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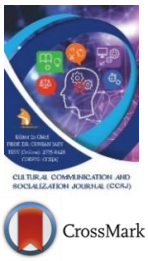

RESEARCH ARTICLE

GENDER EQUALITY FROM THE PERSPECTIVE OF JURISPRUDENCE

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ABSTRACT

Recently, in the 2021 Global Gender Gap report which identifies the gap between women and men across four sub-indices: economic participation and opportunity, educational attainment, health and survival, and political empowerment, Malaysia ranked 112 out of 156 countries. Therefore, recognising the significant role of women, Malaysia is committed in achieving gender equality and promoting the rights of women and girls. This paper deals with the socioeconomic status of Malaysian women. It provides an analysis of the views of jurists regarding gender equality and recent trends of the female labour force participation, the areas where the female labour force is concentrated at present, and gender differentials in many ways, and it makes recommendations to improve women's status. The Paper focuses on the need to enhance more opportunities for Malaysian women as gender equality is not only a basic human right but is also critical in accelerating progress on sustainable development.

KEYWORDS

Gender Gap, survival, equality, differentials, empowerment

1. INTRODUCTION

Feminist theorists who believe that women should be treated differently from men start from the premise that women are different in disposition and nature from men. The feminist or women's liberation movement has emerged in the past three decades, and the movement is making progress. Many thinkers fail to pay full attention to the contribution of women to jurisprudence. They are probably suffering from the prejudice and arrogance of men. After all, they cannot escape the fact that men are men, so they are always aware of this gender-based distinction. The claims of feminist theorists have a certain truth. According to the preceding passage from Surah an-Nahl in the Quran declares equality between men and women. Allah declares that the deeds of both men and women will be rewarded equally. To put it another way, the effect of any deed committed by any man is the same or a lady. There is no obligation for a woman to do what a guy can accomplish in order to be successful. Allah will reward you. The standard by which equality is measured is not a man's, but whatever it is.God bestows capacity and ability on human beings. Islam instils in humanity the value of equality. It's not about gender equality; it's about man and woman (Musa and Husin, 2019).

2. STATUS OF WOMEN IN HISTORY

In order to understand the spirit of feminist legal theory, it is necessary to study the status of women in history. How men's general attitudes towards women are reflected in the law and its interpretation is the crux of the problem. In 1869, Sophia Jax-Blake and six other medical university women wanted to be admitted to Edinburgh. At that time, in the entire UK, only two women had the right to work. The seven women were rejected by the Edinburgh University Medical School. The University Senate argued that since the establishment of the University of Edinburgh only provided education for male students, and because no women had applied for admission for hundreds of years, women could not enrol. The court held that the university's regulations allowing women to enrol went beyond the university's statutes because the university aims to provide education to male students only. The most suitable place for women is at home.

In the colonial era, the Blackston motto was applied to common law: "By marriage, husband and wife are legally one, that is, the existence or legal existence of women is suspended during marriage." This means the death of a civilly married woman. After the revolution, the situation did not improve. In fact, during the course of the 19th century, two other legal falsifications gained popularity. First, women are at a disadvantage due to the physical structure of having children. But women are regarded as superior because of their moral purity, elegance, and civility. This is nothing more than sex discrimination.

In the classic Supreme Court case Bradwell v. Illinois, the court ruled that Bradwell could not practise law (Bradwell v. Illinois, 1873). Judge Bradley believes that women should not practise law. The above-mentioned women's perspective demonstrates that women have been battling for their rights and against gender-based injustice. The women's liberation movement arose in the twentieth century and is still active today. Women believe that there is a lack of equality between men and women, and that the law and males unfairly dismiss women. The justifications for discrimination and demeaning treatment of women are as hollow as conch shells.

3. FEMINIST THEORISTS' VIEWS REGARDING GENDER EQUALITY

Though sexuality is the primary cause of gender inequality, other attributes are grafted onto the gender to generate subordination. Men, for example, are equipped with logic, activity, reason, objectivity, and rule-governed behaviour, whereas women are regarded as irrational, passive, emotional, subjective, and individualised. Mackinnon contends that by adopting male values such as logic, objectivity, equality, liberty, privacy, and freedom of expression, the legal system reproduces gender inequities under the appearance of impartiality and fairness.

