

Submission date: 1 Nov 2022

Acceptance date: 21 Dec 2022

Publication date: 12 May 2023

THE APPOINTMENT OF THE FEMALE SYARIE JUDGES IN SYARIAH COURT IN MALAYSIA: CHALLENGES AND RECOMMENDATION

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ABSTRACT

The appointment of female judges in Malaysia has been debated since 2016. Previously, in Malaysia, women had to overcome significant challenges of being on the bench in the Syariah court system as a national fatwa prohibited women from being appointed as judges. It took over two decades for the National Fatwa Committee to overrule its previous decision allowing women to be appointed as Syariah court judges provided that they met the qualification requirements. Thus, this paper examines the extent of a woman's eligibility to become a judge from the perspective of syariah and the Malaysian legal framework. In addition, this paper also identifies the challenges faced by female syariah court judges in Malaysia and proposes several recommendations to overcome these challenges. In this study, a qualitative methodology was employed to analyze the data through a case study and content analysis method. For the case study approach, make observations on case law related to this research topic and for content analysis, the data obtained in the form of a document or text are analyzed using content analysis. The findings indicated that there are three views on the appointment of female judges in Syariah court: total prohibition, permissible for all cases, and permissible except for *Hudud* and *Qisas*. The challenges that will be faced as a female syarie judge are complex and challenging cases, many cases, and public perception. Among the proposed recommendations are to consult with experts, establish specialized courts, and actively advocate for gender equality. This research has the potential to improve access to justice for women in Malaysia and promote more inclusive and equitable legal system.

Keywords: *Female syarie judge, syariah law, Syariah Court, Malaysia*

Cite as: Wan Mazlan, W. N. H., & Kamaruzaman, N. A. F. (2023). The appointment of the female syarie judges in Syariah court in Malaysia: Challenges and recommendation. *SALAM Digest*, 1(1), 160-169. Retrieved from <https://salam.usim.edu.my/index.php/salamdigest/article/view/59>

Introduction

Islam emphasizes all aspects of human life, including the judiciary. A qadi or judge has the highest position in the judiciary because the judge is responsible for upholding justice and preventing injustice. The duty of being a judge is also a noble task. Based on Surah An-Nisa verse 158, explained the arduous duties of a judge who must be fair every time he decides a case.

Translation: “O you who have believed, be persistently standing firm in justice, witnesses for Allah, even if it be against yourselves or parents and relatives. Whether one is rich or poor, Allah is more worthy of both. So, follow not [personal] inclination, lest you not be just. And if you distort [your testimony] or refuse [to give it], then indeed Allah is ever, with what you do, Acquainted”.

(Al-Quran. Surah An-Nisa', 4:158)

In addition, the prophet (PBUH) also warned us to be careful in carrying out our responsibilities as judges, according to the Hadith,

Translation: “There are three judges: two judges in Hell and one judge in Paradise. As for the one in Paradise, a man who knew the truth and judged according to it is in Paradise, and a man who knew the truth and did not judge by it and was unjust in judgment, then he is in Hell, and a man who did not know the truth and judged for people out of ignorance is for Hell”.

(Hadith. Abi Daud. Kitab Sunan Abi Daud. Juz' 3: 3573)

Based on this Hadith, a judge has a great responsibility and a heavy mandate to fulfill Allah's rights and resolve disputes between the parties involved. Therefore, several conditions are set out in Islam for a person to be eligible to become a Judge or Qadi (Nazri Ahmad, 2001). An issue that is often discussed concerning the requirements to become a judge is the eligibility of a woman as a judge.

In this era of globalization, women also do not miss the opportunity to put themselves in the work sector. Such as tourism, business, services, and so forth. In contrast to the past, women are more seen as playing a role in doing the basic work of a woman a mother, and a wife. But, following the current era, the demand for women's services in the work sector has grown and has a high demand. For instance, the need for women's services to get involved and their energies are needed in various fields and sectors. However, is the service of women as a judge also required?

As is well-known, only piety can distinguish between one person and another, so in Islam, men and women are the same. Men and women have their roles and duties. For example, in the family system. The husband is responsible for taking care of the needs of his wife and children, such as providing for them. And the wife must maintain the household properly. The importance of the roles of husband and wife in the family system is so that there is no imbalance in the family institution. So, as well as in the context of work. Men and women have their duties.

