

Women's Digital Visibility in Islamic Law: Between Restrictive Interpretation and International Human Rights Limitation Doctrine

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Abstract

Debate over Muslim women's participation in digital spaces has expanded alongside technological change, yet whether Islamic legal methodology supports a categorical prohibition of ethically regulated digital visibility has remained insufficiently examined. This study addressed that question through a doctrinal analysis grounded in uṣūl al-fiqh (principles of Islamic jurisprudence), maqāṣid al-Sharī'ah (objectives of Islamic law), and a comparative engagement with international human rights law. Classical Islamic legal sources and contemporary juristic scholarship were examined to evaluate the evidentiary basis of restrictive interpretations and their compatibility with established principles of legal limitation. The analysis revealed no qaṭ'i (definitive) textual evidence prohibiting women's ethically regulated participation in digital spaces. Instead, restrictive opinions rested predominantly on ḥannī (speculative) exercises of ijtihād (independent juristic reasoning) shaped by precautionary concerns rather than unequivocal scriptural authority. The study further showed that the maqāṣid al-Sharī'ah supported lawful digital participation where it advanced the preservation of wealth, intellect, dignity, and other legitimate interests, while digital harms could be addressed through ethical regulation and legal accountability without requiring categorical exclusion. It also demonstrated that the evidentiary discipline of Islamic jurisprudence corresponded, in important respects, with the principles of necessity and proportionality that govern lawful limitations in international human rights law. The study concluded that women's ethically regulated digital participation constituted a lawful form of contemporary public engagement and offered a doctrinal framework for reconciling technological change with the internal methodology and normative objectives of the Sharī'ah.

Keywords: Islamic legal methodology, Women's digital agency, Maqāṣid al Sharī'ah, Uṣūl al fiqh, Islamic law and human rights harmonisation

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1.0 INTRODUCTION

The rapid digitization of economic and intellectual life has generated new questions for Islamic legal reasoning. As digital technologies increasingly shape commerce, education, and public engagement, Muslim women's online participation has become closely linked to livelihood, learning, and professional advancement.¹ Despite this reality, visible digital engagement by women remains contentious in some conservative circles, where concerns about modesty, seclusion, and moral harm are often invoked to justify restrictive interpretations.² The central issue, therefore, is not the legitimacy of digital technology itself but whether established principles of Islamic jurisprudence support extending these traditional doctrines to contemporary online environments.³ The decisive question, however, is not whether digital space carries risks. It is whether Islamic legal methodology recognises a categorical prohibition of women's digitally mediated participation, or whether it regulates conduct within a broader presumption of permissibility in mu'āmalāt. This distinction is doctrinally foundational. If prohibition is asserted, it must rest on qat'ī evidence. If the evidence is speculative, restriction must be justified through disciplined juristic tools rather than precautionary rhetoric.

¹ MA Magfur, 'Classical Fiqh, State Authority, and Digital Governance: Islamic Legal Discourse on Cyber Law in Malaysia' *Asy-Syir'ah: Jurnal Ilmu Syari'ah dan Hukum* (2025) 59(2) 231; S Harefa, 'The Fundamental Principles of Islamic Law in the Digital Era: An Ushul Fiqh and Maqashid Sharia Approach' *Journal of Islamic Law on Digital Economy and Business* (2025) 84.

² SA Busari and others, 'Maqasid Al-Shariah-Based Strategies for Enhancing Digital Adoption Among B40 Muslim Entrepreneurs' *Journal of Islamic Finance* (2025) 14(2) 160; E Azizov and others, 'A Maqasid al-Shariah Framework for Fintech and Digital Asset Regulation in Muslim Jurisdictions' *Journal of Islamic Law and Legal Studies* (2025) 2(2) 96.

³ Z Akmal and SAA Usmani, 'Digital Rights and Women's Empowerment in Pakistan: An Analysis of Contemporary Islamic Legal Perspectives in the Age of Social Media' *MILRev: Metro Islamic Law Review* (2024) 3(1) 95; IO Uthman, 'The Sharī'ah and the Muslim Feminists' Public Display of the Female Body' *International Journal of Islamic Khazanah* (2022) 12(2) 114.

Classical fiqh evolved in a social setting where most legal relationships were premised on face-to-face interaction and physical proximity. Many juristic rules governing modesty, seclusion, testimony, and commercial dealings, therefore, assumed direct human contact and identifiable spatial contexts. The emergence of digital communication has altered these underlying conditions by enabling interaction across virtual spaces that classical jurists did not contemplate. This development presents a methodological challenge rather than an immediate doctrinal answer. As Magfur's study of Malaysian cyber governance demonstrates, contemporary jurists increasingly confront technological questions for which the classical legal sources provide no express rulings.⁴ His analysis draws attention to the doctrine of *al-maskūt 'anhu*, under which matters left unaddressed by revelation are resolved through principled juristic reasoning directed towards the public interest. Silence, therefore, does not itself imply prohibition. Rather, it calls for disciplined interpretation within the established framework of *uṣūl al-fiqh*. To presume that every technological innovation is inherently suspect would reverse the established maxim that social transactions are presumptively permissible unless clear evidence establishes otherwise.

Restrictive interpretations often analogise women's digital visibility to *tabarruj* (*ostentatious or immodest public display*) or to digitally mediated *khalwa* (*seclusion between unrelated men and women in circumstances conducive to illicit intimacy*). Such analogies warrant careful scrutiny. Musarrofa and Rohman argue that cyberspace has generated new forms of *'urf* (*custom or prevailing social practice*) that complicate the direct transposition of classical juristic categories. In the juristic tradition, *khalwa* presupposes physical seclusion that creates a realistic opportunity for illicit conduct. Publicly accessible digital interaction, which is frequently archived and subject to social oversight, does not automatically satisfy that essential element. Likewise, *tabarruj* in Qur'anic discourse denotes ostentatious self-display intended to provoke moral impropriety rather

⁴ MA Magfur, (note 1)

than the mere fact of appearing in public. The analogy, therefore, depends on equating visibility with impropriety. That assumption is far from self-evident. Instead, it reflects methodological judgments about risk and moral psychology rather than any definitive textual prohibition. Since valid analogical reasoning (*qiyās*) requires the existence of a shared effective cause (*‘illah*), whether that cause can legitimately be established in digital environments remains open to serious juristic debate.

Contemporary fatwa practice further illustrates that Islamic legal reasoning has generally targeted digital harms rather than digital presence itself. The Indonesian Ulama Council’s guidance regulates defamatory speech, incitement, and falsehood without forbidding engagement in social media as such.⁵ This orientation reflects deeper juristic commitments. Mohamad and Ismail show that protection of honour and the requirement of verification form the backbone of Islamic approaches to online defamation.⁶ The doctrinal emphasis is proportional and conduct-based. Harm prevention is directed toward wrongful acts, not toward gendered exclusion from public space. To convert these principles into a generalised prohibition on women’s visibility would extend them beyond their evidentiary foundation and distort their protective logic.

