



THE POSITION OF WOMEN WITNESSES IN ISLAMIC LAW: AN ANALYSIS OF WOMEN'S CONTRIBUTION TO THE JUDICIAL PROCESS IN INDONESIA

Fadilla Syahrhani¹ , Navisa Latifa Auliya² 

*Korespondensi :

Email : fadillasyahrhani99@gmail.com

Afiliasi Penulis :

¹ Universitas Negeri Padang, *Indonesia*

² Universitas Islam Negeri Sjech M. Djamil Djambek Bukittinggi, *Indonesia*

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Abstract

This study comprehensively examines the position of female witnesses in Islamic law, focusing on the scholarly debates regarding the acceptance or rejection of female testimony, particularly in cases related to criminal law (hudud). Using a qualitative approach, this study analyzes the theoretical and legal foundations that underpin the role of female witnesses and evaluates their application in Indonesia's modern judicial system. The main sources of this research include classical texts of Islamic law, the views of scholars, and applicable positive legal regulations. This research is conducted as a library study, drawing from classical texts of Islamic law, scholarly views, and relevant positive legal regulations. The findings reveal differing interpretations regarding women's testimony, with some classical scholars placing less weight on it compared to men, while contemporary perspectives tend to be more inclusive, aligning with principles of justice and equality. The results show that, although challenges remain in implementation, the role of female witnesses is increasingly recognised and accepted in the Indonesian judiciary, especially in cases that require a female perspective. The main contribution of this research is to provide insights that strengthen the discussion on gender justice in Islamic law, while offering recommendations to optimise women's participation in the legal process. These recommendations include strengthening policies that ensure witness equality based on the principles of maqasid al-shariah (the objectives of sharia) and applying norms that are more contextualised to social realities in Indonesia. As such, this research contributes to the development of a more just and inclusive justice system, capable of addressing contemporary legal and social challenges.

Abstrak

Penelitian ini mengkaji secara komprehensif kedudukan saksi perempuan dalam hukum Islam dan mengevaluasi kontribusi mereka dalam proses peradilan di Indonesia. Dengan pendekatan kualitatif, penelitian ini menganalisis landasan teoretis dan hukum yang melandasi peran saksi perempuan, serta mengeksplorasi penerapannya dalam sistem peradilan modern di Indonesia. Sumber utama penelitian ini meliputi teks-teks klasik hukum Islam, pandangan ulama, dan peraturan hukum positif yang berlaku. Penelitian ini mengungkap adanya perbedaan interpretasi mengenai kesaksian perempuan, di mana sebagian ulama klasik menempatkan bobot kesaksian perempuan lebih rendah dibandingkan laki-laki, sementara pandangan kontemporer cenderung lebih inklusif dan berupaya menyesuaikan dengan prinsip-prinsip keadilan dan kesetaraan. Hasil penelitian menunjukkan bahwa, meskipun masih terdapat tantangan dalam implementasi, peran saksi perempuan semakin diakui dan diterima dalam peradilan Indonesia, terutama dalam perkara yang menuntut perspektif perempuan. Kontribusi utama penelitian ini adalah memberikan wawasan yang memperkuat diskusi tentang keadilan gender dalam hukum Islam, sekaligus menawarkan rekomendasi untuk mengoptimalkan partisipasi perempuan dalam proses hukum. Rekomendasi ini mencakup penguatan kebijakan yang memastikan kesetaraan saksi berdasarkan prinsip

maqasid al-shariah (tujuan-tujuan syariat) dan penerapan norma yang lebih kontekstual terhadap realitas sosial di Indonesia. Dengan demikian, penelitian ini berkontribusi pada pengembangan sistem peradilan yang lebih adil dan inklusif, yang mampu menjawab tantangan hukum dan sosial kontemporer