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According to Catharine MacKinnon, women have been socially conditioned to want and hope for what males anticipate from them. Men dominate women with their sexuality. It is not due to biological determinism, but rather to societal conditioning, that women are subjugated to men. The features or characteristics of men are given to law. Law, like men, is meant to be rational, objective, abstract, and principled. It is not considered as illogical, subjective, contextualised, or individualised in the same way that women are.

Catharine Mackinnon, for example, presents an example of a rape crime (Mackinnon, 1989). The rape law is written from a male perspective. This is because if an intercourse occurs with the victim's consent, it is not considered rape. She contends that consent is relevant if the parties are equally powered. Many women would be monetarily dependent on males or would give consent out of fear of men's violence. When a judge reviews a rape case, the judge considers the man's viewpoint rather than the woman's experience of injury. According to Catharine MacKinnon, the fundamental nature of law and legal procedure is male, and hence the existing law is completely insufficient.

Meanwhile, Robin West claims that contracts, torts, constitutional law, and other areas of legal philosophy do not reflect the realities of women (Robin, 1988). Women will not have really unbiased jurisprudence until the law takes women's lives as seriously as men. They believe that a legal system that appreciates, protects, and promotes private labour will result in a better community. According to Janet Rifkin, legislation is potent as both a symbol and a vehicle of male dominance. This demonstrates how laws reinforce male supremacy. First, statutes and judicial rulings prohibited women from participating in public areas. For example, judges in the United Kingdom and the United States of America construed the term "persons" to exclude women, denying women access to high-paying professional employment. Second, the private realm has been largely devoid of the rule of law.

Some theories believe that women and men should be treated equally. Others argue that because women differ from males, they should be handled differently for women to achieve substantive equality or unique privileges. The fundamental distinction between male and female viewpoints, according to Suzanna Sherry, is that the basic feminine sense of self is connected to the universe, whereas the basic masculine sense of self is isolated. Carol Gilligan and others then conducted experiments to establish the difference in women. The controversy was sparked by the arrangements for maternity leave. Only four states in the United States have unique maternity laws.

These policies have been challenged as violating federal anti-discrimination statutes since they favour pregnant women over non-pregnant women employees who are unable to work for other reasons. This is a contentious subject among feminists. Some feminists think that pregnancy should not be handled differently than other situations. They demand that they be treated equally with males. They argue that it is nonsensical for women to want equal treatment in certain areas, such as jobs, while receiving special attention in others, such as pregnancy. Again, particular care for pregnancy implies that only women hold a specific responsibility for pregnancy, reinforcing the notion that women have a "special domain" of activity to which they should be kept. Singling out pregnancy rejects humanity.

Again, pregnancy discrimination would create structural impediments to women's employment by making women more expensive to hire than males. Those who advocate for special treatment say that pregnancy is unique and should be treated differently than general sickness or disability rules. Because if pregnant women are not provided adequate leave, they may lose their jobs. Proponents of special treatment further argue that the equal treatment approach is predicated on men as the norm or yardstick. "After all, Gilligan's work implies that women reason differently: if we begin to notice and validate more distinctions, it is only a short step to argue that the legal system has a role in that recognition and validation," Jenny Morgan summarised. It has aided extensive theoretical study of the legal system, which challenges the abstract, disconnected ideal of legal thinking and advocates for a contextualised, linked legal system. For some, the latter is a more realistic depiction of how the legal system operates, while for others, it is an ideal toward which feminist legal workers should strive (Morgan, 1988).