The maqāṣid al-Sharī‘ah (*objectives of Islamic law*) framework sharpens the stakes of this debate. Harefa argues that the preservation of intellect and wealth should guide Islamic legal engagement with digital transformation. Where access to digital platforms increasingly shapes education, commerce, and professional advancement, categorical exclusion risks undermining ḥifẓ al-‘aql (*preservation of intellect*) and ḥifẓ al-māl (*preservation of wealth*). Maqāṣid-based reasoning does

⁵ M Shuhufi and others, ‘Islamic Law and Social Media: Analyzing the Fatwa of Indonesian Ulama Council Regarding Interaction on Digital Platforms’ *Samarah: Jurnal Hukum Keluarga dan Hukum Islam* (2022) 6(2) 823-843

⁶ A B Mohamad and N Ismail, ‘Structural Discrimination in Online Defamation Enforcement: A Hybrid Analysis of Malaysian Criminal Law and Islamic Jurisprudence’ *Journal Discrimination and Injustice* (2025) 75-91

not displace explicit textual commands; rather, it operates where the available evidence is speculative or silent. No qat'ī (*definitive*) text prohibits women's participation in lawful economic activity conducted in accordance with Islamic standards of modesty. Extending that participation into digital environments, therefore, raises a question of regulation rather than a fundamental break with established Islamic legal principles. To deny such participation in the absence of definitive proof would undermine the protective structure of Sharī'ah, which seeks to preserve both human dignity and lawful livelihood.

The comparative human rights dimension must also be framed with precision. It is contended that perceived incompatibilities between Islamic law and international human rights norms frequently arise from rigid interpretive approaches rather than structural contradiction.⁷ Human rights protections of participation and expression do not mandate moral relativism. They safeguard access and non-discrimination. Comparative analysis similarly demonstrates that when Islamic law regulates women's participation through conditions of modesty rather than prohibition, the normative gap with human rights standards narrows considerably.⁸ The tension, therefore, lies less between Sharī'ah and human rights as normative systems than between maximalist readings of modesty and the methodological elasticity recognised within Islamic jurisprudence. Harmonisation becomes plausible when regulation is grounded in established juristic tools.

This article advances a precise methodological claim. Properly grounded Islamic legal reasoning does not sustain a categorical prohibition of women's digital agency. It regulates conduct within the presumption of permissibility in mu'āmalāt, subject to modesty, accountability, and harm prevention. Restrictive interpretations that collapse visibility into impropriety rely on expansive

⁷ H Alshafai, 'Is Islamic law incompatible with international human rights law?' *QScience Connect* (2025) 2025(1) 3

⁸ AA Khan, 'The Compatibility between International Human Rights and Islamic Law (Shari'a): A Comparative Analysis' *Journal of Political Stability Archive* (2024) 2(4) 293-306

analogies whose operative elements remain unproven. At the same time, concerns about exploitation, reputational harm, and moral erosion are not dismissed. They require calibrated regulation rather than withdrawal from digital space. The argument is not apologetic. It is rooted in internal juristic coherence.

The structure of the article reflects this methodological orientation. Section One has framed the doctrinal problem and clarified the evidentiary threshold required for categorical prohibition. Section Two sets out the methodological framework, explaining the use of doctrinal analysis, comparative reasoning, and *maqāṣid* evaluation within *uṣūl al fiqh*. Section Three undertakes the substantive analysis, examining classical doctrines of public presence, modesty, and seclusion, and assessing whether their operative elements are satisfied in digital environments. Section Four distills the doctrinal findings, demonstrating that restriction based solely on visibility relies on speculative reasoning rather than definitive proof and exploring the implications for harmonization with international human rights law. Section Five consolidates the argument and advances jurisprudentially grounded recommendations for scholars, policymakers, and religious institutions. The objective throughout is methodological clarity anchored in Islamic legal reasoning and attentive to contemporary realities.

2.0 METHODOLOGY

This paper adopts a doctrinal methodology grounded in classical *uṣūl al-fiqh* (*principles of Islamic jurisprudence*) and treaty-based interpretation in international human rights law. It proceeds from the premise that legal reasoning depends upon an established hierarchy of evidence. Within Islamic jurisprudence, rules governing social and commercial relations fall under *mu‘āmalāt* (*social and commercial transactions*), where the prevailing principle is that conduct remains permissible unless a definitive prohibition can be established. This principle reflects the longstanding

distinction between ‘ibādāt (*acts of worship*), which are governed by fixed textual prescriptions, and worldly affairs, where the law generally permits human activity unless clear evidence dictates otherwise. Accordingly, the burden rests on those who contend that women's digital visibility is categorically prohibited to identify unequivocal textual authority for that claim. In the absence of such evidence, any restriction must be justified through recognised juristic methods rather than precautionary assumptions alone.

The principal counterargument arises from doctrines of modesty, seclusion, and preventive blocking of harm. Contemporary restrictive readings often rely on analogy to khalwa or tabarruj. Uthman’s analysis of public display arguments shows how modesty norms are extended beyond their textual locus to justify broad spatial exclusion.⁹ Yet classical definitions of khalwa require physical seclusion and credible risk of illicit conduct. Digital interaction conducted in open and traceable environments does not readily satisfy those operative elements. The analogy, therefore, depends on expanding the ratio legis beyond its classical contours. That expansion may be arguable, but it is not self-evident. Where the effective cause is uncertain, analogy weakens. The methodology of this paper tests such analogies against their own conditions rather than assuming their validity.

Maqāṣid reasoning is employed with deliberate restraint. It is not invoked to override textual norms but to evaluate regulatory choices where the evidence remains speculative. Preservation of intellect and wealth must orient legal engagement with technological change.¹⁰ If digital participation conditions access to education, income, and professional standing, exclusion engages these

⁹ IO Uthman, ‘The Sharī‘ah and the Muslim feminists’ public display of the female body’ *International Journal of Islamic Khazanah* (2022) 12(2) 114-124

¹⁰ S Harefa, ‘The fundamental principles of Islamic law in the digital era: An ushul fiqh and maqashid Sharia approach’ *Journal of Islamic Law on Digital Economy and Business* (2025) 84-99

objectives directly. However, maqāṣid cannot generate permissibility in the face of decisive prohibition. The operative question is therefore preliminary: is there a definitive text prohibiting women's visible participation in lawful economic activity? Shahbaz and others demonstrate that Qur'anic discourse affirms economic entitlement and moral accountability without instituting categorical public exclusion.¹¹ If prohibition rests on extrapolation rather than clear text, maqāṣid legitimately enters the analysis as a calibrating device.

The comparative component is intentionally narrow. It does not attempt philosophical reconciliation between Sharia and human rights. Instead, it examines treaty obligations concerning expression and participation through the lens of the limitation doctrine. Article 19(3) of the ICCPR permits restrictions necessary for the protection of public morals and the rights of others. That structure parallels Islamic doctrines of harm prevention. Khan argues that incompatibility claims often stem from maximalist readings of religious sources rather than structural contradiction.¹² This paper, therefore, asks whether Islamic modesty norms function as regulatory conditions comparable to permissible limitations in international law or whether they are interpreted as exclusionary barriers unsupported by definitive evidence. Harmonisation is assessed at the level of legal structure, not rhetoric.