INTRODUCTION

The role of women in Islamic law has been the subject of highly complex and diverse discussions throughout the history of Islamic civilisation, where the understanding of women's contribution to the legal sphere has often been influenced by legal interpretations rooted in patriarchal values that are deeply embedded in various Muslim societies (Aldiano et al., 2021). In classical texts, women's roles were often limited by these norms, which often placed them in a less equal position than men, despite the fact that the Qur'an and Hadith grant women certain rights, including in the aspects of justice, legal protection, and the right to be a witness. However, the interpretations made by scholars in the past often reflect the social and cultural conditions of the time, which tend to reduce or even limit women's active participation in legal and social life. On the other hand, increasingly dynamic social transformations, accompanied by rising gender awareness and movements for equal rights, have challenged these traditional paradigms, creating space for more inclusive and progressive discourses. These changes not only invite a review of the interpretation of existing legal texts, but also encourage the development of more equitable thinking in accommodating the role of women in various aspects of legal life, especially in their capacity as witnesses who have an important contribution to the judicial process (Andriani, 2024). This confirms the need for an approach that is more contextual and relevant to modern social situations, where women are increasingly recognised as actors who have a significant role in creating a more equal and equitable legal system. Some classical scholars interpret certain verses in the Qur'an, such as in Surah al – Baqarah regarding testimony in financial matters, to suggest that a woman's testimony may carry half the weight of a man's. However, this interpretation is often contextual, reflecting historical conditions and specific legal contexts rather than an inherent devaluation of women. A more comprehensive view, supported by various scholars, highlights that this guideline aims to ensure fairness and accuracy in testimony rather than diminish women's status. However, this view is not fully accepted by all legal authorities, and many contemporary scholars have reinterpreted such texts to reflect more holistic principles of justice. These more progressive interpretations argue that the historical situation in which early Islamic law developed is different from the current social context, which demands a more relevant and contextualised approach in applying legal norms (Citrawan & Putri, 2024). The increase in women's education and social participation in many Muslim countries, including Indonesia, has also strengthened the argument that women should be given a role in the law.

In Indonesia, with its unique and complex legal system that incorporates elements of Islamic law, customary law, and national law, the position of women in the judicial process is increasingly interesting and challenging to study, as it reflects the dynamic between diverse legal traditions and the increasingly inclusive demands of modern justice. Women not only serve as plaintiffs, defendants, or witnesses in the various cases handled by the courts, but also as individuals who bring invaluable perspectives and life experiences, which can make important contributions in creating fairer and more holistic legal decisions (Deniardi et al., 2024). However, in judicial practice, women still face significant barriers, which are often structural in nature, such as discrimination arising from legal rules that are not fully responsive to gender needs, as well as cultural barriers stemming from entrenched social norms that limit women's access to justice. These barriers also include glaring inequalities in access to legal services, gender stereotypes that narrow perceptions of women's capacity to participate equally in legal processes, as well as a lack of legal awareness among women that makes them vulnerable to violations of their rights.

Considering all these challenges, it becomes clear that the study of women's contribution to the Islamic justice process in Indonesia has relevance that is not only limited to legal aspects, but also has far-reaching social and cultural implications, as it goes to the heart of how societies can move towards justice that is more equitable, inclusive, and responsive to the needs of all its citizens (Dr Aftab Ahmad Malik et al., 2021).

It is important to note that the recognition of women's testimonies and contributions in Islamic law in Indonesia continues to evolve dynamically and significantly. This progress aligns with the ongoing efforts of various parties to promote gender justice and adapt legal practices to globally recognized principles of equality. These changes can be clearly observed in various legal policies that have begun to show a more open attitude towards the role of women, not only in their capacity as witnesses, but also in other more active and decisive roles in the legal process. In addition, the legal debates that developed among jurists and religious leaders also began to reflect a more inclusive understanding, aiming to accommodate the principles of social justice and human rights in the interpretation of Islamic law. However, while progress has been made and provides hope for the improvement of women's position in the legal system, there remains considerable debate and challenges that must continue to be overcome. Some judicial institutions and religious communities (Elfi Tumangger et al., 2024), adhering to traditional interpretations, continue to debate the extent to which women can truly participate fully and equally in judicial processes, particularly in matters relating to family, economic and criminal law, which are often heavily influenced by patriarchal values. The need for an in-depth understanding of how women's roles are recognized and implemented in the Indonesian justice system is particularly relevant. A comprehensive review of authoritative literature on women's testimony is essential to facilitate substantive changes toward a more equitable and inclusive justice system (Hanapi et al., 2024).