Furthermore, Mackinnon challenges the notion that women's reproductive capacity is the basis of their impotence. Women have been socialised to be feminine, meek, and subservient, and to be associated with motherhood and nurturing. Since males have valued women based on their ability to care for women. Her point of view is that the notion that anatomy dictates women's inequality is incorrect. It is scarcely unexpected that women value care and think in relationship terms, given the gender divide caused by cultural factors that have determined what it means to be a man, or they offer. Birth restrictions are thought to be gender-based. As a result, it is not surprising that the first question frequently asked after birth is regarding the baby's gender. Is it a girl or a boy? Other characteristics of the baby, such as its size, weight, or colour, are not investigated. Other characteristics of the newborn, such as height, weight, or colour, are not investigated. The National Abortion Rights Action League (NARAL) stated in 1989 that restrictive abortion laws deprive women of their ability to decide the course of their lives and limit their socially mandated involvement in society with males.

Barbara Katz Rothman believes that when it comes to surrogacy, the question to explore is what makes a woman a mother. Is it the egg or the pregnancy that is to blame? She responds that it is the latter. As a result, she believes that any woman who bears a kid is the mother of that child, with full parental rights, regardless of the child's origin. There should be no pre-birth or pre-conception adoption arrangements recognised and buying a baby from its mother is a violation of laws that ban infant sale. Women are exploited in the process of surrogacy. Third-world women who are generally impoverished and illiterate become "surrogate" moms. It is nothing more than a further violation of mothers' rights and exploitation of their parenthood. Mackinnon emphasises the harm caused by pornography, which is supported by scientific research (Jackson, 1992). The average male is more likely to force sex on a woman after being exposed to pornography. It harms all women because of the cumulative influence on sexual attitudes. Because of their gender, women are maintained in lesser positions.

Furthermore, pornography institutionalises male supremacy sexually. As a result, the abolition of pornography is a necessary condition for sexual equality. However, present obscenity legislation, even if enhanced, is not the solution. The essential issue addressed by pornography is not one of morality, but rather that its very presence is incompatible with women's equality. Even the definition of obscenity is ambiguous. The test of 'prurient interest' in American law and the test of 'tendency to deprave and corrupt' in British law do not provide clear recommendations as to what will or will not be declared obscene. The court is then asked to consider each case of obscenity "as a whole." In other words, if publishers design their pornography so that it is surrounded by respectable items, it will not be considered obscene. In the instance of pornography, both the United Kingdom and the United States advance freedom of speech as a defence or justification, and freedom of expression, being viewed as a higher value, readily outweighs other values or considerations. Mackinnon inquiries about women's freedom of expression. Why should women's voices be silenced? Pornography, on the other hand, silences women's voices. Even though pornography is legal expression, it continues to degrade and even suppress women. Pornography devalues women by defining them as sex objects. The free speech defence is hopelessly flawed.

Then, Chamallas also characterised the consideration of women's experiences in the formulation of legal remedies as a feminist move. Catharine MacKinnon's dominance theory of sex discrimination is one of her most important contributions to feminist legal theory. Dominance theory is concerned with how men use women's differences to dominate them rather than whether women are like men. Another significant contribution of MacKinnon to feminist legal theory is the application of this theory to the real-life experiences of women who have been sexually harassed at work. The 1970s and early 1980s saw the harm of sexual harassment named, made public as an employment issue for women, and lawmakers and courts convinced that the harm was protected by Title VII. Before there was any written study on the subject, panellists at Women and the Law Conferences in the mid-1970s reviewed cases in litigation and presented their thoughts on sexual harassment law. In 1986, the Supreme Court determined the first decision recognising sexual harassment as a form of sex discrimination under Title VII (Cain, 1990).

Women's experiences aided in naming the harm and demonstrating that it was sex-based. However, once the harm was defined as sex discrimination under Title VII, feminists had little said in determining acceptable remedies. Those remedies had been established by statute with little regard for women's experiences. Women who had been sexually abused on the job for years and were fired when they eventually resisted found themselves with a cause of action that offered only two remedies: reinstatement and back pay. Reinstatement was very unacceptable to many of the women in this position. Back pay was not recoverable in quid pro quo situations because the only reason she had undergone the abuse was to receive the advantage of increased pay. The Civil Rights Act Amendments of 1991 alleviated most of this problem, but the prevalence of the problem for the first 15 years of sexual harassment lawsuits demonstrates the difficulties in pushing new feminist causes of action into

pre-existing legal categories.