Two methodological commitments guide the analysis. First, the evidentiary hierarchy is preserved. Definitive text prevails over speculative reasoning. Second, precautionary principles such as *sadd al dharā'i'* must be proportionate to demonstrable risk. Precaution cannot displace permissibility in the absence of credible harm. By structuring the inquiry around these commitments, the paper

¹¹ MA Shahbaz and M. Zakir and T. A. Awan, 'Muslim Women's Rights and The Qur'anic Framework' *Tanazur* (2024) 5(4) 134-149

¹² AA Khan, 'The Compatibility between International Human Rights and Islamic Law (Shari'a): A Comparative Analysis' *Journal of Political Stability Archive* (2024) 2(4) 293-306

addresses its central research questions: whether categorical prohibition of women's digital agency is doctrinally sustainable; whether analogical extensions satisfy methodological criteria; and whether regulated participation can coexist with international human rights obligations without compromising Sharia integrity. The methodology is therefore not eclectic. It is internally disciplined and externally comparative, designed to test prohibition claims rather than presume them.

3.0 ANALYSIS AND DISCUSSION

3.1 Framing the Doctrinal Question: Is There a Definitive Prohibition?

The central juridical question addressed in this section is both narrow and doctrinally significant: Does Islamic law contain any definitive textual prohibition that renders the ethically regulated digital visibility of Muslim women categorically unlawful? The answer must be determined in accordance with the hierarchy of legal sources recognised in *uṣūl al-fiqh* (*principles of Islamic jurisprudence*). Any ruling that restricts lawful participation in economic or intellectual life must rest upon *qaṭ'ī* (*definitive*) evidence in both authenticity and meaning. Where the relevant texts are *ẓannī* (*speculative or open to interpretation*) in their implication, the matter remains open to juristic regulation rather than absolute prohibition. The distinction is fundamental because it determines whether digital participation is presumed to be unlawful or remains permissible subject to appropriate ethical regulation. As established in the preceding sections, *mu'āmalāt* (*social and commercial transactions*) are governed by the presumption of permissibility. The analysis that follows, therefore, examines whether compelling textual evidence exists to remove women's digital visibility from that general rule.

Verses frequently invoked in discussions of modesty include Qur'an 24:30–31 and 33:59. These passages instruct believing men and women to lower their gaze and preserve their modesty, while directing women to draw their outer garments around themselves when appearing in public. Significantly, neither verse commands spatial seclusion nor prohibits women's participation in communal life. Their emphasis is on regulating conduct within the public sphere rather than eliminating public visibility. Indeed, the instruction to draw one's garments around oneself necessarily presupposes that women may appear in public. Classical exegetes generally understood these verses as prescribing standards of decorum and protection from harassment, not as imposing a categorical ban on women's public presence. Properly read, the Qur'anic injunctions are therefore regulatory rather than exclusionary. Treating them as evidence of an absolute prohibition requires an interpretive extension beyond their express language.

This interpretation finds support in Sultan's historical analysis of early juristic discourse, which shows that rules governing modest conduct were generally understood as regulating social behaviour rather than imposing absolute barriers to women's participation in public life.¹³ The diversity of opinion among the classical schools regarding the scope of women's public presence further suggests that the relevant Qur'anic texts were not regarded as qat'ī (*definitive*) in their legal implication. Had those texts unequivocally required complete seclusion, one would expect far less juristic disagreement. Instead, the existence of competing interpretations points to a degree of interpretive flexibility that has long characterised this area of Islamic law. Where such legitimate diversity exists, the argument for a definitive prohibition becomes considerably more difficult to sustain.

¹³ Y Sultan, 'Space and gender in islamic law: The early discourses' *Journal of Islamic and Muslim Studies* (2024) 9(2) 1-25

3.2 *Khalwa* and the Limits of Analogy

Opponents of women's digital visibility frequently analogise online interaction to *khalwa* (*seclusion between unrelated men and women in circumstances conducive to illicit intimacy*), yet such a comparison is sustainable only if it satisfies the established requirements of valid *qiyās* (*analogical reasoning*). Classical jurists consistently maintain that a valid analogy depends upon an established original ruling, a clearly identifiable effective cause, and a demonstrable correspondence between that cause and the new case.¹⁴ Within the juristic tradition, *khalwa* is understood as physical seclusion that creates a genuine opportunity for illicit intimacy. Spatial exclusivity is therefore central to the doctrine rather than merely incidental. As Kamali explains, the 'illah (*effective legal cause*) must be both ascertainable and transferable; superficial resemblance alone cannot sustain analogical reasoning.¹⁵ Digital communication conducted on open platforms, by contrast, is ordinarily visible, traceable, and frequently subject to public scrutiny. It lacks the physical isolation that underpins the classical doctrine of *khalwa*. The effective cause identified by the jurists, namely secluded physical interaction that creates a heightened risk of illicit conduct, cannot automatically be transposed to structured online exchanges. Unless a shared 'illah can be convincingly established, extending the doctrine to digital environments remains methodologically contestable rather than doctrinally persuasive.

Samadi's analysis of *qiyās* (*analogical reasoning*) emphasises that an analogy cannot succeed where the 'illah (*effective legal cause*) is uncertain or speculative.¹⁶ If that effective cause is

¹⁴ MH Kamali, *Principles of Islamic Jurisprudence* (2nd edn, Islamic Texts Society 1991); W. B. Hallaq, *An introduction to Islamic law* (Cambridge University Press 2009); W. B. Hallaq, *An introduction to Islamic law* (Cambridge University Press 2009); M. H. Kamali, *Principles of Islamic Jurisprudence* (2nd edn, Islamic Texts Society 1991)

¹⁵ MH Kamali, (note 14)

¹⁶ M Samadi, *Advancing the legal status of women in Islamic law* (Vol 136, Brill 2021)

defined so broadly as to encompass any communication between unrelated men and women, the reasoning would extend far beyond the limits recognised in classical jurisprudence, effectively prohibiting ordinary social interaction. Such a conclusion finds little support in the historical record. Women participated in the transmission of hadith, engaged in commercial activities, and petitioned political authorities without those forms of communication being regarded as inherently unlawful. The concern underlying the doctrine of Khalwa was therefore the particular circumstances that created a realistic risk of illicit intimacy rather than communication itself. Although digital environments may generate new forms of risk, the mere existence of risk does not establish legal equivalence with the classical doctrine. Sound juristic reasoning instead requires a careful demonstration that the same ‘illah is present in both situations. Unless that connection can be established, extending the rules governing Khalwa to digital interaction remains a matter of conjecture rather than a conclusion supported by valid analogical reasoning.

Shaheen's study of women's leadership demonstrates that classical jurists frequently relied on sociocultural reasoning and ta'līl (*identification of the legal rationale or effective cause*) rather than explicit textual commands when limiting certain public roles.¹⁷ This methodological approach offers a useful point of comparison for the present inquiry. If limitations on political authority were developed through contextual juristic reasoning rather than definitive scriptural injunctions, it follows that restrictions on women's digital participation, for which no explicit textual ruling exists, cannot be accorded a higher normative status. They remain products of ijtihād (*independent juristic reasoning*) rather than rules established by definitive revelation. Their authority, therefore, depends on the strength and continuing persuasiveness of the underlying legal reasoning, particularly as social and technological conditions evolve.

