Feminist Jurisprudence and Islam in Bangladesh: A Critical Perspective on Some Contemporary Issues

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Abstract: Feminism’s existence in Bangladesh and in Islam is not a new phenomena. There are a lot of feminist jurisprudences in Islam which are still unreachable to Bangladeshi women. Since as of modernism, women have been struggling for their equal rights and empowerment which are already enshrined in the Islamic philosophy of life. However, in Bangladesh, some of the women’s jurisprudential rights in Islam were ignored somehow due to social norms and customary legitimacy although this is a Muslim-majority country. It is notable that, Bangladesh is gradually developing women’s rights-related challenges day by day; besides, its overall progress in the country. Some specific rights are very obvious, such as the right to education, political rights, social rights and so on. Yet, there are certain issues regarding women’s rights in Islam that has a negative approach in Bangladesh and they do exist in the country while Islam does not conflict as religious disputes. Some women activists in Bangladesh are claiming that Islam discriminates between male and female in feminism. But it van be argued that Islam has given women rights and empowers them in a unique way. Islam is a religion that is in favor of women’s emancipation in the society. This study will find out those issues with Islamic arrangement, following core principles outlined in the Quran and Hadith in terms of Islamic Jurisprudence of feminism and scholarly opinions of renowned scholars.

Key Words: Feminism, jurisprudence, Equality, Islam, Bangladesh.

I. INTRODUCTION

Gender politics, currency and social unity, women’s positive statute law is generally a legal rationality and it reviews relevant laws and legitimate ideas and sexual abuses in the family and workplaces that the situation is creating an impact on gender-based segregation. Through different methodologies, women activists have recognized gender differences and gender implications, fair laws and practices. In a very broad sense, the legitimacy of women activists is esteemed by those, who can distinguish between human-controlled societies in all aspects of life whether open or private, legal, political, social. This inevitable and wide-ranging influence is fragmenting the society. It shows the influence of the male-centered society on the material status of women and girls. In spite of this, the combination of Islam and women’s rights is considered by Margot Badran in 2002 as “a feminist discourse and practice articulated within an Islamic paradigm”. Islamic women activists put their argument in Islam and look for the perfect balance of women and men in both personal and public settings including non-Muslims in conversations. Islamic women’s liberation is characterized by the fact that Islamic researchers are more radical than mainstream women’s rights and are bundled with Islam and the Qur’an as a crucial point of conversation. Given the same situation between men and women in the Qur’an and the Hadith, women’s activists or women’s activists in Islam are in the legitimate assumptions. In terms of rights, Islam gives women the same rights as men and enjoys a prominent place in the family and the society. As the teachings point out, women are men’s companions. There is no different requirement or control over them in Islamic law. In any case, there are a few limited optional controls between the sexes. Despite this, these plans are only intended to give them double powers and allow them to be confident in achieving their specific human instincts. In spite of this, the teaching method is basically the same, and the general standard of gender is formal.

In the former Indian subcontinent (now India, Pakistan, and Bangladesh), the United Kingdom has established business and procedural laws based on the British customary legal practices. The laws governing personal life and family are still managed by the region’s independent religious laws. Muslims have brought about the detailed Anglo-Muhammad law. The historical misinterpretations for hundreds of years, misunderstandings and ossified Muslim laws have turned into legal operations. The Constitution of Bangladesh attaches importance of fair and non-discriminatory rights based on sexual orientation in all aspects of the country and public life, while the “Muslim Personal Law” outlines the scope of women’s rights, inheritance, marriage, separation, maintenance, and guardianship of children in Bangladesh. The development of children and inheritance, Bangladesh’s own status law has confirmed the regularity of the surrounding changes. The 1961 “Muslim Family Law Ordinance” endeavored to change the role of women’s imbalances that were previously found in the law. Despite this, the regulations ignore the changes in the full implementation of their plans.

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www.rsisinternational.org
From now on, the rights described in the principles are not usually connected. Bangladesh’s male-centered culture proves that the activists of the women are not able to establish women’s right in Bangladesh.