Another issue that has developed in sexual harassment law is the Supreme Court's interpretation of the legal claim as more analogous to sexual assault than to sex discrimination in the workplace. Although the Court in Vinson found that sexual harassment was protected by Title VII, it also ruled that testimony regarding the plaintiff's choice of provocative clothes was admissible to indicate whether the harassment was welcome. Susan Estrich and other feminists have argued that the requirement of "welcomeness" should be completely abolished from Title VII lawsuits by comparing it to the element of consent in rape legislation. There has been minimal disagreement among feminist legal thinkers who have urged for sexual harassment law reform. We have been outraged by judicial answers that have neglected the law's radical potential. We appear to agree in this field that the aim of recognising the harm and giving a cause of action was to change the nature of the workplace, to rid it of sexual harassment (Chand, 1994).

4. Malaysia's Position on Gender Equality

Art. 8 (2) of Malaysia's Federal Constitution states, inter alia, that there must be no discrimination based on gender "unless as expressly authorised by the Constitution." The principle of non–discrimination based on gender is based on the fundamental principle of equality, which is expressed in Art. 8 of the Universal Declaration of Human Rights (1). Gender equality is defined in worldwide law to encompass both "sameness" and "diversity," concepts that are part of a substantive equality criterion that prioritises equality of opportunity and outcomes. Local jurisprudence has yet to address these difficulties.

However, Art. 8 (1) and (2) do not tell us about the specific content of equality. While equality is not defined, it has been the subject of interpretation. Case Law on Art. 8 have accepted the Aristotelian notion of equality that things that are alike should be treated alike. The Federal Court in the infamous case of the dismissal on ground of pregnancy, missed a golden opportunity to reverse the tide in favour of a globally accepted standard of substantive equality. In the case of Beatrice a/p A.T. Fernandez v Sistem Penerbangan Malaysia, a decision handed down in March this year, the appellant did not resign after being pregnant contrary to a term stipulated in the collective agreement (CA) of the air carrier, which requires all stewardesses of a particular category to resign on becoming pregnant (Ahmad et al., 2005). The Federal Court in refusing leave for the appellant to appeal a Court of Appeal decision dismissing her application ruled that the term in the CA did not infringe Art. 8 inter alia on the technical ground that the amendment to Art. 8 (2) to include gender was made in 2001, the appellant being dismissed in 1991.

However, Articles 8 (1) and (2) provide no information concerning the exact content of equality. While equality has not been defined, it has been interpreted. Case law on Art. 8 has embraced the Aristotelian principle of equality, which states that objects that are similar should be treated similarly. In the infamous case of the pregnant dismissal, the Federal Court blew a good opportunity to turn the trend in favour of a widely acknowledged criterion of substantive equality. In the case of Beatrice a/p A.T. Fernandez v Sistem Penerbangan Malaysia, the appellant did not resign after becoming pregnant, in violation of a term stipulated in the air carrier's collective agreement (CA), which requires all stewardesses of a specific category to resign upon becoming pregnant (Ahmad et al., 2005). In refusing leave for the appellant to appeal a Court of Appeal decision dismissing her application, the Federal Court ruled that the term in the CA did not violate Art. 8 on the technical grounds that the amendment to Art. 8 (2) to include gender was made in 2001, while the appellant was dismissed in 1991.

Furthermore, the court stated, "...our hands are bound in construing Article 8 of the Federal Constitution." The equal protection requirement in Clause (1) of Article 8 applies solely to those of the same class. It recognises that all persons, due to their nature, accomplishments, and circumstances, as well as the diverse requirements of distinct kinds of people, may necessitate unique care. Regardless of how we tried to read Article 8, we could only conclude that there was clearly no violation." From the grounds of judgement, it is unclear whether the court applied its mind to all the requirements of the formal equality standard in identifying the comparator (the class of persons to whom the appellant is to be compared) and why the appellant and the class of persons are not the same, in order to satisfy the like treated alike standard (Ahmad, 2005).

