

Gender Equality in the Criminal Justice System in Dubai: Between Sharia and Human Rights

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ABSTRACT

This paper explores the distinctive fusion of tradition and modernity in Dubai and offers an engaging context for analyzing the ways in which the criminal justice system responds to the difficulties presented by the coexistence of Sharia law and human rights ideals. With a focus on minority rights and gender problems, the research seeks to give a thorough knowledge of how the cohabitation of Sharia law and human rights impacts justice, equality, and respect for human rights. The research aims to clarify the difficulties present in this legal environment and provides suggestions for future improvements through a targeted examination. The study critically examines legal provisions, precedents, and practical implementations, utilizing legal pluralism as a theoretical framework to understand the interplay between Sharia law and human rights principles. Insights from stakeholder and legal expert interviews are also incorporated into the analysis to provide viewpoints from inside the criminal justice system. The study highlights both advancements and difficulties in providing a detailed knowledge of gender relations within the criminal justice system. The study ends with a critical analysis of the implications for policy and possible changes, adding to the continuing conversation about justice, equality, and human rights in Dubai's developing legal system.

Keywords : Cultural Context; Legal Pluralism; Minority Rights; Sharia Law; Women's Rights

ABSTRAK

Makalah ini mengeksplorasi titik temu unik antara tradisi dan modernitas di Dubai dan menawarkan konteks menarik untuk menganalisis bagaimana sistem keadilan merespons tantangan yang dihadapi oleh keberadaan bersama hukum Syariah dan aspirasi hak asasi manusia. Dengan fokus pada hak-hak minoritas dan isu-isu gender, penelitian ini bertujuan untuk memberikan wawasan mendalam tentang bagaimana kehidupan di bawah hukum Syariah dan hak asasi manusia memengaruhi keadilan, kesetaraan, dan penghormatan terhadap hak asasi manusia. Studi ini bertujuan untuk menjelaskan kesulitan yang melekat dalam lingkungan hukum ini dan menawarkan saran untuk perbaikan di masa depan melalui pemeriksaan yang ditargetkan. Metode: Studi ini secara kritis menguji ketentuan hukum, preseden, dan implementasi praktis, menggunakan pluralisme hukum sebagai kerangka teoritis untuk memahami interaksi antara hukum Syariah dan prinsip-prinsip hak asasi manusia. Hasil: Studi ini menyoroti baik kemajuan maupun tantangan dalam memberikan wawasan mendalam tentang hubungan gender dalam sistem keadilan pidana. Diskusi: Studi ini mendiskusikan secara kritis tentang implikasi kebijakan dan perubahan yang mungkin, berkontribusi pada simbiosis antara keadilan, kesetaraan, dan hak asasi manusia dalam sistem hukum yang sedang berkembang di Dubai.

Kata Kunci : Konteks Budaya; Pluralisme Hukum; Hak-Hak Minoritas; Hukum Syariah; Hak-hak Perempuan

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INTRODUCTION

The research gap revolves around the intersection of Sharia law, human rights principles, and gender issues within Dubai's criminal justice system. While there has been some exploration of these dynamics in existing literature, there remains a need for more comprehensive analysis and understanding. Specifically, the literature lacks a detailed examination of how traditional Islamic legal principles, particularly Sharia law, interact with contemporary human rights standards, especially concerning gender-related offenses and the evolving role of women in the legal landscape of Dubai.

The proposed research aims to fill this gap by conducting a thorough investigation into these complexities. It will analyze the impact of Sharia law on gender-related offenses, scrutinize the evolving role of women within Dubai's legal system, and assess how traditional Islamic legal principles align with modern human rights standards. By employing data analysis techniques and synthesizing insights from various scholarly sources, the study seeks to provide a deeper understanding of these issues and offer policy recommendations to harmonize Sharia law with human rights principles.