But in the judiciary, especially the appointment of a judge. The inauguration of women as judges or qadi has received attention from the community. Several studies have been conducted regarding the appointment of women as judges based on the views of the fuqaha and the perspective of the *syara'* itself. And based on the designation of the law regarding the inauguration of Syarie judges.

This paper finds that the statistics of female judges in Malaysia are increasing. The challenges faced by female judges in years past have affected the acceptance of the public with the appointment of women as judges, but the challenges are proof that female judges are also in the Court. Thus, this paper examines the extent of a woman's eligibility to become a judge from the perspective of syariah and Malaysia's legal framework. In addition, this paper also identifies the challenges faced by female Syarie judges in the syariah court in Malaysia. And propose recommendations to overcome the challenges.

Literature Review

The topic, which is the degree to which a woman is eligible to serve as a Syarie judge, has been highlighted by the researcher by multiple theses, dissertations, journal articles, and books. The most notable aspect of this study is its examination of earlier research to precisely plan the researcher's investigation without any duplication of findings. The researcher will divide the literature review into several sub-themes.

The researcher will divide the literature review into several sub-themes. Among the studies that discuss the acceptance of Syarie judges from among women is, the study conducted by Suhaizad and Ahmad Azam (2019). This study aimed to identify the challenges faced by a female Syarie Judge in fulfilling her responsibilities as a judge in this era of globalization. In the related study, among the challenges raised was the large case rate. As is well known, a large case number can add burden on a judge, indirectly this will also put pressure on the judge to resolve a case. The findings of this study show that the appointment of women as Syarie Judges has been well received, although there are differences in terms of appointment. However, looking at the number of female judges who have been appointed, shows that the state's Syariah justice administration has been carrying out its responsibilities fairly and carefully. The researcher agrees that there are challenges that will be faced by female Syarie judges. This is because the appointment of a woman as a Syarie judge is something new when compared to the appointment of a male judge. Therefore, some challenges will be faced by female Syarie Judges in their efforts to fulfill their responsibilities as judges. However, the researcher sees that there are actions that can be taken by the author to prevent the challenges faced from giving the impression of a judgment.

The study of Zaini Nasohah et al. (2015) also states and discusses the justification for accepting the appointment of women as syarie judges. Some of the identified justifications have been confirmed by the study's findings. There is a syara' opinion allowing it, national and state fatwa demand it, cases in the Syariah Court do not entail hudud and qisas, and there are no legal obstacles, according to the states that have appointed female syarie judges. In addition to these elements, other justifications have influenced these nations' choices. However, from one state to the next, the respondents' justifications varied and were inconsistent. From this study, the researcher is convinced that the designation of the law that has been available is indeed powerful regarding the inauguration of female syarie judges. So, it does not have any form of a hindrance for women to fill the post of syarie judge.

The appointment of female judges in Islamic countries is one of the contemporary legal dilemmas in Islamic law (Aishath Muneza, 2014) the purpose of this article is to ascertain the legal standing of female judges appointed to Syariah courts. This article argues clearly that female judges can be appointed in Muslim nations, and the key justification for this is that the fundamental sources of Islamic law do not expressly forbid it. However, this article also addresses the arguments that the appointment of female judges is against Islamic law.

The purpose of this essay is to demonstrate that, so long as they meet the requirements, appointing female judges is not against Islamic law. In addition, The Qur'an contains a chapter on women that demonstrates the privileged status that women hold in Islamic law (Ramizah Wan, 2015). The researcher contends that although there are various juristic viewpoints in the case of a female judge, these viewpoints are susceptible to interpretation. From another point of view, some folks urge the appointment of female syarie judges because female judges should preside over matters concerning child custody, the division of joint property, and divorce (Fadhilah Abd Rahman et al., 2006).

The study of Awie et al. (2012) discusses the impact of the inauguration of female syarie judges on the structure of the syariah court as well as the administration purposes, this is because although there are groups that oppose the inauguration of female syarie judges, there are also most community groups that support syarie judges from among women. So due to this inauguration being accepted, this study would like to determine whether a woman holding the post of syarie judge will impact the structure of the syarie Court. In addition, this study also looked at the appointment of female judges in the Islamic Republic of Pakistan and the issues that had arisen. The researcher suggests making a comparison regarding the appointment of female syarie judges in Pakistan and Malaysia considering that there are already syarie judges who have been appointed among women in Malaysia.