¹⁷ S Shaheen, 'Women Leadership Roles in Islamic Jurisprudence: A Contemporary Ijtihad' *Journal of Contemporary Social Issues* (2025) 1(1) 23-35

3.3 *Tabarruj* and the Scope of Public Display

The more substantial argument advanced by proponents of restrictive interpretations concerns *tabarruj* (*ostentatious or immodest public display*). Qur'an 33:33 instructs women not to display themselves "as in the former times of ignorance," a directive traditionally understood as regulating conduct associated with conspicuous self-presentation. Classical exegetes generally associated *tabarruj* with forms of adornment or behaviour intended to attract sexual attention rather than with public visibility in itself. The prohibition is therefore directed at a particular manner of appearance and its underlying purpose, not at women's presence in the public sphere as such. Treating every form of online engagement as *tabarruj* assumes that digital visibility necessarily entails seductive self-display. Such an assumption overlooks important distinctions between intention, appearance, context, and the medium through which communication occurs, collapsing these separate considerations into a single juridical category without adequate textual or doctrinal justification.

Harahap and Harahap contend that digital self-expression may amount to *tabarruj* (*ostentatious or immodest public display*) where online images reveal parts of the body that Islamic law requires to be covered.¹⁸ Their concern reflects a legitimate ethical commitment to preserving the Qur'anic standards of modesty. Even so, their analysis stops short of demonstrating that every form of women's digital visibility satisfies the defining characteristics of *tabarruj*. A more nuanced approach is adopted by Ummah and colleagues, who argue that the phenomenon of digital *tabarruj* should be understood through contextual interpretation rather than by mechanically extending pre-existing juristic categories.¹⁹ Their analysis acknowledges that online interaction presents

¹⁸ F Harahap and S. Harahap, 'Interpretation of *Tabarruj* According to M. Quraish Shihab and Its Relevance to the Phenomenon of Self-Expression on Social Media' *Jurnal Ilmu Agama* (2025) 26(1)

¹⁹ AR Ummah and A Fatah and AH Muzakky, 'Digital *Tabarruj*: The Phenomenon of Muslim Women Adorning Themselves on Social Media from a Contemporary Tafsir Perspective (Analysis of QS. Al-Ahzab/33: 33 and QS. An-Nur/24: 31)' *Mauriduna: Journal of Islamic Studies* (2025) 6(4) 789-813

circumstances materially different from those addressed by classical jurists and therefore requires an independent doctrinal assessment rather than the automatic application of pre-modern rulings.

The doctrinal issue is therefore a limited but important one: do the relevant Qur'anic texts prohibit women from appearing in public while observing lawful standards of dress and dignified conduct? A careful reading of the evidence indicates that the scriptural concern is directed towards regulating modes of display rather than eliminating women's public visibility. Katz's historical study of women's attendance at the mosque further illustrates this point, showing that participation in one of Islam's most morally regulated communal settings was shaped by norms of decorum instead of absolute exclusion.²⁰ If women's presence in the mosque was accommodated within an ethical framework that emphasised modest conduct, it is difficult to conclude that contemporary digital spaces are categorically prohibited in the absence of equally clear textual authority. Such a conclusion would require stronger doctrinal support than the existing evidence appears to provide.

3.4 The Economic Dimension and *Maqāṣid* Analysis

The doctrinal analysis is incomplete unless it also considers the objectives that Islamic law seeks to protect. The *maqāṣid al-Sharī'ah* (*objectives of Islamic law*) recognise the preservation of wealth and intellect as fundamental values that should inform legal reasoning in changing social and economic contexts. As commerce, education, and entrepreneurship become increasingly mediated through digital technologies, meaningful participation in these spheres often depends upon access to online platforms. Azizov and colleagues argue that the preservation of wealth extends beyond conventional property to encompass digital assets, financial inclusion, and emerging forms of

²⁰ MH Katz, *Women in the Mosque: A History of Legal Thought and Social Practice* (Columbia University Press 2014)

economic participation.²¹ Against this backdrop, restricting women's access to digital platforms without compelling legal justification risks undermining legitimate economic opportunity. Where online visibility is reasonably necessary for lawful enterprise, such restrictions may directly impair ḥifẓ al-māl (*preservation of wealth*), thereby frustrating one of the very objectives that the Sharī'ah seeks to secure.

Harefa argues that the maqāṣid al-Sharī'ah (*objectives of Islamic law*) provide an ethical framework for responding to digital transformation while remaining faithful to established juristic methodology.²² Properly understood, this approach does not permit the objectives of the Sharī'ah to displace explicit textual commands. Rather, they guide legal reasoning where the available evidence is silent, indeterminate, or open to more than one interpretation. In the absence of a qaṭ'ī (*definitive*) prohibition, jurists are required to assess competing considerations of benefit and harm before adopting restrictive rules. Busari and colleagues demonstrate that the exclusion of Muslim entrepreneurs from digital participation can produce measurable structural disadvantage, limiting access to economic opportunities and financial inclusion.²³ These findings reinforce the relevance of the Islamic legal maxim requiring the removal of harm. Where a restriction results in sustained economic deprivation without clear textual authority, its doctrinal justification becomes increasingly difficult to sustain.

A possible objection is that economic advantage cannot justify conduct that compromises Islamic moral standards. That concern is well-founded where genuine moral compromise can be

²¹ E Azizov and others, 'A Maqasid al-Shariah Framework for Fintech and Digital Asset Regulation in Muslim Jurisdictions' *Journal of Islamic Law and Legal Studies* (2025) 2(2) 96-113

²² S Harefa, 'The fundamental principles of Islamic law in the digital era: An ushul fiqh and maqashid Sharia approach' *Journal of Islamic Law on Digital Economy and Business* (2025) 84-99

²³ SA Busari and others, 'Maqasid Al-Shariah-Based Strategies for Enhancing Digital Adoption Among B40 Muslim Entrepreneurs' *Journal of Islamic Finance* (2024) 14(2) 160-169

established. The critical issue, however, is whether women's participation in digital spaces, when undertaken in a manner consistent with Islamic norms of modesty and ethical conduct, necessarily amounts to such a compromise. Contemporary scholarship suggests otherwise. Hanani and colleagues demonstrate that principles of *tabayyun* (*verification of information*), personal responsibility, and ethical communication can be applied to women's digital engagement without requiring their exclusion from online spaces.²⁴ Their analysis illustrates a broader feature of Islamic jurisprudence: the law ordinarily governs conduct within a lawful sphere of activity rather than abolishing that sphere altogether. The distinction is doctrinally significant. Regulating behaviour through standards of modesty, truthful communication, and accountability is fundamentally different from treating digital participation itself as inherently unlawful.

3.5 Digital Harm, Dignity, and Protection of Honour

Concerns about harm in digital environments deserve careful consideration rather than dismissal. Muslim women are disproportionately exposed to online harassment, abuse, and other forms of targeted hostility, all of which can discourage meaningful participation in public life. Topidi's intersectional analysis demonstrates how digital hate speech and online discrimination create structural barriers to participation, particularly for women belonging to religious minorities.²⁵ Islamic law has long recognised the protection of honour and dignity as a fundamental legal objective. Reflecting this principle, Nidhom and Murtadho locate digital privacy within *ḥifẓ al-ʿird* (*protection of honour and reputation*), arguing that safeguarding personal data has become an

²⁴ S Hanani and others, 'Islamic Legal Approach in Preventing Women's Involvement in Spreading Hoaxes on Social Media' *JURIS (Jurnal Ilmiah Syariah)* (2024) 23(2) 281-291

²⁵ K Topidi, 'Attacking Muslim minority women online: An intersectional and multiactor framework on digital hate speech in the UK' *Journal of Religion in Europe* (2024) 17(4) 434-472

important contemporary expression of that objective.²⁶ The existence of such harms, however, does not justify excluding women from digital spaces. Rather, it calls for legal measures capable of preventing and sanctioning abusive conduct. Muslimin and colleagues demonstrate that Islamic criminal law accommodates this approach by treating certain forms of online abuse as offences punishable under *ta'zīr* (*discretionary punishment imposed by the lawful authority*).²⁷ The emphasis, therefore, is on protecting those exposed to harm while preserving their lawful participation in digital society, not on restricting their presence altogether.