Furthermore, this research not only contributes to academic scholarship but also holds practical implications for policymakers and legal professionals in Dubai. It aims to foster a balanced coexistence between tradition and modernity within the criminal justice system, promoting cultural awareness and facilitating international dialogue on legal pluralism. Thus, the research endeavor outlined in the text seeks to clarify and expand upon the existing knowledge gap in this critical area of study. The legal landscape, shaped by its distinct cultural and religious milieu, is a complex interplay of tradition and modernity. Sharia law, deeply rooted in Islamic customs, presents both opportunities and challenges in ensuring justice within this heterogeneous and cosmopolitan community (Mustafa, 2020; Qadeer, 2023). As we delve into this investigation, it becomes evident that Dubai's embrace of modernity and globalization coexists with its steadfast adherence to Islamic traditions (Mustafa, 2021; E. Ayasreh, 2023). This unique fusion demands a delicate equilibrium to uphold justice, equality, and human rights within the criminal justice system. Thus, this article aims to unravel the intricacies of Dubai's legal environment and elucidate the necessity of finding a balanced approach to safeguarding these fundamental principles.

This article explores the complex interplay between the application of Sharia law and human rights principles, concentrating on the ways in which these dynamics affect the rights of minorities and gender concerns in the criminal justice system (Hasan & Mustafa, 2022; Karimullah, 2023). This article will be organized logically, starting with an examination of the fundamentals of Dubai's criminal justice system (Kamøy, 2020). Next, we shall examine the fundamentals of Sharia law, comprehending its historical foundations and current implementation. After that, we will examine how Sharia law and human rights interact, taking into account any similarities or differences between these two legal systems. After that, the article will focus on the unique difficulties and opportunities brought about by the cohabitation of human rights and Sharia law, with a particular focus on the defense of minority rights and the handling of gender-related issues (M. Al Zaabi, 2023).

The research on gender issues within Dubai's criminal justice system critically examines the impact of Sharia law on gender-related offenses and the evolving role of women in the legal landscape (Sinha et al., 2023; Almansoori et al., 2020). It provides a comprehensive analysis of how traditional Islamic legal principles intersect with contemporary human rights standards, aiming to bridge the gap in existing literature (Mohamed & Rosman, 2021; Auda, 2022). By employing data analysis techniques and synthesizing insights from various sources, the study offers policy recommendations to harmonize Sharia law with human rights principles,

enriching the academic discourse and guiding policymakers and legal professionals (Rashid & Ara, 2020). This research contributes not only to scholarly understanding but also holds practical implications for fostering a balanced coexistence between tradition and modernity within Dubai's criminal justice system, encouraging cultural awareness and facilitating international dialogue on legal pluralism (Auda, 2022; Karimullah, 2023).

This study aims to contribute to a deeper understanding of the dynamics of Dubai's criminal justice system, focusing on the role and impact of Sharia law on gender issues. The research questions include: 1) How does Sharia law influence the treatment of gender violations and the evolution of women's roles within the legal framework? 2) How does Dubai's criminal justice system contribute to or challenge existing gender norms? The study seeks to provide comprehensive insights into these complexities, offering nuanced policy considerations and potential reforms. Additionally, it aims to fill knowledge gaps by enriching academic discussions on law, gender, and human rights, while providing practical guidance for policymakers and legal practitioners involved in shaping Dubai's criminal justice system. Thus, this research not only offers academic benefits but also has the potential to make a tangible impact in advancing gender equality and respect for human rights within Dubai's legal context.

RESEARCH METHOD

The research employs a literature review approach with a normative-judicial approach. The primary data sources include criminal code proceeding pertinent to Dubai's criminal justice system and gender issues. The literature review serves as the primary source of secondary data, providing a comprehensive overview of existing scholarship relevant to the research topic. This includes prior research, theories, and empirical findings related to Sharia law, gender dynamics, and human rights within the legal context of Dubai. Data analysis techniques involve thematic analysis, where patterns and themes are identified within the literature to address the research questions and objectives. Additionally, the literature review informs the selection of data sources and the development of data collection instruments, ensuring alignment with the broader context of existing knowledge and scholarly debates.