The study by Nazri Ahmad (2001) explains the history of the Islamic judiciary, especially during the time of the Prophet Muhammad (PBUH), the Companions, and the Tabi 'in. This paper tries to describe how the Islamic judicial system applied the criteria for selecting judges, the scope of power, and the acceptability of the position in Islam. The researcher argues to raise issues related to the development of the judicial system. Because many differences have occurred between the inauguration of the female syarie judge itself. This is because there were no women ever appointed as judges in the history of the judicial system during the time of the prophet Muhammad and his successors.

In addition, if observed in Malaysia's dual legal system, female judges were appointed to the High Court in 1983 and the lower civil courts as early as the 1960s, nevertheless they were not admitted to the syariah courts until 2010 (Najibah Mohd Zin, 2017) This paper examines the barriers that have prevented and still prevent the appointment of female judges to religious tribunals. The findings of this study show that a determination to include women in the syariah legal system should be seen in the nomination of female judges in Malaysian syariah courts. From a different standpoint, the appointment of female judges in civil jurisdictions is notable since there are no limitations on the kinds of cases that can be heard there; in contrast, the appointment is determined by a person's qualifications, experience, and history.

Methodology

The researcher uses a qualitative approach with a case study and content analysis method. Evidence from al-Quran and al-Hadith used by scholars as evidence for their views, jurisprudence books that debate the views of scholars regarding the acceptability status of women as judges, scientific books, journals, papers, theses, newspaper reports and magazines, official portals on the website, and legal statutes in force which are Acts/Enactments of Islamic Religious Administration or Enactments/Ordinances of the Syariah Courts of the states in Malaysia. The data obtained in the form of documents or text are analyzed using content analysis and observations on case law related to this research topic.

Results and Discussion

The Appointment of Female Syarie Judges from the Perspective of Shariah

There is a difference of opinion in determining the law regarding the appointment of women as judges. In summary, there are three views by the scholars in the debate on women holding judicial positions, namely an absolute prohibition, an absolute necessity, and finally justified but with exceptions to certain cases.

The majority of the scholars, from the Maliki, Syafie, and Hanbali schools, hold that it is categorically prohibited for women to hold positions as judges. A man is one of the requirements set forth by this group for the legitimacy of a qadi's appointment (Wahbah al-Zuhayli, 1985: 699–701). The determination of this condition renders the appointment of women as judges unlawful. All judgments rendered are invalid if the appointment is still in place (Al-Mawardi, 1983: 72). The scholars of these schools cite Surah An-Nisa, verse 34, to substantiate these views.

Translation: “Men oversee women by [right of] what Allah has given one over the other and what they spend [for maintenance] from their wealth. So righteous women are devoutly obedient, guarding in [the husband's] absence what Allah would have them guard. But those [wives] from whom you fear arrogance – [first] advise them; [then if they persist], forsake them in bed; and [finally], strike them. But if they obey you [once more], seek no means against them. Indeed, Allah is ever exalted and grand”.

(Al-Quran. Surah An-Nisa', 4:34)

This Quranic passage designates men with the responsibility of protecting, helping, and supporting women. According to their interpretation, this divine directive implies a gender-based division of roles, asserting that men, endowed with superior intellect and physical strength, are inherently better suited for safeguarding and supporting women. And supported by hadith that states:

Translation: “From Uthman bin Haitsam from Auf from Hasan from Abi Bakrah said: 'Allah benefited me with a sentence that I heard from the Messenger of God SAW on the day before the Battle of Jamal, after I had almost justified them (Ashabul Jamal) and fought alongside them. When news reached the Messenger of Allah (PBUH) that the Persian nation had appointed Kisra's daughter as leader, he said, 'There will be no success in a nation that entrusts its affairs to women’”.

(HR Al-Bukhari).