Salman's analysis of surveillance through the lens of *maqāṣid al-Sharī'ah* (*objectives of Islamic law*) further illustrates that the protection of dignity can be reconciled with legitimate security regulation.²⁸ His analysis is instructive because it demonstrates that the existence of risk does not, in itself, justify the elimination of lawful public activity. Rather, the *Sharī'ah* favours carefully calibrated regulatory measures that remain consistent with the principles of justice, proportionality, and the protection of fundamental interests. The same reasoning applies to women's participation in digital spaces. Although online environments may expose users to genuine risks, those risks are more appropriately addressed through ethical standards, effective legal safeguards, and institutional mechanisms that deter abuse than through the exclusion of women from lawful digital engagement. Protecting individuals from harm, therefore, need not come at the expense of their agency; properly applied, Islamic legal principles seek to preserve both.

²⁶ M Nidhom and A. Murtadho, 'Does Islam Protect Digital Privacy? An Islamic Studies Approach to Personal Data Protection' *Al-Afham: Journal of Islamic Studies* (2025) 2(2) 107-128

²⁷ J Muslimin, S Shodiq and THM Almutairi, 'Sextortion, Gender, and Digital Crime: A Socio-Legal Comparison between Positive and Islamic Law' *AL-IHKAM: Jurnal Hukum & Pranata Sosial* (2024) 19(1) 53.

²⁸ AS Salman, 'Mass Surveillance and the Maqasid Al-Shari 'ah: Balancing Security and Human Rights in Contemporary Islamic Discourse' *International Journal of Sharia and Law* (2025) 1(1) 65-80

3.6 Sharī‘ah and Human Rights Harmonization

The comparative inquiry must proceed on principled rather than rhetorical grounds. International human rights law protects freedom of expression and participation while permitting restrictions that are prescribed by law and demonstrably necessary to safeguard public morals or the rights of others. Islamic jurisprudence adopts a comparable methodological approach by recognising that otherwise lawful conduct may be restricted where sufficient legal justification exists to prevent harm. The convergence lies not in the substantive rules themselves but in the legal architecture through which limitations are assessed. Under international human rights law, restrictions are subject to established requirements of legality, legitimacy of purpose, necessity, and proportionality. Similarly, Islamic jurisprudence requires that limitations be supported by recognised evidentiary sources and justified through established doctrines such as *maṣlaḥah* (*public interest*) and *sadd al-dharī‘ah* (*blocking the means to harm*), rather than by generalized moral apprehension alone. The relevant comparative question, therefore, is whether restrictions based on modesty in digital environments satisfy standards functionally comparable to necessity and proportionality or instead extend beyond what their legal justification can sustain. Akmal and Usmani identify a growing convergence between Islamic ethical principles and contemporary digital rights discourse, suggesting that the two frameworks need not be viewed as inherently antagonistic.²⁹ Harmonisation does not require the dilution of Sharī‘ah. Instead, it reflects the possibility that both legal traditions can preserve human dignity while regulating conduct through principled and legally accountable limitations.

The comparative analysis undertaken in this paper does not seek external validation for the Sharī‘ah through international human rights law. Its purpose is more limited: to examine whether

²⁹ Z Akmal and SAA Usmani, ‘Digital rights and women's empowerment in Pakistan: An analysis of contemporary Islamic legal perspectives in the age of social media’ *MILRev: Metro Islamic Law Review* (2024) 3(1) 95-118

established Islamic legal doctrines on harm prevention, human dignity, and lawful limitation generate principles that correspond with those governing restrictions under international human rights instruments. Where both traditions require demonstrable harm before limiting otherwise lawful conduct and reject indiscriminate exclusion, meaningful convergence arises from their respective legal methodologies rather than from external harmonisation. By contrast, tension is more likely to emerge when religious restrictions are extended beyond the evidentiary limits recognised within Islamic jurisprudence itself. In such circumstances, the source of the conflict lies less in the relationship between Sharī'ah and international human rights law than in the adoption of interpretive approaches that exceed the methodological discipline required by *uṣūl al-fiqh* (*principles of Islamic jurisprudence*).

Jaber's study of Islamic feminism demonstrates that claims concerning women's rights can be derived from the internal resources of Islamic jurisprudence rather than from secular conceptions of universal rights.³⁰ Examining feminist *ijtihād* (*independent juristic reasoning*) on women's mobility, she argues that the absence of an explicit textual prohibition, when considered alongside historical practice, supports a presumption of permissibility. That analytical framework is equally relevant to questions of women's digital participation. Where the primary sources do not expressly prohibit mediated visibility, principles derived from the *maqāṣid al-Sharī'ah* (*objectives of Islamic law*) and the protection of human dignity provide a coherent basis for recognising lawful participation without recourse to external normative standards. The significance of Jaber's contribution lies not merely in its language of rights but in its disciplined engagement with the sources of Islamic law. By grounding her analysis in textual silence, historical precedent, and purposive interpretation, she demonstrates that many restrictive positions owe more to inherited

³⁰ N Jaber, 'Beyond International Human Rights: Islamic Feminism as Alternative Rights Praxis' *Feminist Legal Studies* (2025) 1-22

social practice than to definitive scriptural authority. The same approach invites renewed consideration of digital participation. The decisive inquiry is not whether women's online engagement resembles modern liberal conceptions of autonomy, but whether the sources of the Shari'ah establish a clear and conclusive prohibition. In the absence of such evidence, lawful digital participation may properly be understood as an expression of the dignity and legitimate social engagement already recognised within the Islamic legal tradition.

Alqudah and Almomani observe that Islamic legal thought has consistently demonstrated the capacity to respond to technological change without departing from its foundational principles.³¹ Such adaptation should not be understood as innovation detached from the tradition but as a disciplined process of juristic reinterpretation guided by established legal methodology. Digital communication represents a new medium through which lawful social and economic interaction takes place, and its novelty alone does not justify a presumption of prohibition. Throughout Islamic legal history, jurists encountered successive developments in communication and commerce, including the emergence of paper instruments, print media, and later broadcast technologies. Although each development generated concerns about its social and moral implications, accommodation generally followed where no definitive textual prohibition could be established. Contemporary digital platforms present a comparable challenge. They undoubtedly extend the reach and visibility of human interaction, yet increased visibility does not by itself establish a new 'illah (*effective legal cause*) capable of supporting a different legal ruling. To conclude otherwise would require evidence that the harm is inherent in the technology itself rather than dependent upon the manner in which it is used. Without such proof, the presumption of permissibility recognised in uṣūl al-fiqh (*principles of Islamic jurisprudence*) remains undisturbed.