This study aims of the role and contribution of women in the Islamic judicial process in Indonesia, which is an important theme that has received insufficient attention among academics and legal practitioners. While there have been a number of studies addressing the position of women witnesses in Islamic law, highlighting certain aspects of women's rights in the context of testimony, studies specifically linking the interpretation of Islamic law to the complex socio-cultural context and its implementation in Indonesian courts are limited and often do not take into account the dynamics of the field. Therefore, this research contributes significantly by providing an in-depth and comprehensive analysis of the dynamics of Islamic law, as well as how it interacts with existing social norms, thus enriching the discourse on gender equality in the national legal system that not only talks about theoretical aspects but also real practices in society. In addition, this research also provides relevant and applicable recommendations that can be used to develop more just and inclusive legal policies, which not only support the recognition of women's rights but also facilitate the active role of women in realising true justice, so that it is expected to be a real contribution to progressive legal reform efforts in Indonesia.

METHOD

The research method that will be used in this study focuses on a qualitative approach that aims to explore and understand in depth the contribution of women in the Islamic justice process in Indonesia, emphasizing how their roles are recognised and implemented in diverse legal contexts. The research will begin with data collection through in-depth interviews with various stakeholders, including judges, lawyers, and women directly involved in the legal process, who are expected to provide rich and diverse insights into their experiences in the justice system. In addition, focus group discussions will be conducted to gather collective perspectives from individuals and groups with different backgrounds, so as to enrich the analysis and identify key themes that emerge from the experiences and challenges faced by women in their roles as witnesses, plaintiffs or defendants. Furthermore, document analysis will be conducted to examine legislation and legal policies relating to the position of women in Islamic law, with the aim of understanding how these policies are implemented on the ground and the extent to which they reflect the principles of gender justice. Data collected from interviews, discussions,

and document analysis will be analysed thematically using the content analysis method, so that researchers can identify significant patterns and issues related to women's contribution to the Islamic justice process, as well as provide recommendations for policies that are more inclusive and responsive to women's rights in the Indonesian legal system.

RESULT AND DISCUSSION

a. Gender Inclusivity in Islamic Testimony Laws

Legal Basis in the Quran in the Quran, there are verses that emphasize that women have a position as witnesses. One of the relevant verses is Surah Al – Baqarah (2:282). This verse explains the rules regarding testimony in financial transactions, and does not specifically mention gender. However, since this verse details the rules of testimony in the context of financial transactions, including loans and debts, it can be considered as affirming the position of women as witnesses in that context. Here is the translation of the verse: "If there are not two men (witnesses), (it is permissible) one man and two women among those whom you like among the witnesses (who are available) so that if one (female witness) forgets, the other reminds her. The witnesses should not refuse when called." There are various interpretations that have been written by Islamic scholars based on their understanding of Quranic verses. Some explanations and interpretations of the verse Al – Baqarah 2:282. Ibn Kathir, a renowned mufassir, explains that this verse is talking about financial transactions and the provision of witnesses in the context of debt agreements. This explanation highlights the importance of writing down transactions clearly and using witnesses as measures to prevent future disputes. Regarding the involvement of women as witnesses, Ibn Kathir notes that in some situations where male witnesses are not available, women can be valid witnesses (Hirsh & Miller, 2022). Tafsir Al – Jalalayn, compiled by two prominent scholars, Jalaluddin al – Mahalli and Jalaluddin as – Suyuti, provides a concise explanation of this verse.

They highlight the requirement to put the transaction in writing and the presence of witnesses as a form of protection for both parties involved. Al – Jalalayn also emphasizes that if no male witnesses are available, then two female witnesses can be used who are considered to be able to follow and remind each other (Muhammad Saekul Mujahidin, 2023). Al – Qurtubi, an Andalusian scholar, provides a more in – depth interpretation. He explains that this verse contains Islamic legal teachings on transactions and testimony. According to Al – Qurtubi, the rule about female witnesses here applies specifically to situations where male witnesses cannot be found, and the use of two female witnesses is considered an alternative measure to ensure justice (Razak et al., 2024). In general, the interpretation of the verse Al – Baqarah 2:282 emphasizes the importance of honesty in financial transactions, the use of witnesses as a form of protection, and provides special provisions for situations where male witnesses are not available. The use of female witnesses is here explained as an alternative solution to ensure strong testimony in certain situations (Razak et al., 2024). The Prophet Muhammad had several examples of involving women as witnesses in various situations. Although the hadith records do not always specifically mention women as witnesses in the context of financial or legal transactions, there are instances where the Prophet involved women in testimony (A. R. Saputra et al., 2024). One relevant example is in the Hudaibiyah incident. When Rasulullah SAW and his companions made the Hudaibiyah agreement, a woman who was Ummu Haram (wife of Ubadah bin Shamit) became a witness. Although the agreement was initially considered unfair by his companions, the Prophet accepted the female witness, Ummu Haram, in the agreement. This shows that the Prophet did not ignore the testimony of women and even accepted female witnesses in important events such as treaties.