The main obstacle to legal rights is that society equilibrium position is strongly supported by religious authority opinions, and religious authority opinions those are often characterized as the privilege of religious flexibility. The separation “based on sexual orientation has increased the country’s representation of women’s rights in the family rather than individual balance or self-esteem problems, but collective or religious rights.”4

Since the prophet Muhammad (peace be upon him) established Islam in Arabia, but women did not have the basic human rights for a long time in education, business, politics, or even in family. Same situation was before the twentieth century in Western women.5 Therefore, when considering the difficulty of women in the material culture, a firm female activist is required to develop. Despite this, the development of contemporary women’s activists in the Muslim world did not see much of the strength in their particular social characteristics. Women in Bangladesh are not out of this context. However, the male-centered norms practice especially among the tribes, presents obstacles for women to satisfy their common and social rights, and the problems here are basically not judicial, but rather the problems of custom and male dominance in the society.6

II. SOME CONTEMPORARY ISSUES IN BANGLADESH

In Bangladesh, there is a number of contemporary issues which are still being claimed and debated. Though, political rights of women in Bangladesh have established already in a remarkable position where the prime minister, the opposition party’s chairman, the parliament speaker and so many parliament members are women. In education, women are equal now in every sector. It is very rare to see that girls are in-house in terms of avoiding school or college in Bangladesh. In addition, reproductive rights for women in Bangladesh has improved than earlier in a certain way. Muslim family law in Bangladesh playing a vital role to secure women’s property rights for Muslim girl from her father and husbands property. Furthermore, women as a child, as a wife and as a mother are well recognized and well treated at present in the society in Bangladesh through patriarchal domination or violence against women are still alive. Bangladeshi women have certain legal rights and therefore face a new confinement of Islamic conservatism and the government seems to endure, and even hint at, support for this model.7 One of the consequences of this Islamic tradition and customs is displayed by the Bangladeshi activists is their malice. For example, an infidelity woman will usually get a declaration of adoption. With the above circumstances, however, there are certain issues that in Islam gives women the equal treatment and priority sometimes, such as spiritual rights, right to work, right to hospitality, conjugal rights and stands against family violence. There will be an appropriate brief discussion on them here.

III. RIGHT TO EQUALITY

Gender equality in Bangladesh still faces number of challenges in several sectors such as in job markets, public transports, sports, spirituality in some cases, leadership and so on. Thus, this is not because of Islam and Shariah rather it consists some reason like poor education, lack of religious knowledge, narrow-mindedness, customary practices and social norms. Islam never differentiates men and women in terms of gender equality; however, it has established a favor to female in some circumstances due to women’s biological differences than men. Few feminists and institutions in Bangladesh impute Islam as the religious practice while Islam supports equality in all matters. Equality means judging the group of people who do not have separation, just like all people, such as Men and Women, high contrast, slaves and non-slaves, Muslim and Non-Muslim all are viewed in a similar way. From a legal point of view, balancing means that everyone assumes the safety of the law and the weight that the law imposes on the individual, which is equivalent to no separation. With the combination of fairness and justice, the greatness of Islam has emerged, since there is no equal treatment of all people’s, there is no balance. In Islam, given the fact that there is no equality in Islam, if the connection between Islam and different categories of individuals has unique criteria, then the words “equality” and “justice” are treated as single words.

Islamic family law has encountered with difficulties in tapping into the innate customs of women and some of the variables that appear in the picture cannot be missed by Islamic law and society in any way, but they constitute the difficulties of civilization in the world.8 The male-centered nature of human culture generally means that male dominance violates laws and religions, just as customs and social order cultures in all regions of the world. For example, in the Muslim social order, poverty, the low level of female training and work, and the predominance of tribalism still pose serious difficulties for sexual equality and family welfare in the early 21st century. Sexual orientation consistency is also a long-term participation. The Prophet Muhammad (SAW) mentioned the issue of sexual orientation fairness in his last sermon that he said: ‘O people! There is no doubt that you have certain rights to women, but they have other rights to you. Remember that you have used them as your spouse under God’s trust and his authority. If they followed your right

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4 Ibid
7 See Brandt, Michele, and Jeffrey A. Kaplan, 1995
8 See Kamali, Mohammad Hashim, 2011
requirements at that time, they had a place to be nourished and benevolent. Treat your ladies kindly and be kind to them because they are your accomplice and give help to them. In addition, they will not affect the spouse of anyone you do not support.