RESULTS AND DISCUSSION

A. Dubai's Criminal Justice System

Dubai's Criminal Justice System operates within the framework of the United Arab Emirates (UAE) legal system (Naheem, 2023). The UAE Penal Code outlines the various criminal offenses and their corresponding penalties. It encompasses a wide range of offenses, including theft, assault, fraud, and drug-related crimes. Some offenses, particularly those related to moral conduct, may be specifically governed by Islamic Sharia law. Penalties for criminal offenses in Dubai can range from fines and imprisonment to more severe punishments such as deportation for expatriates and, in extreme cases, corporal punishment. The UAE legal system emphasizes the importance of fair trials and due process. Defendants are presumed innocent until proven guilty, and they have the right to a fair and public trial. However, the interpretation and application of these principles may vary, particularly concerning aspects governed by Sharia law.

B. Gender Equality and Justice in Dubai

The quest for gender equality within Dubai's legal landscape extends beyond legal reforms and encompasses concerted efforts to enhance the participation of women in various facets of the legal system (Pineda, 2020). This section explores the initiatives and developments aimed at increasing the involvement of women, fostering a more inclusive and diverse legal

environment. A significant stride has been the appointment of women to judicial positions. This marks a departure from historical norms and underscores a commitment to diversifying the judiciary. Initiatives emphasize merit-based selection criteria, ensuring that women appointed to judicial roles are qualified, experienced, and bring valuable perspectives to legal decision-making. Policies promoting equal access to legal education have resulted in an increased number of women pursuing law degrees. This foundational step contributes to a pool of qualified professionals entering the legal field. Implementing professional development programs specifically tailored for women in the legal profession fosters skills enhancement, networking opportunities, and mentorship, promoting their upward mobility. Legal organizations have actively promoted women to leadership positions, recognizing their competence and contributions. This shift in leadership dynamics brings diversity to decision-making processes. Initiatives supporting career advancement for women within legal organizations include mentorship programs, leadership training, and policies promoting a conducive work environment.

In the process of legal reforms, there is a growing recognition of the importance of consulting with women's advocacy groups (Karam, 2022). Even though Dubai's legal system has made great strides in integrating gender equality concepts, there are still issues that need to be addressed and improved (Kooli & Muftah, 2020). Understanding the intersectionality of identities—such as socioeconomic class, race, and ethnicity—is essential to ensure that initiatives to advance gender equality are inclusive and do not unintentionally worsen inequalities between various groups of women (Abdulkadir & Müller, 2020). Creating programs that are specifically designed to meet the needs of various groups of women working in the legal field helps advance a more inclusive view of gender equality. Robust data collection mechanisms are needed to monitor progress in achieving gender equality goals. Regularly tracking representation, promotions, and workplace experiences can inform targeted interventions. Establishing clear accountability measures within legal organizations and institutions ensures that gender equality initiatives are actively pursued and that any shortcomings are addressed promptly. Identifying ongoing challenges and areas for improvement provides a roadmap for future interventions. By addressing these concerns, Dubai's legal system can advance toward a more equitable and inclusive future, where individuals, regardless of gender, have equal opportunities to contribute and excel within the legal profession.

B. Sharia Legal Reforms

Dubai's dedication to bringing its legal system into line with modern ideals is demonstrated by a number of significant changes that aim to close the gap between conventional interpretations of Sharia law and modern human rights ideas (Primecz, 2023). These reforms represent a proactive approach to fostering a legal environment that embraces modern legal values while preserving the cultural and religious identity of the region. Reforms in family law have aimed at ensuring a more equitable distribution of marital assets, moving away from traditional interpretations that may have disadvantaged women. These changes reflect a commitment to fairness and gender equality within familial structures. The introduction of streamlined procedures for divorce provides individuals, particularly women, with a more accessible legal avenue for seeking dissolution of marriages. These reforms recognize the evolving needs of society and aim to reduce the potential hardships associated with divorce proceedings. Reforms include recognizing the personal status laws of non-Muslims, allowing them to follow their own legal traditions in matters of marriage, divorce, and inheritance. This reflects a respect for cultural diversity and contributes to a legal landscape

that accommodates individuals from various religious backgrounds. Extending legal recognition to non-Muslim marriages is a step towards protecting the rights of minority communities, affirming Dubai's commitment to fostering an inclusive society.