³¹ MTS. Alqudah and MAA Almomani, 'Digital media and Islamic jurisprudence: Exploring legal adaptations and challenges' *Pakistan Journal of Criminology* (2024) 16(02)

Having examined the principal counterarguments, the doctrinal position that emerges is relatively clear. Neither the Qur'an nor the Prophetic Sunnah contains a definitive textual prohibition that categorically excludes women from lawful participation in public life. The Qur'anic verses on modesty prescribe standards of decorum, while the Prophetic traditions concerning seclusion address circumstances involving physical proximity rather than mediated communication. Extending those rules to digital environments, therefore, depends upon establishing a shared *'illah* (*effective legal cause*), a connection that the available juristic authorities have yet to demonstrate conclusively. As a result, the more restrictive interpretations are best understood as products of contextual *ijtihād* (*independent juristic reasoning*) based on precaution rather than as *qaṭ'ī* (*definitive*) legal rules. They remain *ẓannī* (*speculative or open to interpretation*) in character.

This distinction is central to the comparative analysis developed in this paper. International human rights law permits limitations on protected freedoms only where they pursue a legitimate objective and satisfy established requirements of necessity and proportionality. Islamic jurisprudence, when applied in accordance with its own evidentiary hierarchy and juristic methodology, imposes comparable demands before otherwise lawful conduct may be restricted. Apparent tensions therefore arise less from any inherent incompatibility between the two legal traditions than from interpretive approaches that extend restrictive rulings beyond the limits supported by the recognised sources of Islamic law. Properly understood, the *Sharī'ah* does not require the exclusion of women from lawful digital participation. It calls instead for principled legal reasoning grounded in evidence, proportionality, and the enduring objectives of justice, dignity, and the public good.

4.0 FINDINGS

4.1 Juristic Classification of Women's Digital Agency

The doctrinal analysis in the preceding chapter supports a coherent legal classification of women's participation in digital spaces. Where such participation is conducted in accordance with Islamic standards of modesty and ethical conduct, it cannot properly be placed within the category of prohibited acts. Under Islamic jurisprudence, prohibition demands either a qat'ī (*definitive*) textual basis or a ruling derived through valid qiyās (*analogical reasoning*) founded upon a clearly established 'illah (*effective legal cause*). Neither requirement is satisfied in relation to women's digitally mediated visibility. The relevant Qur'anic verses regulate standards of modest behaviour rather than public visibility itself, while the Prophetic traditions concerning Khalwa address circumstances of physical seclusion that are not readily replicated in most forms of online interaction. As demonstrated in the preceding analysis, extending those rulings to digital environments depends upon an analogy that has yet to establish a sufficiently precise shared legal cause.

The significance of this finding lies not in a policy preference for technological participation but in the internal methodology of Islamic law. Within mu'āmalāt (*social and commercial transactions*), lawful conduct is presumed permissible unless displaced by convincing legal evidence. Those who contend that women's digital participation is categorically prohibited therefore bear the burden of demonstrating that the recognised evidentiary threshold has been met. The analysis undertaken in this study does not support that conclusion. What emerges instead is a framework in which digital participation remains lawful while being subject to the same ethical obligations governing modesty, honesty, accountability, and the avoidance of harm that apply to all believers. Rather than creating a special category requiring exceptional justification, this approach situates women's digital engagement within the ordinary operation of Islamic legal principles, where regulation of conduct is distinguished from prohibition of participation.

4.2 The Juridical Status of Restrictive Interpretations

A second finding concerns the juridical status of interpretations that categorically restrict women's participation in digital spaces. This study does not question the sincerity of the ethical concerns underlying such views. Rather, it examines their evidentiary foundation within the recognised hierarchy of Islamic legal sources. The analysis indicates that these interpretations are more accurately characterised as *ẓannī* (*speculative or open to interpretation*) exercises of *ijtihād* (*independent juristic reasoning*) than as *qat'ī* (*definitive*) legal rulings. In most instances, they rely either on an expansive understanding of *tabarruj* (*ostentatious or immodest public display*) or on the extension of the doctrine of *khalwa* (*seclusion between unrelated men and women in circumstances conducive to illicit intimacy*) through *qiyās* (*analogical reasoning*) without establishing a demonstrably shared *'illah* (*effective legal cause*). Consequently, the movement from ethical caution to categorical prohibition lacks the definitive textual and methodological foundation required by classical Islamic jurisprudence.

This conclusion finds support in the work of Marwah, Syatar, and Bakry, who observe that, neither the Qur'an, nor the Prophetic tradition expressly excludes women from public participation; and that Islamic legal thought has historically adapted to changing social conditions.³² Their analysis reinforces the broader finding that classical *fiqh* (*Islamic jurisprudence*) sought primarily to regulate the manner of women's participation rather than to eliminate it. Contemporary claims that digital visibility is inherently unlawful, therefore risk elevating historically contingent precaution into immutable legal doctrine, notwithstanding the absence of sustained juristic consensus on that position.

³² A. Marwah and A. Syatar and M. Bakry, 'The Role of Women in the Domestic and Public Realms Gender Fiqh Perspectives' *Media Hukum Indonesia (MHI)* (2025) 3(4)

The study accordingly concludes that restrictive interpretations should be understood as context-sensitive exercises of *ijtihād* rather than universally binding legal rules. Islamic law unquestionably recognises precaution as a legitimate juristic consideration. Even so, precaution cannot be transformed into a definitive prohibition without eroding the established distinction between *qaṭʿī* and *ẓannī* rulings upon which the integrity of Islamic legal methodology depends. Properly maintaining that distinction preserves both doctrinal coherence and the adaptability that has historically characterised the Islamic legal tradition.

4.3 *Maqāṣid* and the Positive Normative Status of Digital Participation

The third finding extends the analysis beyond the absence of prohibition to the positive juridical significance of women's participation in digital spaces. The *maqāṣid al-Sharīʿah* (*objectives of Islamic law*) recognise the preservation of wealth and human dignity among the fundamental interests that Islamic law seeks to secure. In contemporary society, access to education, commerce, professional advancement, and entrepreneurship increasingly depends upon meaningful participation in digital environments. Busari and colleagues demonstrate that strategies promoting digital inclusion are closely connected to *ḥifẓ al-māl* (*preservation of wealth*) and *ḥifẓ al-ʿird* (*protection of honour and reputation*), thereby situating digital engagement within recognised objectives of the *Sharīʿah* rather than treating it as a morally indifferent activity.³³

This conclusion carries important doctrinal implications. Where participation in digital spaces contributes directly to the preservation of wealth, dignity, and other legitimate interests, Islamic law provides reasons not merely to permit such participation but also to facilitate it within appropriate ethical boundaries. Excluding women from lawful digital economic activity in the

³³ SA Busari (note 23)

absence of a definitive textual prohibition risks frustrating the very objectives that the Sharī‘ah is intended to advance. In this context, the legal maxim requiring the removal of harm acquires practical significance, since structural economic marginalisation constitutes a tangible injury rather than a theoretical concern. Restrictions founded on speculative interpretations instead of authoritative legal evidence, therefore, become increasingly difficult to justify within the established framework of Islamic jurisprudence.