The court adopted a 'protective' stance, stating that "it is not difficult to comprehend why airlines cannot have pregnant stewardesses working like other pregnant women employees." We take judicial notice of the fact that the nature of the job necessitates flight stewardesses working long hours and frequently flying across time zones. On flying aircraft, they must do a lot of walking. It is most emphatically not a safe environment for pregnant women." The consideration of pregnant women resulted in no recommendation of a modification in duties to accommodate sexual difference in the case. In other words, the appellant was held totally accountable for placing herself in a position that necessitated her resignation/dismissal.

According to the Women's Aid Organisation (WAO), 56 percent of Malaysian women have experienced at least one form of gender discrimination in the workplace, according to the "Voices of Malaysian Women on Discrimination & Harassment in the Workplace" survey, which was conducted in collaboration with research agency Vase.ai. This includes being queried about their marital status or plans to start a family, being passed over for promotion in favour of less qualified colleagues and being asked women to do activities that male colleagues are not requested to do, such as making coffee and preparing refreshments.

The poll attempted to assess the incidence of, and women's experiences with, workplace harassment and discrimination. It drew responses from 1,010 Malaysian women. Natasha Dandavati, WAO's Head of Campaigns, stated that during a job interview, 47 percent of women were asked about their marital status, and one in every five women was questioned about their capacity to perform activities as a woman. Approximately 55% of women reported that their child's father was given either less than one week of paternity leave or no paternity leave at all, with 55% of women reporting that the paternity leave provided was insufficient.

The poll results, according to WAO, indicate the crucial need for policy change, particularly amending the Employment Act of 1955 during the next Parliament session. There is a need for rules to safeguard against [gender] discrimination, as well as increased maternity and paternity leave, as well as other policies that allow for more equal sharing of care obligations and encourage women to stay in the workforce. According to the World Bank, the female labour force participation rate in 2019 was 55%, much lower than the male labour force participation rate of 81%. Discrimination, harassment, and the increased unpaid care burden on women are among the common reasons for women's low labour-force participation, and these affect both female employees and female job seekers.

Aside from employment, women in Malaysia experience legal discrimination in a variety of areas that are important to them. This prejudice begins with citizenship rights, as a Malaysian woman married to a foreigner can only confer Malaysian nationality on her kid if the child is born in Malaysia (Part III of the Federal Constitution). A Malaysian man in the same situation, on the other hand, can confer his nationality on his child whether the child is born in Malaysia. Furthermore, under Malaysian law, foreign spouses of Malaysian women are not eligible for Permanent Residence (PR), although foreign wives are (Article 15(1) of the Federal Constitution). A person under the age of 21 needs the agreement of his or her father to register his or her marriage under the Law Reform (Marriage & Divorce) Act of 1976. The mother's permission is not a meaningful consideration at all. The Women and Girl Protection Act of 1973 was meant to protect women, but it is often utilised to control women. There is no similar statute for males. Aside from the instances given, there are many more laws that discriminate against women, whether intentionally or unintentionally. So, how can one argue that there is no need to include "sex" as a genuine and fundamental cause for discrimination in our Federal Constitution's central law? (Samanther, 2001).

This is not about promoting women; rather, it is a statement of equality. At the policy level, the Malaysian government is officially committed to gender equality, as articulated in the National Policy, Plans, and ratification of the UN Conventions on the Elimination of All Forms of Discrimination Against Women (CEDAW), as well as accession to the Beijing Declaration of the United Nations Fourth World Conference on Women and the Global Platform for Action and Beijing. Nonetheless, there is no political will to recognise the fundamental problem in our hallowed instrument, the Federal Constitution. The government must be held accountable for violating the human rights of our women.