The second opinion by Ibn Jarir al-Tabari (Wahbah al-Zuhayli, 1985: 699–701) and Ibnu Hazm Al-Zahiri (1988: 429) presented the opposing viewpoint, arguing that women should have the right to judge in all circumstances without exception. Implicitly, this open perspective is the same as it is. It is codified in Majallah al-Ahkam al-'Adliyyah, the judicial chapter of Article 1792, clause 1 (Md. Akhir Haji Jacob, 2002: 623). This is because, according to this clause, it is only mentioned generally and does not specify the gender of a candidate or the needed jurisdictional scope. The requirements are a wise, understanding, kind-natured, trustworthy, patient, and sturdy or firm individual. This view is supported by Surah At-Taubah verse 71.

Translation: “The believers, both men and women, are guardians of one another. They encourage good and forbid evil, establish prayer, and pay alms-tax, and obey Allah and His Messenger. It is they who will be shown Allah’s mercy. Surely Allah is Almighty, All-Wise”.

(Al-Quran. Surah At-Taubah, 9:71)

In alignment with Ibn Hazm's perspective on the eligibility of individuals to hold judicial roles, compelling arguments arise. Firstly, Ibn Hazm asserts that anyone possessing the capability to make informed decisions or judgments should be considered permissible for such roles, explicitly including women. According to his viewpoint, femininity does not impede women's understanding of arguments presented or their ability to render decisions in disputes. Additionally, Ibn Hazm contends that if women can be appointed as muftis, there is a logical basis for their eligibility as judges.

The third viewpoint, known as a conditional necessity, was developed by scholars of the Hanafi School and only permits the appointment of women as judges under specific circumstances (Noor Huda, n.d.). Wealth is one of them, however, women are not allowed to decide hudud and qisas issues. Independent women are being given the chance to hold judicial posts nevertheless adopting a strategy that pays closer attention to the necessity that is accompanied by restrictions, and that hudud and associated qisas exclusions be made.

A passage in the judicial book in Islam (Wan Abdul Fatah et.al. 2020) also explains that the Hanafi School allows women to be judges for all cases except hudud and qisas. Because she has no testimony in these crimes and she has the testimony in others, so does her mandate to the judiciary, so they permitted her mandate to the judiciary in what it is permissible for her to testify about.

The appointment of female syariah judges according to the Malaysian Legal framework

The power to appoint Syariah court judges in Malaysia is under the jurisdiction of the states. All provisions are the same as in other states but only differ from the section aspect.

No.	State	Legal Statute	Section
1	Federal Territories	Administration of Islamic Law (Federal Territories) Act 1993	43 (2) – Appointment of Judges of the Syariah High Court
2	Sabah	Syariah Court Enactment 2004	5 (2) - Appointment of State Chief Syarie Judge
3	Selangor	Administration of the Religion of Islam (State of Selangor) Enactment 2003	56 (2) - Appointment of Chief Syarie Judges

4	Johor	Administration of the Religion of Islam (State of Johor) Enactment 2003	58 (2) – Appointment of Judges of the Syariah High Court
5	Negeri Sembilan	Administration of the Religion of Islam (Negeri Sembilan)	56 - Appointment of State Chief Syar'ie Judge
6	Pulau Pinang	Administration of the Religion of Islam (Pulau Pinang) Enactment 2004	58 (2) – Appointment of Judges of the Syariah High Court
7	Melaka	Administration of the Religion of Islam (State of Melaka)	44 - Appointment of State Chief Syar'ie Judge
8	Perak	Administration of the Religion of Islam (Perak) Enactment 2004	9 - Appointment of State Chief Syar'ie Judge
9	Kedah	Syariah Court Enactment (Kedah) 2008	4 - Appointment of State Chief Syar'ie Judge
10	Pahang	Administration of the Religion of Islam (Pahang) Enactment 1991	43 - Appointment of Chief Syar'ie Judge and Judges of the Syariah High Court
11	Terengganu	Syariah Court Enactment (Terengganu) 2001	6 - Appointment of Chief Syarie Judges
12	Kelantan	Enactment of Islamic law	4 (1) - Appointment of Judges
13	Perlis	Administration of the Religion of Islam (Perlis) Enactment 2006	56 - Appointment of State Chief Syar'ie Judge
14	Sarawak	Shariah Court Ordinance (Sarawak) 2001	6 - Appointment of Judges of the Syariah High Court

The provided table highlights the legislation governing the selection of judges in Malaysia. The researcher then crafted a concise summary addressing the appointment of judges in three states: Federated Territories, Selangor, and Sabah.