**Equality in Spirituality**

With the majority portion of Muslim, Bangladesh holds a peaceful situation in practicing religion where there is no religious dispute between Islam and other religions. However, feminist society in Bangladesh claims that if Islam maintains equality then why women cannot enter the mosque? If there is no differentiation in religious perspective between male and female then why Women do not attend in Friday or Eid prayer? The answer was given since the seventh century during the Prophetic period which still and forever can apply. For example, the sacred Qur’an talks about men and women similar to preserving excellence and rejecting jealousy, setting up petitions, devoting dedication, obeying Allah (s.w.t.) and his messenger (s.a.w.). There is a verse that “Those who are completely moral, similar to true devotees, remain zealous, honest, understanding, humble, sacrifice, observe quickly, remain modest, and maintain God’s approval, regardless of their gender and get compensation for great offspring” (Quran, 9:71). Therefore, women will be rewarded or punished for themselves (Quran, 33:35). The “Quran” gives clear evidence that women are completely more active than men are looking at the rights and duties of God. The “Quran” states that “Each soul will vow (because of its actions)” (Quran, 74:38). There is also a verse saying: “...so their Lord acknowledges their request, (say): I will not endure whether male or female, will be made by anyone of you. You come from another... ... (Quran, 3:195).

In any case, in terms of religious commitments, such as daily prayers, fasting, poor and pilgrims, women and men are the same, in fact, ladies actually have the focus of some people. For example, the woman is exempted from daily petitions and fasting during menstruation and after 40 days of labor. She is also exempted from fasting during pregnancy and if she is caring for her baby if there is any danger to her health. In the case of missed fasting (during Ramadan), she can compensate for missed days at any time. For any of the above reasons, she does not need to pay for the missing petition. Although ladies could pray to the mosque during the prophetic era and attend Friday rallies from there to plead for them to be discretionary, it is necessary for men such as Friday prayer.

**Equality in Humanity**

Women’s equality in human perspective is random in Bangladesh in some specific circumstances. Human Rights violation in Bangladesh is general while rights of women on humanity are also seen as neglect. In rural areas, still husband beats wife and it’s a common scene in daily life. However, Islam does not give the authority to beat or neglect women in any way rather it provides respect and love to women. Bangladesh is a multicultural country with a solid Muslim greater part: about 90% of the population are Muslims, 9% are Hindus, and the remaining 1-2% are Buddhists, Christians or animists. In addition, a considerable number of Aboriginal peoples strictly abide by religious standards and institutions are responsible for direct parts of their lives. Within the Islamic community, this reality has induced pressure between human rights related to secularization motives and Islam’s admiration. For example, it is widely believed that women’s human rights and several arrangements of Islamic shariah have similar conflicts. As some established understandings indicate, women and men are not equal and should not be so treated as the Islamic claim on the humanity of mankind. Allah believes that ladies are men because women have personal status, emotions, and unusual trademarks. The word “O mankind” implies that such men and women, as well as men who have feelings, also women have feelings. The respect that men can receive is a similar respect that women can obtain. Men and women can complete courage. Men and women are created by one soul, not from different souls, means that men and women have a similar place in Islam. Aisha, Ummul Mu’minin narrated: “Women is a man’s partner”. This Hadith proves a very critical reality that ladies are humans, just as human beings, based on creative and behavioral partners. In addition, another Hadith told by Abu Hulai proclaims the messenger of Allah (s.w.t) and says in addition: “Each newly born child is conceived in fitrah (born in nature). At the time his people made him a Jew, a Christian, or a Magian, just like a creature was conceived of as a place, did you see any one of them weak (during childbirth)?”.

In this Hadith, we can discover that the newborn child can be men or women.

Therefore, the Quran and the Sunnah refute any separation between men and women. Furthermore, Islam does not completely recognize the possibility of segregation between men and women but also fights against it. In the same way, Islam rejects any idea that makes women look lower than men.

**Equality in Dignity and Honor**

Islam honors women as human beings. There are a lot of verses and hadith literatures where Allah (s.w.t.) and the Prophet addressed human beings in general, not by any gender. In terms of respect, Islam provides some extra favor to women’s dignity, considering their vulnerability in the biological sense. Albeit, due to social norms and cultural leers, Bangladeshi women are still struggling to establish their value in society in terms of dignity and honor. In terms of pride and respect, men and women are equal. In the law of Hamblabi, this reality has induced pressure between men and women. Furthermore, Islam does not completely recognize the possibility of segregation between men and women but also fights against it. In the same way, Islam rejects any idea that makes women look lower than men.