Harefa's analysis of Islamic law in the digital age reinforces this conclusion by demonstrating that principled adaptation to technological change forms part of the tradition's own juristic methodology rather than a concession to external normative systems.³⁴ Women's digital participation should therefore be understood as a contemporary expression of lawful economic and intellectual engagement operating within the ethical framework of the Sharī‘ah. The principal contribution of this study is not simply the conclusion that such participation is permissible, but the further finding that, when pursued in accordance with Islamic moral norms, it advances the objectives that Islamic law itself is designed to protect.

4.4 Protection from Harm Without Erasure of Agency

The fourth finding concerns the relationship between protection from harm and women's lawful participation in digital spaces. Contemporary empirical studies consistently show that women are exposed to harassment, coercion, and other forms of abuse in online environments. Islamic jurisprudence, however, does not ordinarily address such harms by removing the lawful activities of those who are affected. Its traditional response is to prohibit and sanction wrongful conduct while preserving legitimate participation. Muslimin and colleagues demonstrate that Islamic

³⁴ S. Harefa (note 10)

criminal law possesses doctrinal resources capable of addressing digital sexual exploitation and related online offences through the framework of *ta'zīr* (*discretionary punishment imposed by the lawful authority*).³⁵ This illustrates the internal capacity of the Sharī'ah to protect dignity without requiring withdrawal from public engagement.

The analysis undertaken in this study, therefore, does not support the proposition that online hostility justifies the categorical exclusion of women from digital participation. Instead, Islamic legal principles direct attention towards preventing and punishing acts such as defamation, coercion, exploitation, and other forms of unlawful conduct. Restricting the lawful activities of women in the name of protection reverses the logic of Islamic legal doctrine by transferring the consequences of wrongdoing from the perpetrator to the victim. Such an approach sits uneasily with the established maxim requiring the removal of harm and the broader commitment of the Sharī'ah to justice.

This finding also carries important comparative implications. Both Islamic jurisprudence and international human rights law recognise the protection of human dignity as a legitimate objective. Neither legal tradition, however, treats exclusion as the ordinary response to risk. Instead, each requires that restrictions be justified by demonstrable necessity and remain proportionate to the harm they seek to prevent. In the absence of a definitive textual prohibition or compelling evidence that exclusion is legally required, blanket restrictions on women's digital participation cannot readily be reconciled with either the internal methodology of the Sharī'ah or the principles governing lawful limitations in international human rights law.

³⁵ J Muslimin, S Shodiq and THM Almutairi, (note 27)

4.5 Harmonization as Methodological Consistency

The final finding concerns the conditions under which Islamic jurisprudence and international human rights law may be understood as mutually compatible. The comparative inquiry undertaken in this study has not sought superficial convergence or the subordination of one legal tradition to the other. Instead, it has examined whether the internal methodology of Islamic law permits women's participation in digital spaces in a manner consistent with internationally recognised principles governing freedom of expression and participation. The doctrinal analysis indicates that such compatibility is achievable through the proper application of established Islamic legal principles.

Akmal and Usmani identify a growing convergence between Islamic ethical values and contemporary digital rights discourse within Muslim-majority societies.³⁶ Their findings complement the doctrinal analysis advanced in this study by illustrating that both legal traditions regulate conduct through concepts of justice, dignity, accountability, and the prevention of harm, while recognising that limitations on otherwise lawful activity require principled justification. The convergence, therefore, lies less in identical substantive rules than in a shared commitment to disciplined legal reasoning when fundamental rights and public interests must be balanced.

The principal implication of this finding is that meaningful harmonisation does not require any dilution of the Sharī'ah or the adoption of external normative standards. It depends instead upon fidelity to the evidentiary hierarchy, interpretive discipline, and objectives of Islamic jurisprudence itself. Where restrictive interpretations extend beyond what the recognised sources can support, they generate tensions that arise from contested exercises of *ijtihād* (*independent juristic*

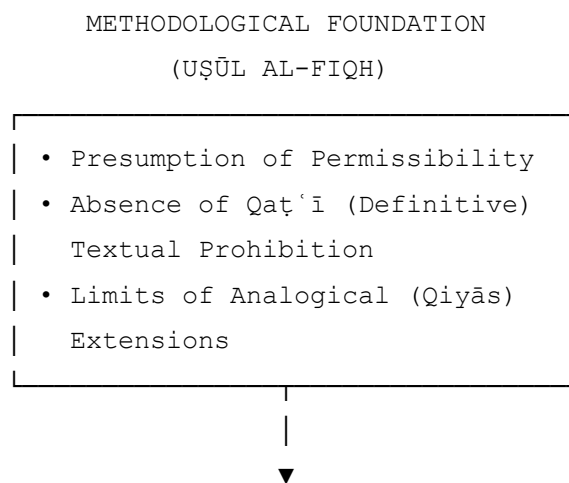
³⁶ Z Akmal (note 28)

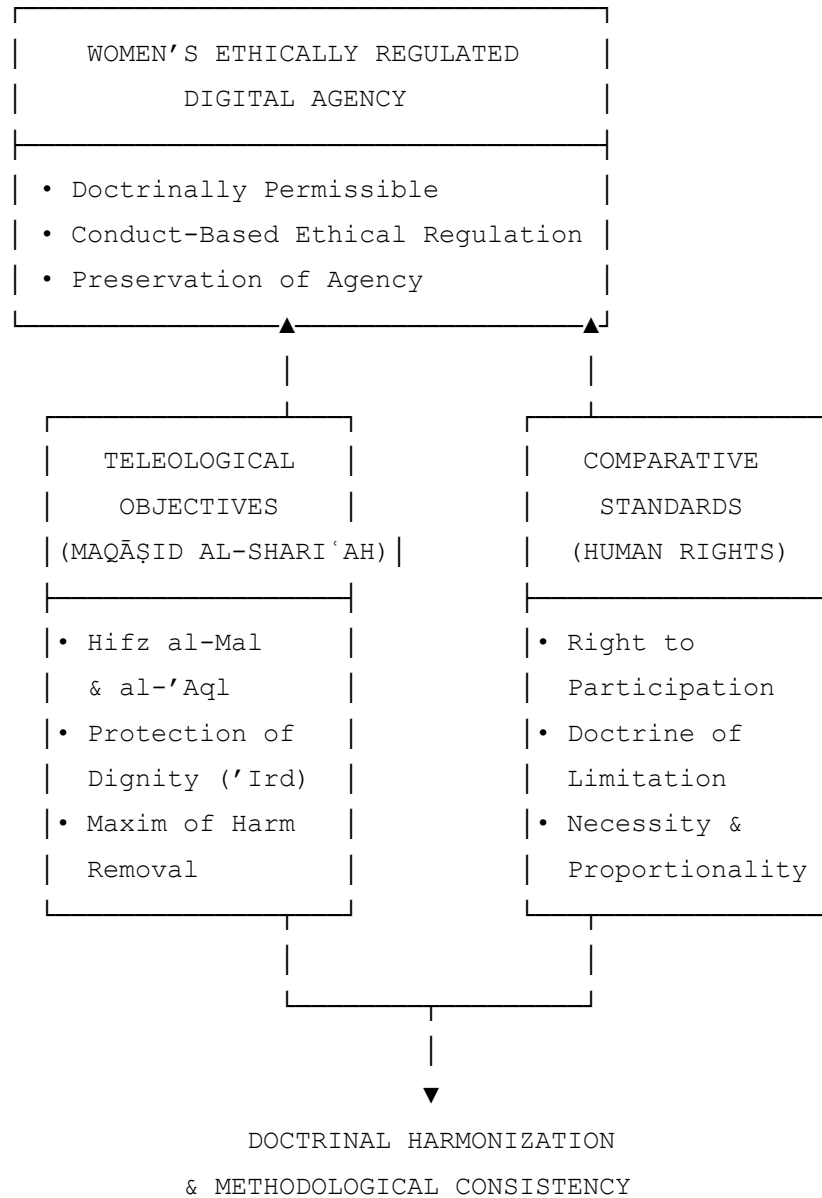
reasoning) rather than from any inherent incompatibility between Islamic law and international human rights law. Conversely, recognising women's digital participation as a lawful form of *mu'āmalāt* (*social and commercial interaction*) governed by the ethical framework of the *maqāṣid al-Sharī'ah* (*objectives of Islamic law*) preserves the integrity of both traditions. The compatibility identified in this study is therefore the product of principled legal reasoning grounded in the internal resources of Islamic jurisprudence rather than external accommodation.