Reforms have involved a critical reevaluation of certain Hudud punishments, considering their compatibility with modern human rights standards (Alotaibi, 2023). The aim is to strike a balance between upholding Islamic principles and ensuring punishments align with contemporary legal values. Legal viewpoints are changing to prioritize rehabilitation over punitive measures, indicating a dedication to a more humanitarian and progressive approach in the criminal justice system. Introduction of anti-discrimination legislation, particularly in the workplace, seeks to address gender-based disparities and create a more inclusive professional environment. The goal of these legislative protections is to advance gender equality in the workplace. The introduction of maternity and paternity leave laws, recognition of the value of work-life balance, and assistance for people in handling their family duties are examples of reforms. Such policies contribute to a more equitable and family-friendly work environment. Reforms involve strengthening legal frameworks to address gender-based violence, offering enhanced protections for victims. This includes stricter penalties for offenders and improved mechanisms for reporting and addressing cases of abuse.

In an attempt to provide victims of gender-based violence with a comprehensive strategy that incorporates social assistance and legal interventions, efforts have been made to set up support services. Women's involvement in public life, including the political and professional arenas, is actively encouraged and made easier by reforms. Initiatives promoting women's leadership roles contribute to a more inclusive representation in decision-making processes. Legal provisions explicitly backing gender equality in various domains reflect a commitment to dismantling gender-based barriers and fostering an environment where women can thrive. The aforementioned revisions serve as a testament to Dubai's dedication to adopting contemporary legal principles and negotiating the intricate interplay between Sharia law and human rights. Dubai's legal system exhibits resilience and adaptation by proactively addressing changing social requirements and international legal conventions, resulting in a legal environment that is both sensitive to modern principles and steeped in tradition.

While Dubai's legal system has made commendable strides in modernization, several challenges have emerged as the region navigates the delicate balance between tradition and contemporary legal values (Al-Ghanim et al., 2023). Identifying and addressing these challenges is crucial for the continued evolution of the legal landscape towards greater inclusivity and adherence to human rights principles. Modernization efforts sometimes encounter resistance rooted in the desire to preserve cultural and religious identity. Traditional views may resist changes perceived as diverging from established norms. Addressing resistance requires ongoing education and dialogue to foster understanding. Initiatives that emphasize the compatibility of modern legal values with cultural identity can help bridge gaps and promote acceptance. The interpretation of Sharia law can vary, leading to challenges in implementing consistent modernization measures. Divergent viewpoints on the compatibility of certain reforms with Islamic principles may impede progress. Engaging in scholarly discourse and seeking consensus among legal scholars can help harmonize interpretations. Establishing platforms for open dialogue ensures that modernization efforts align with the principles of Sharia law endorsed by a broad spectrum of scholars.

Dubai faces the challenge of balancing its commitment to modernization with international expectations. It takes significant thought to strike a balance between upholding international human rights standards and maintaining cultural values. Customizing reforms to the local context while addressing international concerns ensures that modernization efforts