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9. [http://sunnah.com/abudawud/1/236](http://sunnah.com/abudawud/1/236), Sunan Abi Dawud 236, Book 1, Hadith 236
should hand over his little girl to that person for execution... then her responsibility is what? What is the girl accused of killing the victim in determining the death of her? Abdullah\footnote{Ansari, Abdul Haseeb, “Feminist jurisprudence in Islam: an overview,” Journal of Islamic Law Review 6, no. 1 (2010): 85-107.} narrated: “What is God's most extreme sin? He said: "Joining a partner with Allah (s.w.t.)". The man said: What is next? He said: "The murder of your child is motivated by paranoid fears." He asked: then? He said: "And adultery with neighbor’s wife." So, we can see here that one of the best sins of murdering your child (male or female) means that the Qur'an does not segregate men or women.

More importantly, Allah says in the noble Qur'an: “In Al-Qisas (the law of equality in the discipline) you have a kind of life, people who understand, you can become Al-Muttaqun pious people (Al-Bakara, 179). Due to killing women, men will be killed for the same respect and dignity to women, so we can perceive the respect in the Qur'an and the Sunnah for women, and make women and men equal in nobility, amazing quality, and respect.

Equality in Education

Though at the current position in Bangladesh, there is no major difference between boys and girls in the education sector, some feminist’s writers claim that Islam prohibits females to be educated. In rural areas, people used to think that women are perfect in-house to take care of their children and maintain a family, thus, women were neglected to send school. This conduct was established by customs and cultures of rural people in Bangladesh, not endorsed by Islam. We can see in the Quran as well as in the Hadith that Islam makes it a must to seek knowledge for both male and female. The word ‘Muslim’ refers to both genders. According to these principles, education is mandatory for men and women. Al-Turabi cited a hadith: “Abudarah Ibn Abi Musa quoted his father as saying that the prophet (saw) said: “Three people will undoubtedly be compensated by Allah (s.w.t). Everyone in the ordinary people from the sacred text has confidence in his prophet and the Prophet Muhammad (s.a.w.), a slave trying to meet his commitment to Allah (s.w.t), his master and anyone else have a female slave, and tried hard to guide her, let her behave well, give her a chance, and marry her” On the issue of religion, all people need to make their own choices because Islam has no impulse. A believer can correctly know his God and him, and a man and another man when the relationship is accepted in his way. A woman can be an Alim and can-do Ijihad if necessary.\footnote{Ansari, Abdul Haseeb. “Feminist jurisprudence in Islam: an overview.” Journal of Islamic Law Review 6, no. 1 (2010): 85-107.} The prophet (s.a.w.) allies’ spouses to be allowed to go to see the Prophet (s.a.w.) and get some information about religious and social issues. Gathering knowledge is Fard (mandatory) for every Muslim, regardless of genders. The Prophet (s.a.w.) reportedly asked his followers to go to China if it is needed to seek knowledge (Although the reference of this Hadith is not very strong, but it provides a strong and meaningful message. Getting access to information is an absolute necessity not only for the worldly achievements but also to acquire spiritual experience. Females are not an exception to this ardent religious precondition.

Equality in Contract

Women can do work, do business, be an entrepreneur and make a contract in Islam. Bangladeshi women were refused to work outside in the early period while they are free to work outside now in the current situation. During the Prophet Muhammad (s.a.w.), women were used to do work outside, do business and hold a position in working sectors. At the Caliph period, women worked as administration and legislative also. To run those position, they needed to contract in several fields. In Bangladesh, Muslim Family Law gave power and fairness to women to contract, purchase, gift, lend and so on. The Qur’an gives men and women similar powers and fairness, such as in terms of agreements, purchases, offers, charity, funding, and lending. Therefore, we can see that ladies are equal to men in many things. For example, in teaching, creating inventories in God, calling Allah, communicating, learning, religious obligations, creating, she is completely in human’s equivalent to men.\footnote{Ansari, Abdul Haseeb, 2010.} From then on, every text in the Quran and the Sunnah shows that woman is not only a person who fully feels the word, but she is completely equivalent to a man also. Therefore, the fact of reality is that men and women are equal in terms of authorization, obligation, and respect; in any case, we should not overlook the contrast between men and women. Moreover, this distinction is indispensable for affirming the sacred mission of the ladies, so that the husband and wife complement each other's deficiencies due to the fact that the other side's diverse things will be compared. On the other hand, the comparison will not be with any imagination at all.