As outlined in the laws, according to Section 43 of the Administration of Islamic Law (Federal Territories) Act 1993 outlines the criteria for the appointment of Syariah High Court Judges. (1) The Yang di-Pertuan Agong may, on the advice of the Minister, after consultation with the Council, appoint Judges of the Syariah High Court. (2) A person is eligible to be appointed under subsection (1) if- (i) for not less than ten years before his appointment, has held the position of Lower Syariah Court Judge or Kathi or Registrar or Syarie Prosecutor of a State or at one time held any one of those positions and at another time held any of the others; or (ii) a person who is knowledgeable about Syariah Law. (3) Persons who, just before this section comes into force, hold the office of Kathi under subsection (1) of section 43 of the Enactment and perform judicial functions shall, when this section comes into force, continue to hold office as Judges of the Syariah High Court as if - as if they had been appointed under subsection (1). (4) All appointments under this section shall be published in the Gazette.

This section delineates the procedure for appointing judges, with the noteworthy clarification that none of the associated positions stipulates a mandatory requirement for the appointee to be male. Additionally, the position of Chief Syarie Judge is Section 56 of the Administration of Islamic Law (Selangor) and Section 5 of the Syariah Court Enactment Sabah, not limited to males; instead, it is open to individuals based on their qualifications. The provisions for the appointment of the Chief Syarie Judge to be appointed must satisfy the requirements outlined in Act 505, which include citizenship before the appointment should be made. All appointments made under this clause are gazetted and require at least 10 years of experience as a Syariah High Court Judge, Registrar, or Syarie prosecutor.

Studies and documents of the rules governing judge appointments to date indicate that neither men nor women are specifically excluded from consideration for the position of judge. The requirement that a person must be Muslim, and a citizen is only stated in general terms. This issue indirectly removes the gender status of a person as a barrier to holding the position in question. Therefore, if they are qualified and experienced and satisfy the requirements, women are also eligible to apply, be considered, and then be selected to fill the position.

The challenges faced as a female syarie judge

As a female Syarie Judge, two forms of challenges will be faced. By listing these two forms of challenges, it indicates that women will face two types of challenges. Even though the Syariah judge is from the male gender, there will still be challenges to overcome, especially for women who are striving to compete with men in the professional aspect as Syariah judges. First, the challenges that are born from the profession as a Syarie Judge itself, and the second challenge is, based on the nature and personal responsibilities of a female Syarie Judge. So, this matter is often a concern for female Syarie Judges because it is dreaded that it will affect or give the impression of a judgment if it is not handled properly. Among the challenges are,

The case is complex and challenging. As a judge, there is no disregarding his or her responsibility to give a fair decision to both parties. The issues that are debated in the court are comprehensive from all aspects of life (Suhaizad & Ahmad Azam, 2019). For example, the Syariah court today is not only dealing with complex family cases, but also with other cases such as cases involving the determination of a person's religious status, and cases of claims involving large sums of money. So, this case is a challenge that will be faced by female syarie judges.

Next, the substantial number of cases is also a challenge for judges. Each year, the number of cases may rise as the population, knowledge, and technology all develop. Today's society, in particular women, has a variety of easy means to access information about cases before the Syariah Court. Whether a woman or a man works as a Syarie Judge, the growing quantity of cases is a significant burden. A judge might encounter more pressure to resolve a case quickly if there are many cases to handle. This is due to the norms that Islam has established, according to which a judge must be in a condition of composure and spiritual and physical serenity when presiding over a trial. Islam places a lot of emphasis on the judges' feelings as they carry out their tasks. One of the grounds encouraging the appointment of women as Syarie Judges in this nation has also been the rise in these cases.

In addition, there are also challenges based on the nature and personal responsibilities of a female Syarie Judge. Among them is the public perception of women themselves (Noor Huda, n.d.). Without realizing it, there are still a handful of people who feel that women are weak. So, this group strongly hinders the inauguration of a syarie judge among women. Because women are not capable of resolving issues and cases in the court. This kind of thing is the biggest challenge for female syariah judges because as a judge, they need to get an elevated level of trust from the community to solve a case. Women are often equated with being weak and unable to do careers like men.