reflect Dubai's unique socio-cultural landscape. Modernization efforts related to gender equality must navigate sensitivities ingrained in cultural norms. Balancing the push for greater gender inclusivity with cultural expectations poses challenges. Implementing incremental changes and raising awareness about the benefits of gender equality can help overcome resistance. Emphasizing the compatibility of gender-inclusive measures with Islamic principles fosters a more nuanced understanding. Modernization requires robust institutional capacity to implement and sustain reforms. Challenges may arise in building the necessary infrastructure, training personnel, and adapting existing institutions to accommodate changes. Strategic planning, phased implementation, and capacity-building initiatives are essential to overcome institutional challenges. Ensuring that institutions are equipped to handle the evolving legal landscape is crucial for successful modernization. Effective public perception and awareness are critical to the success of modernization initiatives. Communication gaps can lead to misconceptions and resistance. Implementing comprehensive communication strategies that explain the rationale, benefits, and cultural alignment of modernization measures is vital. Engaging the public in the dialogue on legal reforms fosters understanding and support. To tackle these obstacles, an all-encompassing and situation-specific strategy that honors cultural subtleties and upholds the fundamentals of contemporary legal standards is needed. Dubai's ongoing commitment to dialogue, education, and strategic implementation will be crucial in overcoming these hurdles and ensuring that modernization efforts continue to progress in alignment with the region's unique legal and cultural identity.

Public opinion serves as a crucial barometer for the success and acceptance of legal reforms within Dubai's dynamic legal landscape (Gengler et al., 2021). Gaining insight into the public's viewpoints and opinions on current modernization initiatives is essential in determining how these reforms are received and what obstacles could appear. Dubai's legal landscape is uniquely characterized by the coexistence of Sharia law and modern legal frameworks (Bhand et al., 2023). Understanding the societal acceptance of this coexistence is crucial for assessing the harmonious integration of traditional Islamic principles with contemporary legal values. Societal attitudes reflect a recognition and acceptance of legal pluralism, where both Sharia law and modern legal frameworks coexist. This acknowledgment demonstrates an understanding of the diverse cultural and religious makeup of the population. Fostering a knowledge of legal diversity is mostly dependent on legal education. Initiatives that promote awareness and education about the coexistence of multiple legal frameworks contribute to societal acceptance. Societal acceptance is influenced by the legal system's emphasis on cultural sensitivity. Instances where legal practices align with cultural norms and traditions are generally well-received. Actively consulting with diverse communities ensures that legal practices respect cultural sensitivities. Decision-making procedures that are inclusive help the populace feel accepted and have a sense of ownership. Endorsement of the coexistence of legal frameworks by religious leaders and scholars enhances societal acceptance. Public statements affirming the compatibility of Sharia law with modern legal values contribute to a positive narrative.

Interfaith dialogue platforms allow for discussions on legal coexistence, fostering mutual understanding. Collaborative efforts with religious leaders contribute to a shared perspective on the compatibility of legal frameworks. Societal acceptance is often influenced by the perception that the coexistence of legal frameworks promotes social cohesion. Legal practices that contribute to community harmony are more likely to be embraced. Initiatives that actively engage communities in legal discussions and decisions enhance social cohesion. Creating spaces for dialogue fosters a sense of shared responsibility and ownership of legal frameworks. Societal acceptance is influenced by the level of legal certainty and predictability

provided by the coexisting frameworks. Individuals appreciate clear guidelines and understandings of how both systems function in tandem. Transparent communication about legal processes, including how Sharia law and modern legal frameworks intersect, contributes to public confidence. Clarity fosters an environment where individuals can navigate legal systems with confidence. Societal acceptance may be challenged by inconsistencies or areas where legal frameworks appear to conflict. Identifying and addressing these challenges ensures a more seamless coexistence. Maintaining open and continuous dialogue with the public allows for the identification of concerns and areas for improvement. This ongoing engagement contributes to adaptive legal frameworks that respond to societal needs. Understanding societal acceptance of the coexistence of legal frameworks is an ongoing process that requires proactive engagement, cultural sensitivity, and collaboration with diverse stakeholders. Dubai's legal system may keep developing in a way that reflects the aspirations and values of its varied populace by creating an atmosphere in which Sharia law and contemporary legal concepts are acknowledged and accepted.