IV. RIGHT TO WORK

Women’s right to work is still a controversial matter in Bangladesh. Educated female are increasing day by day and working sector are also rising for women gradually. Though rural areas people are yet to refuse women’s work in office or outside, the changes are obvious. With this background, feminists in Bangladesh are still claiming that practicing Islam is a barrier to work outside for women. However, Islam never prohibited women to work outside, rather it inspires to do job in terms of supporting family and national development in a broad sense. There are a lot of Hadith that Islam says about to women’s work even, Prophet (s.a.w.) never forbid to work rather he suggested working in a suitable environment for women. Islam grants women the same degree of ownership and work-related compensation since the 7th century. The Quran is downright: Do not let God allows some of you to exceed the expectations of others; men may gain the advantage of their victory, and women shall gain the advantage they have gained; and plead with God from His
beauty; In doubt, God knows all things (Quran, 4:32). This verse establishes the position of a woman as a free individual and suggests that men’s work is as beneficial as the work of a woman. From this and comparable Islamic statutes, it can also be concluded that Islam does not separate work and pay between men and women. Segregation cannot be obtained in any way because it allows ladies to enter the four separators so that the women are not prepared to perform obligations to the general public and the State; this will infringe their right to work accordingly.

Allah makes all humans become lonely men and women and often loves and friendships with each other and builds private and family relationships. Just women are equipped with basic mechanical assembly to tolerate, communicate, care for, and tend to be youthful. Taking into account the ultimate goal, women’s people are worshipped, considered, sensitive, caring and loving, and are willing to treat her young people in a balanced manner. Given this special tendency and division of responsibilities, given the characteristics of men and women, it is normal for men to work from home and get family and women’s livelihoods. Given this basic reality, Islamic law does not deny that a woman cannot work within the scope of guaranteeing her respect and self-esteem. Islam allows the woman to actually lead her business contracts and money-related transactions. From the perspective of Islamic law, every such contract and exchange is reasonable and legal. In Islam, girls have proper right to work. In this way, she allows accepting any reasonable activity in situations where she does not need to put pressure on anyone and is suitable to get a job because her ward work includes her better half and her family. Islam and She is not prohibited from doing so because the activity suits her abilities and competencies. She can calmly fulfill the obligations required by the name of the event or perhaps their abilities must contribute to the country’s social and currency processes. For example, Aisha (r.a.) drove in the conflict of development wars.

There are certain conditions that If you disregard it, the consent given to the woman for correct recognition will be deemed invalid, and she can be restricted to use her rights. The work performed by the female outside the home must not be held to her obligations and duties towards the husband and children.\(^\text{15}\) Dr. Yousuf Al-Qardawi pointed out the conditions under which a woman can work. As conditions describe Allah’s restrictions on this issue, they should give due consideration. For example, working women need to live in religious preconditions such as the necessary parts of their bodies and meeting separately from men. If the idea of work is to be implemented by a spouse consultation, she will be better. She must work with other women and in physical contact with men in male situations, or be abducted and attacked and dealt with. As the messenger of Allah said (peace be upon him), “A man is not limited to a lady, but Satan is their outsider” (Tirmidhi-1171). More importantly, in another convention, a man said: “The Messenger of Allah, my wife has gone out to pilgrimage and I have already formed to participate in the military fight”. He said: “With your wife go to the pilgrimage.” (Bukhari-4935 and Muslim-1341).

A woman should not go out to work and show her brilliance and embellishment, because of these embellishments can easily stimulate men's needs.\(^\text{16}\) In other words, she can go out to work on the condition that she should neither wear embellishment nor adjust her contact in a way that may cause men to consider. Allah (s.w.t.) said: “Do not put their decorations in obvious places”(An-Nur 24:31). In the end, the basic rule is that a lady should handle her children, her husband, and home. Whether or not she is rich, her support is her husband responsibility. In any case, whatever the responsibility of Islam, she must be given the privilege of working under the aforementioned conditions. It would be appropriate if the ladies were asked to go out to work without meeting the cut-off points of Allah (s.w.t.). The truth was told that the reservations for a female in teaching, especially the skilled courses, and the work that suits women are all welcome behaviors. In some Muslim countries such as Malaysia and Pakistan, women participate in all aspects of national development.