Furthermore, the coronavirus pandemic has exacerbated existing gender inequalities in a variety of domains, including education, vocational training, health, security and safety, sexual and reproductive health and rights, and economic possibilities in many nations. Furthermore, Covid-19 lockdowns have frequently resulted in an upsurge in gender-based violence, including domestic violence. At the same time, women and girls have borne a disproportionate share of the care load. Workers in the informal economy and in low-skilled positions (the majority of whom are women), migrants, and members of minorities are particularly vulnerable

and confront diverse and intersecting types of discrimination.

5. Third Gender Discrimination

Furthermore, we must incorporate the third gender in this image of gender discrimination. The third gender is best defined as a group of people who do not identify as male or female. They might desire to be labelled as both genders and neither. The third gender idea focuses on removing gender designations from individuals who fall into such categories. The EA 1955 contains a slew of broad legislation that protect employees against various sorts of workplace discrimination. The Act does not include a portion that is completely subject to anti-discrimination regulations. The third gender, out of all genders, may face the most discrimination as a result of society's rejection of the concept of unlabelled humans. Employees of the third gender are frequently subjected to job discrimination and workplace bullying.

According to an ILO report, the third gender may face the greatest degree of discrimination in the workplace. Employers may feel compelled to reject third-gender applications because they do not want to be held responsible for endangering the organisation's brand. As a result, a reformation regarding the addition of the third gender should also be addressed in order to avoid such situations. When compared to the labour laws of many other countries, Malaysian labour laws are recognised to be a little outdated. For example, Germany recently changed its labour rules to include a prohibition on gender discrimination in article 3.3 of the Constitutional Law. The change was introduced in order to promote awareness of the various levels of diversity that are emerging on a much larger scale. Germany is one of the countries that has worked to ensure third-gender non-discrimination rights.

Aside from Germany, other nations that have imposed comparable legislation on third-gender anti-discrimination rights include Australia, New Zealand, Canada, Nepal, and India. As a religious society, India has embraced the third gender as an acknowledgement of human rights. Former Supreme Court of India Justice K.S Radhakrishna Panicker stated, "recognition of transgenders as a third gender is not a social or medical matter, but a human rights issue." Aside from the discriminatory issues, the addition of the third gender may bring certain advantages to thriving or blooming organisations by expanding and diversifying the employment talent pool. The inclusion of a third gender will also educate employers, supervisors, and managers on how to improve diversity management practises (Ramalingam et al., 2020).

6. Approaches to Overcome Gender Prejudice

One key purpose of feminist legal theory is to challenge and overturn the male standard, to rebuild reality from a woman's point of view. Debates about equality have revealed the male norm, but they are unlikely to modify the standard. It is time to shift away from equality, which invariably compares women to males, and instead focus on women themselves. This entails embracing feminist aspirations that others have stated are essential to the ultimate feminist project: self-definition and self-determination. For example, the last century has seen the most significant gains in gender equality in human history. From New Zealand being the first self-governing country to allow women to vote in parliamentary elections in 1893 to Sri Lanka elected the world's first female prime minister in 1960, the gender gap has never been so narrow. However, there is still considerable ground to be gained.

There are numerous approaches to overcoming gender prejudice. However, we feel that the initial step should always be taken at home. It's past time for parents to stop imposing gender expectations on their sons and telling them they "should behave like a boy." Phrases such as "Don't act like a female" or "Don't cry like a girl" will unconsciously encourage stereotyped behaviour, leading him to assume that he is incapable of doing anything that a girl does. Every time we tell him not to cry, we are instilling in him the belief that only women cry. Crying is not a sign of weakness; rather, it is a way of expressing feelings. Allow your sons to play with whatever they want and enjoy. Don't give them the impression that their only toys are cars, swords, trucks, and dinosaurs. If they happen to prefer dolls, that's fine. Let them know that it's okay to do other things even if their buddies aren't. Allow your sons to explore the whole range of gender identification. It is the responsibility of parents to demonstrate to their boys that gender has no fixed responsibilities and that domestic chores can be handled equally among family members. It has absolutely nothing to do with gender.