4.6 Doctrinal Consolidation

To synthesize the preceding analysis, **Figure 1** illustrates the triangulation of findings across three core frameworks: *uṣūl al-fiqh*, *maqāṣid al-Sharī'ah*, and international human rights law. This model demonstrates how the convergence of methodological discipline, teleological objectives, and comparative legal standards supports a harmonized approach to women's digital agency.

Figure 1: Triangulated Framework for Women's Digital Agency in Islamic Jurisprudence





This diagram captures the internal logic of this research by showing that:

- Uṣūl al-Fiqh provides the legal baseline: because there is no *qaṭʿī* (definitive) text and digital visibility is a matter of *muʿāmalāt* (social transactions), the presumption of permissibility stands.
- Maqāṣid al-Sharīʿah provides the purposive justification: digital participation is not merely "allowed" but serves the essential objectives of preserving wealth, intellect, and dignity.
- Human Rights Law provides the procedural alignment: the Sharia's focus on "harm removal" (*izālat al-ḍarar*) and calibrated regulation parallels international standards of necessity and proportionality.

The intersection of these three pillars leads to Doctrinal Harmonization, proving that recognising women's digital agency is a conclusion derived from the "internal resources of Islamic jurisprudence" rather than external secular pressure. No *qaṭʿī* (*definitive*) textual authority prohibits ethically regulated digital visibility. The more restrictive opinions examined in this study are more accurately characterised as *ẓannī* (*speculative or open to interpretation*) exercises of *ijtihād* (*independent juristic reasoning*) shaped by precaution and particular historical circumstances rather than by unequivocal scriptural command. At the same time, the *maqāṣid al-Sharīʿah* (*objectives of Islamic law*) provide affirmative support for digital participation where it contributes to the preservation of wealth, intellect, dignity, and other legitimate interests. Online harm, although real and deserving of serious legal attention, is more appropriately addressed through ethical regulation, effective enforcement, and accountability than through the exclusion of women from lawful public engagement. Considered alongside the comparative analysis undertaken in this paper, these conclusions also demonstrate that meaningful compatibility between Islamic jurisprudence and international human rights law can be achieved without compromising the integrity of either legal tradition.

The cumulative effect of these findings confirms the central proposition advanced throughout this study. Properly applied, the methodology of Islamic law does not classify women's ethically regulated digital participation as prohibited conduct. Rather, it treats such participation as a lawful aspect of *mu'āmalāt* (*social and commercial interaction*) governed by the same moral standards of modesty, honesty, responsibility, and the prevention of harm that regulate other forms of public activity. Confusing ethical regulation with categorical prohibition obscures an important juristic distinction and risks narrowing the scope of lawful participation beyond what the recognised sources of Islamic law can sustain.

The broader implication of this study extends beyond the immediate debate over women's digital visibility. It suggests that contemporary discussions within Muslim scholarship should move from questioning whether women may participate in digital public life to identifying the legal and ethical principles that ought to govern such participation. This shift does not represent a departure from the Islamic legal tradition. On the contrary, it reflects fidelity to *uṣūl al-fiqh* (*principles of Islamic jurisprudence*), respect for the evidentiary hierarchy of the *Sharī'ah*, and continued reliance on its purposive framework in responding to technological change. Recognising women's digital participation as a contemporary expression of lawful public engagement is therefore best understood not as a reformist innovation but as a conclusion that follows from the established methodology, values, and interpretive discipline of Islamic jurisprudence itself.

5.0 CONCLUSION AND RECOMMENDATIONS

This study examined whether Islamic legal methodology supports a categorical prohibition of Muslim women's ethically regulated participation in digital spaces. Through a doctrinal analysis grounded in *uṣūl al-fiqh* (*principles of Islamic jurisprudence*), *maqāṣid al-Sharī'ah* (*objectives of Islamic law*), and comparative human rights analysis, the study found no *qaṭ'ī* (*definitive*) textual

basis for such a prohibition. The presumption of permissibility governing mu‘āmalāt (*social and commercial transactions*), therefore, remains applicable to women's lawful digital participation.

The analysis further established that contemporary restrictions on women's digital visibility are largely products of *ẓannī* (*speculative*) *ijtihād* (*independent juristic reasoning*) shaped by precaution rather than definitive scriptural authority. While Islamic law requires modesty, dignity, and the prevention of harm, these objectives are more appropriately realised through ethical regulation of online conduct than through categorical exclusion. The *maqāṣid al-Sharī‘ah* reinforce this position by recognising the protection of wealth, intellect, dignity, and lawful livelihood as fundamental objectives that increasingly depend upon meaningful participation in digital society.

The comparative analysis also demonstrates that Islamic jurisprudence and international human rights law need not be viewed as inherently conflicting. Both legal traditions permit restrictions only where supported by recognised legal authority and justified by demonstrable necessity. Properly applied, Islamic legal methodology provides a coherent basis for protecting women from digital harm without denying their lawful participation.

The study, therefore, concludes that women's digital participation is a lawful aspect of contemporary public life subject to ethical regulation rather than categorical prohibition. Its principal contribution lies in demonstrating that the internal methodology of Islamic jurisprudence is capable of addressing technological change while remaining faithful to its foundational commitments to justice, dignity, and the public good.

The paper recommends thus:

First, contemporary questions concerning women's digital participation should be addressed through *ijtihād jamā‘ī* (*collective juristic reasoning*), bringing together Islamic jurists, legal

scholars, and technology experts to produce context-sensitive and methodologically rigorous guidance.

Second, Islamic legal institutions should develop principled frameworks for digital fiqh grounded in the presumption of permissibility, *maqāṣid al-Sharīʿah*, and evidence-based harm assessment. Regulatory efforts should focus on unlawful online conduct rather than the lawful presence of women in digital spaces.

Finally, policymakers, religious institutions, and digital platform providers should collaborate to strengthen protections against online harassment, safeguard privacy and dignity, and promote responsible digital participation. Such an approach advances both the objectives of the *Sharīʿah* and internationally recognised standards of human dignity and participation.