V. RIGHT TO HOSPITALITY

There is a custom in the rural areas in Bangladesh that female cannot serve to the male which developed by the Islamic circumstances. People from this environment thinks that if women make hospitality to men then it will be a violation to veil while Prophet (s.a.w.) did not say anything against women’s hospitality to men. The Prophet Muhammad helped us remember the noble identity of a visitor who was good at treating him when he said: “...let the devotees to God and Judgment Day to respect his visitors” (Saheeh Muslims). The practice of treating or treating guests is combined with the two most important beliefs in Islam, belief in God, and faith in Judgment Day. In Islam, the friendly relationship is triangular; it consists of a host, visitors, and God. Accommodation is a privilege, not a blessing, and the obligation to provide it is an obligation to God.\(^\text{17}\) Visitors appreciate the extraordinary nature of Islam. Respecting guests is determining the confidence of a true follower. Throughout the world, you will find that Muslims do their best to provide accommodation for visitors in their homes or groups. Inviting guests is crucial - it means the owner's concern for his guests and God.

Women can pass and serve visitors. There are various hadiths to help this. The Prophet (s.a.w.) had visited some old ladies who had served him before and he had often expressed petitions at their home. In fact, during the marriage ceremony, a bride can do the same. The Prophet (s.a.w.) was welcomed by the newly married couple and the couple provided him dinner, (Bukhari-4887). While serving tourists, ladies must

\(^{15}\) Ibid.

\(^{16}\) http://darussalamblog.com/women-rights-work/

\(^{17}\) https://www.islamreligion.com/articles/10662/treating-guests-islamic-way/#_ftnref26854
wear legal Islamic clothing. In any case, for the prophet’s spouse, there were strict instructions from Allah (s.w.t.) (Quran, 30-31 and 35 ayat) in Surah Ahzab. Another striking example is that when a man visits a woman, he should also see the breakthrough of Allah (s.w.t.). Except for mahram (real father, real brothers, and sisters, real uncles, etc.), one needs to try to maintain a certain strategic distance from any unreasonable vision or contact that might be considered despised and he must walk out of the Chilwater realm (a woman with a private place is away from others). Therefore, in Islam, it is said that if there is a possibility of committing sin, the path from this place or thing should be maintained.

VI. CONJUGAL RIGHTS

The divorce rate in Bangladesh are extensively increasing day by day. Though Bangladesh is a Muslim country and families matter like marry, divorce, mah, inheritance etc. are followed by Muslim Family Law Ordinance, the situation regarding marital problems most of the time happens due to proper conjugal rights for women. Men nowadays, are busy with their works where women are neglected in their conjugal rights. However, Islam or Shariah is very careful in terms of conjugal rights to women and gives a fair guideline to men to treat women nicely. In Islam, marriage is a self-righteous religious belief between Muslim men and women. Local relationships between husbands and wives consist of various rights and obligations. There is no arrogance in Islam. Western legal experts for women activists say that if men have power over sexual issues, then this will be the best case for male control. They assume that hypothetically talking about these issues, the husband and wife must agree, however, because this position is unique. Their mood is not suitable for Islamic culture. Just as in Islam, there is no imbalance in the rights to marriage. To be honest, it is correct to say that the teachings recognize more rights for spouses and their husbands. One of the motivations behind this is to acquire young people; and it is an important and necessary condition to get children living together. This is common and considers letters. Usually, this is a commitment of a couple not to reject genuine sexual contact. Both must accept each other and have basic sexual rights. If the spouse did not respond explicitly, the sacred angels rebuked her until the morning. In addition, if a husband is working all day and all night, he will misuse the Hadith: Moreover if a husband works entire day and prays whole night, he is abusing a hadith: the Prophet (s.a.w) asked Abdullah container Amr al-‘as’ “….to quick sometimes and also to abandon them at different circumstances, sometimes stand up for prayer at night and go for sleep. Your body and wife both have rights over you” (Muslim-1436). Sharia does not specify about number that a husband should have relation to his wife. Wife’s conjugal rights is based on the need. From then on, when the need arises, the husband should do its best to satisfy the conjugal rights. However, due to some substantial reasons, such as illness, shortcomings, etc, he cannot meet her rights and he will be pardoned at Allah (s.w.t.) Court. Without fulfilling the conjugal rights, a man should not leave his wife for more than four months. In spite of this, people who has rights for sexual contact may encounter specific situations (Muslim-1159). One thing worth noting is that the husband or wife is experiencing any sexually transmitted diseases; the wife circulates once a month; and it may be inconvenient for either of them. The third condition is because Islam does not allow gains at the expense of others health. There is no any idea regarding marital rape in Islam. This exists within the framework of civil law. However, if the husband has the power to take other's consent or causes actual damage, he conflicts with the confinement point proposed by Allah (s.w.t). It is supported by the above argument that in view of this, some people cannot be disgusted by his sexual pleasure. This is in accordance with the order of the Qur’an: “… (Quran, 65:6) do not hurt them to correct them (forced to go out)”. … but do not bring them back to harm them, and those who do his people, at that time he is already wronged himself (Quran, 4:19).