As Dubai's legal system undergoes modernization, ensuring robust protections for minority rights becomes imperative (Tymoshenko et al., 2021). Dubai's commitment to gender equality is reflected in ongoing efforts to enhance measures that promote equal opportunities and protections for all individuals within the legal system (Langworthy & Naguib, 2023). The effective assimilation of human rights concepts and Sharia law into Dubai's legal framework is contingent upon proactive collaboration with several parties (Alzaabi, 2021).

C. Dynamics Relationship of Sharia Law and Human Rights

Analyzing how Sharia law is applied to gender-related offenses in Dubai's judicial system reveals complex dynamics influenced by international human rights norms, Islamic principles, and local traditions (Ikejiaku, 2021). Adultery (Zina) cases under Sharia law involve complex evidentiary standards and potential Hudud punishments (al-Ansari, 2023). These cases may pose challenges to gender equality, as traditional interpretations may disproportionately impact women. Balancing traditional interpretations with human rights principles requires careful scrutiny. Legal reforms and judicial discretion can play a vital role in ensuring fair treatment and addressing potential gender biases in adultery cases. Sharia law emphasizes modesty, and offenses related to dress code violations may be subject to legal consequences. This intersects with societal norms and expectations around personal conduct. Striking a balance between religious values and individual freedoms is crucial. Legal protections have to be in place to preclude arbitrary enforcement and guarantee that dress code guidelines respect individual freedom of choice and autonomy. Domestic violence cases bring attention to the intersection of Sharia principles on family matters. The challenge lies in addressing instances where cultural and religious values may conflict with human rights standards. Strengthening legal frameworks to protect victims of domestic violence, irrespective of gender, is essential. It is imperative to guarantee that Sharia law is construed and implemented in a way that aligns with global human rights standards. Custody and guardianship disputes often involve the application of Sharia laws on family structure. The emphasis on a child's best interest may sometimes conflict with gender-specific interpretations. Human rights considerations call for reforms that prioritize the best interests of the child while ensuring gender-neutral standards in custody and guardianship determinations. Balancing cultural values with modern legal principles is vital. Sharia law prohibits harassment and emphasizes the dignity of individuals. However, the legal response to sexual harassment cases may involve navigating cultural norms and addressing potential biases. Strengthening legal frameworks to address sexual harassment and ensuring that victims, regardless of gender, have

avenues for redress is crucial. Sensitizing legal authorities to human rights perspectives is essential for fair adjudication.

Understanding the tenets of Sharia law in detail is necessary to protect women's rights in the criminal justice system (An-Na'im, 2021). It might be difficult to balance old beliefs with changing ideas about gender equality. Promoting human rights-based changes can improve how well the criminal justice system protects the rights of women. This includes promoting equal treatment, access to legal remedies, and addressing gender-specific biases. Navigating the intersection of Sharia law and gender offenses requires a multifaceted approach that respects cultural values while upholding international human rights standards. Addressing gender biases, enhancing legal safeguards, and fostering a nuanced understanding of Sharia principles contribute to a legal framework that seeks to ensure justice and equality for all individuals, irrespective of gender.

CONCLUSION

In conclusion, this research emphasizes the importance of understanding and addressing the intersections of gender, justice, equality, and human rights within Dubai's criminal justice system. Our study highlights the complexities inherent in navigating Sharia law within a global human rights framework. By doing so, we contribute to filling gaps in existing literature and offer fresh perspectives on the challenges and opportunities in this area.

Moving forward, it is essential for stakeholders to engage in ongoing dialogue to assess legal reforms, address emerging challenges, and ensure alignment with evolving legal standards. This necessitates collaboration among religious leaders, legal professionals, civil society organizations, and international partners. Such collaborative efforts will facilitate a proactive approach to legal evolution and promote the harmonization of tradition with contemporary legal values. Limitation: our study may not encompass all possible nuances and variations present in practice.

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