, which are in line with the five objectives of the *Shariah* mentioned above. The rights that protect women from any form of domestic violence is considered umbrella protection. The concept of *maslahah mursalah* will protect women's rights and avoid and safeguard them from harm. Allah Almighty says in the Holy Quran:

This day have I perfected your religion for you, completed My favour upon you, and have chosen for you Islam as your religion

(Al-Maidah, 3).

In addition, there are a lot of principles and regulations that are laid down by Islamic law to protect women.

The main principle is to understand the purpose of marriage. Marriage is a religious obligation, ethical protection, and a social need. Islam urges every Muslim to control and direct their desires, whatever they may be, with the objective that they will be fair and will not get the opportunity to be like animals. Islamic law prohibits any relationship outside marriage and any act of intimate relationship outside marriage is illegal and totally prohibited. It is stated in the Holy Quran:

Nor come nigh to adultery: for it is a shameful (deed) and an evil, opening the road (to other evils)

(Al-Isra', 32).

This verse explains the prohibition of adultery, which is one of Islam's major sins (Al-Qurtubi, 1964). Thus, for a legal sexual relationship, a couple must be enjoining marriage as it states in the Holy Quran:

Marry women of your choice, Two or three or four; but if ye fear that ye shall not be able to deal justly (with them), then only one, or (a captive) that your right hands possess, that will be more suitable, to prevent you from doing injustice

(An-Nisa', 3).

Moreover, from the beginning of the creation of human beings, Allah Almighty has created Hawa for Adam and put love and attraction between them (Ibn Kathir, 1999). It is stated in the Holy Quran that:

O mankind! reverence your Guardian-Lord, who created you from a single person, created, of like nature, His mate, and from them twain scattered like seeds countless men and women

(An-Nisa', 1).

The Prophet (PBUH) explained in his tradition the nature of women and advised men to be kind towards women. In addition, men should be patient toward women in dealing with their behaviours and feelings, and avoid divorcing them without justifiable reasons (Al-Nawawi, 1392). The Prophet (PBUH) said:

Act kindly towards woman, for woman is created from a rib, and the most crooked part of the rib is its top. If you attempt to straighten it, you will break it, and if you leave it, its crookedness will remain there. So act kindly towards women

(Sahih Muslim, no. 1468).

Result and Discussion

Hence, a humble proposal is put forth for the government to enhance the efficiency of existing mechanisms and frameworks by incorporating the principles articulated in the Qur'an and Sunnah. These principles can serve as a guiding framework to help women comprehend their rights, responsibilities, and available protection, thereby addressing the issue of domestic violence in Malaysia. It is acknowledged that the current framework is not exhaustive and functions as a guide. However, it is strongly recommended that all aspects outlined in the guidelines be taken into consideration when formulating an optimal framework based on Qur'anic principles for women's socio-economic rights, aimed at preventing domestic violence in Malaysia.

The recommendation on the proposed ideal framework in strengthening socio-economic rights of women in prevention from domestic violence cases are:

1. Establish a special court to expedite the resolution of domestic violence cases;
2. Criminal penalties where necessary and civil remedies in cases of domestic violence;
3. Do not wait for a problem to occur unless preventive action has been taken earlier. Preventive action should be taken against domestic violence through national awareness campaigns in the media;
4. Increase resources for shelters, hotlines, rehabilitation centres and other services so that they can meet heightened demand;
5. Increase funding to women's organisations;

6. The survivor-centred response approach must inspire trust from all parties;
7. It is essential to improve statistics on domestic violence, to give a clear picture of its nature and prevalence, to enable the identification of resources addressing it, and to enable the evaluation of initiatives to tackle it;
8. The Government should examine current data collection protocols and refocus data collection on domestic violence problems, including data disaggregated by age, gender, and perpetrator-survivor relationship, to better understand the complexities of domestic abuse;
9. Using a uniform learning platform, all front-line state service providers and judicial authorities should receive intensive training;
10. The Ministry of Women, Family, and Community Development is well-positioned to launch a comprehensive and focused public awareness campaign that includes information on women's rights and where to find support services;
11. Basic methods for dealing with trauma victims should be taught to all police officers;
12. The Domestic Violence Act, the Garis Panduan, and other applicable laws and procedures and how to properly communicate with domestic abuse survivors should be familiar to every front-line cop;
13. Continuing cooperation and understanding should be promoted between the police, government departments, and non-governmental organisations on the problems and dangers associated with domestic violence;
14. Gender equality education and education on non-violent behaviour should be started at a very early stage and adequate training for teachers on the issue of domestic violence and gender equality should be ensured; through educational programmes, the citizens should be encouraged to accept their responsibility for, and take positive steps to deduce and prevent domestic violence incidents in the society;
15. Women should be encouraged encourage to learn self-defence techniques;
16. Proper training programmes should be elaborated for the perpetrators of violence against women.
17. The services for victims of violence are accessible to rural women, and special services are provided to isolated communities.
18. The health sector can support programs that involve women and children affected by violence. The healthcare system can provide women with a safe environment where they can confidentially disclose their violent experiences and seek a supportive response.
19. The mental health program should be strengthened to support victims of domestic violence.
20. Having policies in place to recognise and support victims can help limit the costs associated with domestic violence by assisting the victims to stay in paid employment and eliminate the need to hire and train new employees.

Conclusion and Recommendation

From the discussion above, it can be concluded that Islam upholds women's socio-economic rights. Additionally, women's rights in preventing domestic violence must be critically observed to protect them from harm and abuse. Regarding the protection of women's rights from the economic aspect, their right includes the right to work. A woman's life, wealth and honour are as sacred as a man's. Significantly, Islam laid down the principle of protecting women's rights in preventing domestic violence in terms of the right to be raised pleasantly in family relationships, which signifies that women should receive good treatment and, therefore, any violence towards women is forbidden in Islam. It must be noted that women have the right to a decent life without facing aggression or being wronged. Women also have the right to decide on reconciliation matters. Last but not least, as for the right of women based on the maslahah

principle, Islam has laid down the principle to protect women in terms of understanding the purpose of marriage.

Therefore, it is suggested that the Government enhance the efficacy of existing mechanisms and frameworks by incorporating the principles from the Qur'an and Sunnah as a guiding framework. This adaptation aims to facilitate women in recognizing their rights, responsibilities, and available protection, ultimately addressing the issue of domestic violence in Malaysia. While acknowledging the current framework's non-comprehensive nature as mere guidance, it is strongly recommended that all elements in the guideline be taken into account for the formulation of an optimal Qur'an-based framework for women's socio-economic rights to prevent domestic violence in Malaysia.

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