Almighty Allah’s well-intentioned that has confirmed the spouses’ similar rights and related suggestions in order to promote love and friendliness between them and ask each one of them to care the next one in the perfect and absolute best way. The Allah Almighty said: “Live with them generously, because if you hate them - perhaps you hate one thing, Allah makes it so good” (Sura 4:19). Abu Huller (may Allah be satisfied with him) described the prophet (s.a.w) as saying, “Take care of the ladies.” He also pointed out that the messenger of Allah once said, “I solemnly warn you not to stop the two, rights of those who have no power: homeless people and women.” (Al-Hikmah). In a Hadith, Jabir Ibn Abdullah, (may Allah be satisfied with him), regarding the prophet (s.a.w): “Respect your ladies, because you have taken them away through Allah’s pledge” (Muslim). With regard to the experts of Abdullaah ibn’Amr ibn Al’As (may Allah meet him), The Prophet (s.a.w) said: “The best of you is the most merciful to their wives” (Ibn Maajah). In contrast, many other fair companions have described this, such as ‘Aa’ishah, Mu’aawiyah and Abu Kabshah (may Allah be pleased with them).

Abu Uthaynah, May Allah be satisfied with him, described that the Prophet (s.a.w) said: “The best woman among you is friendly, prolific, and relieves the husband and obeys them.” (Al-Bayhaqi). There is another Hadith that Abdullah ibn Abi Awfa, may Allah be satisfied with him, saying that the Prophet (s.a.w) said: “A woman will never satisfy the privilege of her Lord unless she meets her husband of the privilege” (Ibn Maajah). In the Quran, the Allah Almighty said: “His traces are like, He created for you your own

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19 Ibid

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companions, you can find peace in it; and place love and forgiveness between you, no doubt, this is for the people who give thoughts” (Surah 30:21). This verse shows that all the rights of companions must be satisfied in a system of worship and warmth. For whatever reason, their common love is powerless, and each of them should maintain the relationship between the rights of substitutes and love, which is considered and unwavering.

VII. FAMILY VIOLENCE

It is true that women are facing family violence by their husbands in Bangladesh and it is remarkable that women in Bangladesh are really vulnerable in their family due to patriarchal or men’s domination. Again, feminists in Bangladesh, as well as others, always impute Islam as the male domination to female. They say that Islam gives the authority to men to dominate women as they are under the supervision of men. However, Islam never gave authenticity to men to dominate women rather it provides dignity and honor to women and also in some circumstances it favors women with consideration. As stated in the Constitution of Bangladesh, all citizens are equal before law and are entitled to equal protection of the law (Article 27 of the Constitution), The state shall not discriminate against any citizen in the grounds of religion, race, caste, sex or place of birth (Article 28(1), Women have equal rights with men in all spheres of the state and public life (Article 28(2). However, social standards are determined by human behavior, attitude, and morality and it shows the society about great or terrible ideas. The overwhelming majority of the public are male commanders, so women cannot do anything. Since the beginning of human development, the male-centered social order has been liberated. Women are looking for social standards that are equivalent to rights rather than women. Every time the development of communication to female is to fight social standards.