In general, a woman's traditional role typically entails household domestic work and childcare. The continued belief that a woman's primary role is as a mother and wife means that power imbalances persist. However, depending on one's familial history, women's circumstances can vary greatly. Many families, for example, have the financial means to hire maids (bibik) to care for children and home responsibilities, letting moms to work full-time. Younger generations' attitudes toward gender roles are changing dramatically. Nonetheless, even those who go on to have employment are likely to be financially dependent on their husband or father at some point. Furthermore, males have a legal advantage in terms of family lineage, guardianship, and inheritance.

Gender discrimination is undeniably a problem in practically all companies, not only in Malaysia, but all throughout the world. With the strength of today's young, this discrimination must end. Reforms should be implemented, and the ideas of the younger generation, who are more in tune with today's lifestyle, should be considered. The first step in establishing gender discrimination is to recondition the hiring process. Employers should review their recruitment procedure on a regular basis. This will assist them in keeping track of and balancing the number of male and female personnel they have hired. Employers must, however, ensure that the number of male and female employees hired are fairly positioned at the same level, whether junior or senior. Only then can gender prejudice be avoided. Hiring the precise number of females in lower administrative posts and males in higher administrative roles does not aid in the process of gender discrimination reform.

Conducting regular salary audits is another strategy to combat gender discrimination. According to the findings, for every RM100 earned by a male employee, a female employee would earn a slightly lesser figure of RM93.80. Companies should disclose all employees and their jobs together with their salaries in order to have a better picture of employees who have the same tasks and labour but are paid differently. They'll be able to spot the pay disparity between male and female employees even though they have the same responsibilities. Regular pay audits can aid in the effective and efficient elimination of gender discrimination.

Furthermore, human rights defenders' immediate duty would be to investigate all specific contexts and universals, as well as whether provisions in CEFDAW and national law and policy qualify as specific contingent situations or universals. This approach does not rule out the possibility of investigating other empowering methodologies that promote gender equality and justice. With new approaches to culling normative principles that promote gender equality and justice, researchers can investigate the various contexts of marriage and family relations, custody and guardianship rights, inheritance and property rights, and a slew of civil and political rights, as well as economic, social, and cultural rights enshrined in CEFDAW and national law and policy. The purpose of human rights in the discourse of human rights and religion is the investigation of the core–irreconcilable distinctions in religious principles and the attempt to diminish the discrepancies through internal conversation with religion and cross–cultural interactions. The broadening of the penumbra for conversation would aid in the development of policies and principles for gender equality (United Nations Population Fund, 2019).

7. Opinion

In our opinion, even though we are in the 21st century and have gained much positive progress in many aspects, yet we are still left behind in treating women equally with men. All this while, women have contributed to these progress. In fact, women will continue to contribute to our home, community, nation and world. It is necessary to find ways to empower women and girls so that they can reach their full potential as full participants and contributors to economics, social life, family, and community. In light of this information, gender equality must be a top focus.

8. Conclusion

In conclusion, gender equality is not only a fundamental human right, but it is also crucial to advancing progress toward sustainable development. Women's and girls' empowerment is inextricably tied to several of the Sustainable Development Goals, including education, poverty, and climate change). The disproportionate weight of household unpaid labour, which prevents women from pursuing paid occupations, advanced education and skill training, and, most significantly, involvement in public life, is one of the key structural hurdles to women's economic empowerment. Furthermore, societal and cultural norms frequently hinder women's ability to participate in the formal sector due to limited mobility and a lack of access to quality education, training, and funding, among other issues.

Even though Malaysia has made significant progress toward meeting the Sustainable Development Goals, there is still room for growth in the

struggle for gender equality and women's empowerment (SDGs). Though gender equality and women's empowerment are the fifth aim of Malaysia's SDG, there is still a significant disparity in representation for women in areas such as the country's politics and economics. If the government fails to capitalise on Malaysia's Shared Prosperity Vision 2030, the country will suffer greatly. As a result, prejudices in the country must be challenged in order to pave the way for gender equality. This is since women and men having equal footing will be able to rocket the nation into a higher level of growth.

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