According to the judge of Syariah Court, Kota Bharu Kelantan, Yang Arif Ustaz Haji Muhammad Lutfi bin Haji Noor. He was one of those who prevented the appointment of judges from among women on the justification that women do not have the eligibility requirements that exist in men such as in terms of intelligence, maturity, and knowledge desired so that the level of mujtahid. However, as we see in this day and age, women seem to have found a new light when compared to before the coming of Islam. The human rights of women guaranteed in Islam ensure that there is no oppression against them in the household or throughout their social interactions in the communities they live in.

Additionally, there is a belief in the community that the appointment of female Syarie judges will result in men being punished and make it harder for them to obtain justice because they will undoubtedly favor women. This expectation and reaction present a dilemma for female Syarie judges because a judge must decide a case based on the facts, the law, and Syarak law, independent of his or her gender. It would be unfair to handle a matter based on feelings of supporting a particular group. Therefore, any decision made by a female Syarie Judge in a case based on facts, law, and Syarak law, whether they are on the

side of women or not, would result in discontent among groups with views and those with unjustified expectations.

Other than that, using the justifications offered by the vast majority of experts, there is a society that opposes the appointment of female syariah judges. One of them is to protect women's basic personality and shield their honor from slander and antagonism (Noor Huda, n.d.). According to this expert, judicial matters will necessitate a multiplication of creativity, ingenuity, breadth of thought, and reason, whereas a woman's character is less exposed to these factors. External issues that are more operational and technical, in addition to natural occurrences on a yearly and monthly basis (menstruation and menopause), weaken the body and impair his intellect to the point of being unable to handle the heavy and increased case workload. Those who share such perspectives justify their beliefs by referencing Surah Al-Ahzab, verse 33.

Translation: "And abide in your houses and do not display yourselves as [was] the display of the former times of ignorance. And establish prayer and give zakāh and obey Allāh and His Messenger. Allāh intends only to remove from you the impurity [of sin], O people of the [Prophet's] household, and to purify you with [extensive] purification".

(Al-Quran. Surah Al-Ahzab, 33:33)

In nature, there is a logical foundation for accepting this argument. Additionally, women typically continue to fulfill their duties and routine as wives and mothers at home even if they work. They are in charge under Hakim Syarie. Therefore, juggling duties as a household manager and duties as a Syarie Judge is not a simple task to carry out. Consequently, Hakim Syarie to ensure that these obligations can be carried out successfully, a woman who is also responsible for being a wife and mother must be shrewd and clever in how she organizes her schedule and time.

Recommendation to overcome and deal with the constraints as a female syarie judge

The researcher suggests that to deal with complex and challenging case issues, the following are make a consultation with experts before delivering any judgment. Especially in difficult matters requiring specialist knowledge, judges may consult with scholars or legal professionals with an understanding of the relevant field. These conversations can aid judges, particularly female syarie judges, in understanding complicated issues more thoroughly.

Expert advice helps judges make well-informed decisions. Other than that, the judges may conduct extensive legal research to explore legal principles, previous judgments, and scholarly opinions relevant to the complex case at hand. This research aids judges in understanding the broader legal context and identifying potential solutions or precedents that can guide their decision-making process.

Next, when judges are faced with many cases, they will employ various strategies and measures to effectively manage the caseload and ensure timely resolutions. Thus, in this study, the researcher states some general approaches that judges may use to deal with many cases. Firstly, the judges may use case management techniques. Judges employ case management techniques to streamline the legal process and expedite proceedings. This may involve setting deadlines for submissions, limiting unnecessary adjournments, and utilizing pre-trial conferences to address procedural matters. Case management helps prevent unnecessary delays and ensures that cases progress promptly. In addition, the researcher gives recommendations to establish specialized courts or divisions. Establishing specialized courts or divisions in the judicial system can increase efficiency in handling certain types of cases. For example, creating a family court, a commercial court, or a small claims court allows judges to develop expertise in certain areas and speed up the resolution of cases that fall under their jurisdiction.