Bangladesh is a poor and developing country in South Asia and half of the total number of populations is women. Without the combination of women’s interests and the country’s progressive areas, all improvements will not be possible. Women’s interest in financial work, in addition to basic education, decision-making opportunities, and the right to speak freely, are the basis for women’s improvement. However, social standards are a major obstacle to women’s promotion. Bangladesh’s brutality against women is an extremely basic practice that denies women’s opportunities in the family and the public as a whole, security, confidence, and nobility. Since most of the ordinary population in Bangladesh is Muslim, religious beliefs and social customs completely prevent women from experiencing social standards. This is the reason why social standards hinder the promotion of women in Bangladesh. In any case, the Bangladesh government recently passed the Domestic Violence Act of 2010 to ensure that the safety of women and adolescents is not affected by the malign and separation of the family. In short, women in rural Bangladesh imagine that men are their nobles and have the power to defeat them unacceptably and many people believe that this privilege is based on Islamic religious creeds. Women benefit from religious sermons and believe that their spouses beating their body parts will enter heaven. They should insist that they are beaten by their husbands without being questioned by the fact that they should not complain about each other. What's more, many women are very concerned about the financial matters that make them oppose the malignity.

However, Islam affirms the status of female in the family and the general public. Therefore, the family debate must be resolved on the same premise. Islam never allows a husband to force his absent will or show hegemony over the wife. These were all derived from the different narratives of the Quran (Surah 4:19): “...for those women who are worried about rebellion and morbidity, they are advised (first), refused to share their beds (Second) and (finally) beat them slightly: But if they come back to submit, do not object to them, so it can be said that some of them are allowed as a symbol of the final report. The beating, which may not hurt or terribly hurt, is also the case with uncommon infidelity and morbid lead. If the wife does something again and again prohibited in Islam, the husband should be beating. However, Abdul Haseeb Ansari pointed out some condition and said that it should be done: 1. Not to cause any actual damage to the wife; 2. Before it depends on it, the husband should make a decent attempt to influence her and use all methods to expedite the speed of the wife in the right way; 3. The husband is before submitting; all the positive aspects of their wife should be taken into consideration; 4. It is not feasible to defeat face in any way. Accompanying Ahadith is crucial: “Do not beat Allah’s (s.w.t.) female worker.”, “Several women complained to my family that whose husbands were beating them. These husbands are not the best of you” (Al-nawawi, Riyadh Al-Salehin, pp-130-140); how could you beat another of him like he defeated the stallion camel, after which he could embrace her (Bukhari-68).” 6. The prophet (s.a.w.) did not beat his wives.

Islam does not allow widespread cruelty, even symbolic beatings as indicated in the Qur’an. This will add up to a civil wrong and a crime also. There is an erroneous observation that infringement spouses cannot be made to present evidence of infringement: Some countries, including Malaysia, have now authorized the law allowing wives to provide evidence of infringement to their husbands. According to Islamic directives, such abuses and domestic violence laws will be considered to avoid their impact on these orders.

22 Ibid
VIII. CONCLUSION

Feminist jurisprudence in Islam is clear and remarkable though there are some social norms and customary practice in the society of Bangladesh which are the barrier to provide Islamic jurisprudential rights to women. Islam as a religion does not conflict regarding women’s rights to any sector and does not discriminate anywhere. To avoid claim on feminism, Muslim feminist should be ahead by producing proper information in Shariah perspectives. They should spread out the actual knowledge to people especially to rural citizens in terms of the right to equality in many segments. In the real controlled soul, the issue of gender equity should be closer. It is itself a mission and task of the Qur’an and it seeks to find a central position between optimism and reality in traditional and current societies. In addition, the customs and Divines related to Islam like women’s right to hospitality and right to work outside need to change through public awareness and institutions campaign. They should be aware of rights given them in Islam under Shariah and statutory laws. Furthermore, family violence and patriarchal practices should stop as Islam is very strict against men domination to women. The police and other authorized officials should regard domestic violence cases as important events in order to kill them in the bud by adopting preventive and corrective measures. Moreover, Muslim couple should know about their responsibility to each other and should be responsive to conjugal rights. Therefore, due to women’s lag behind the nation cannot advance as they are the half of the society and the greater part of Bangladesh. There should not be any climax regarding women’s rights in Islam and in Bangladesh, so that, it has a vibrant consequence in twenty-first century.

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