At present, some groups still do not accept women as female syarie judges. These groups give various views that reject this inauguration. So, to deal with the public perception regarding this inauguration is by way of advocacy and representation. For example, female syarie judges can actively advocate for gender equality and women's rights within the legal system. By speaking out about the importance of diversity and inclusivity in the judiciary, they can challenge stereotypes and promote the idea that women can play a significant role in the administration of justice. Their visibility and representation in

public forums can contribute to changing public perceptions over time. The researcher emphasized that changing public perception is a gradual process. So, collaboration with various stakeholders, including legal institutions, religious authorities, community leaders, and civil society organizations, is crucial in achieving a broader societal shift towards accepting women as judges in Syariah courts.

Finally, there are also groups of men who do not agree with the appointment of syariah judges from among women because they are concerned if the men are difficulty getting justice. If men express concerns that it is more difficult to get justice with a female Sharia judge, then it is important to address these concerns and provide reassurance, so the reviewer provides some potential resolutions to address these perceptions. Firstly, the researcher emphasizes education and awareness. For example, conduct education and awareness campaigns to highlight the qualifications, expertise, and capabilities of female Sharia judges. Emphasize that their gender does not compromise their ability to deliver fair and just rulings. Provide information on the extensive training and legal knowledge that female judges possess. In addition, to address this perception can insist that female Syariah judges operate within the framework of Islamic law and adhere to its principles. Explain that the decisions are based on an objective interpretation of the law and that gender does not affect their ability to make sound judgments. The researcher argues that by addressing and engaging with these concerns, it is possible to gradually change perceptions and show that female Sharia judges are fully capable of delivering justice fairly and effectively.

Conclusion

Although various challenges need to be faced, if scrutinized and studied the appointment of syariah judges from among women also has its benefits and importance. For example, the case of Aida Melly Tan Mutalib (Khairul Anuar bin Kamaruddin v Aida Melly bte Tan Mutalib [2008] 1 SHLR 85). The controversy surrounding the Aida Melly Tan Mutalib case in 2003 further strengthens the justification for the contemporary necessity of appointing women as judges. This case, related to divorce and nusyuz, took up to 8 years to be resolved by the Sharia Court, gaining media coverage. The prolonged duration is said to be due, in part, to the increasing number of cases and the shortage of Sharia Judges in the Sharia Court. As a result of this issue, there has been an indirect emergence of the proposal to appoint female Sharia Judges, suggested by certain parties to address the backlog of deferred cases caused by this shortage. Therefore, the researcher believes that it is necessary to produce many more Syariah Judges from among women.

For example, providing earlier chances to develop knowledge and abilities as a Syariah Judge at the lowest level. One of the positions that a Syariah Officer may have been that of Hakim Syariah, who may be appointed by the federal government or through the State-appointed Syariah Officer Service program. A master's degree in Muda Syariah and a postgraduate diploma in Syariah judicial administration, such as a Diploma in Islamic Administration and Justice, from a well-regarded educational institution in Malaysia are often requirements for appointment as a Syariah Officer. The employment of Syariah Officers is not subject to any requirements regarding gender.

Therefore, it can be chosen from either men or women. It is undeniable that many female officers have significantly higher academic credentials than male officers since most graduates in today's academic achievements come from institutions of higher learning. Furthermore, in this era of globalization, society has begun to open up with the appointment of female Syariah judges. So, with this opportunity, can expand career opportunities in the judicial field, especially female syariah judges in Malaysia.

In conclusion, the appointment of female Syariah judges presents both challenges and opportunities. This research explored the multifaceted nature of this issue, highlighting the barriers faced by women in pursuing judicial roles within the Syariah legal system. These challenges include societal prejudices, complex and challenging cases, and institutional biases that perpetuate gender inequality. However, it is important to recognize the considerable progress made towards gender inclusivity in recent years, with several countries successfully appointing female Syariah judges. To address the challenges, various resolutions have been identified. First, consult experts. Additionally, using case management techniques.

Furthermore, engaging with the community is crucial to foster a supportive environment for the appointment of female Syariah judges. This dialogue can help dispel misconceptions and challenge traditional norms that restrict women's participation in the judiciary.

In conclusion, while the appointment of female Syariah judges may face challenges, it is an essential step toward achieving gender equality and justice. By addressing these challenges through legal reforms, proactive measures, and community engagement, societies can ensure a more inclusive and diverse judiciary that upholds the principles of fairness, equality, and the protection of women's rights.

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