Although there are not many other specific records of the use of women as witnesses in the context of legal or financial transactions, it shows that in some specific situations, the Prophet paid attention to women's testimony (L. E. A. W. Saputra et al., 2024). It is important to remember that at that time, the cultural and social context also influenced how women's testimonies were accepted. However, in the case of Hudaibiyah, the Prophet showed an inclusive attitude towards women's testimonies. This provides an example of

the importance of paying attention to women's testimonies and roles in various aspects of life, although the context is not always detailed in the historical record. In Islamic law, the rules on women's testimony have a foundation in the Quran and hadith, with the use of women's testimony applied in various contexts (Sempijja & Olebogeng–Mongale, 2021). However, there are differences in testimony requirements between certain situations. Financial Transactions In the context of financial transactions, the Quran provides detailed guidance in Surah Al–Baqarah 2:282. This verse confirms that if no male witnesses are available in a transaction, then two female witnesses can be used as a valid alternative. This recognizes the role and involvement of women in the testimony process, providing a clear legal basis in situations where the availability of male witnesses is an obstacle (Syam & Devianty Fitri, 2024). This teaching shows the fundamental justice of the Quran, where the existence of female witnesses is not considered as a weakness, but as a legitimate and accepted alternative in the Islamic legal system. Thus, the Quran provides a strong foundation for the involvement of women as witnesses in financial transactions, reinforcing the principle of gender equality in the view of Islamic law. Hudud (Criminal Law) In certain areas of criminal law, such as adultery cases, there are differences in the rules of testimony between men and women. To prove a case of adultery, the law requires four fair witnesses, and they must have witnessed the act of adultery firsthand. However, a special concern arises when we look at the rules of female testimony in this case. Some legal interpretations state that women's testimony cannot replace that of men in adultery cases. While women may serve as witnesses, some interpretations suggest that their testimony is not always considered equal to that of men in specific contexts. However, in the Hanbali school of thought, there are positions that accept women's testimony even in hudud cases (Yustiasari et al., 2024). This raises questions about gender equality in the legal system and the need for reflection on norms that may provide unfair treatment between men and women in the eyes of the law. Further discussion and evaluation on this matter is needed to ensure that the legal system reflects the principles of gender equality and justice.

Women's testimony has significant legal force, especially in cases not related to hudud law. In these situations, the principles of justice recognize that women's testimony is admissible on an equal footing with men's testimony. This recognition reflects a positive step in giving equal rights to all parties in the justice system (Zahra Nabila & Marjo, 2024). Nonetheless, there are differences in the amount of testimony between men and women in some situations. These differences reflect varying interpretations of the law and can create inequalities in considering evidence. For example, in some legal systems, the rules on female and male testimony may differ depending on the type of case or the legal context. This shows that there are still challenges and complexities in ensuring equality in the legal system. However, the recognition of women's testimony as valid evidence outside of hudud cases is an important step in supporting women's rights in the justice system. By continuously evaluating and streamlining legal regulations and practices, we can strengthen the principles of equality in the courtroom and ensure that every individual, regardless of gender, has the same right to provide testimony that is respected and recognized.

The principle of testimony in Islamic law has always been geared towards the pursuit of justice. It is important to ensure that these rules are not used to exclude the role of women or disadvantage their rights. The main purpose of testimony rules is to ensure justice, not to diminish women's place or contribution in society. In the context of Islamic law, the use of women's testimony depends on the situation and context (Zulkifli et al., 2022). The principles of Islamic law generally recognize women's testimony, but there are differences in the amount of testimony between men and women in certain cases, such as in criminal law. It is important to understand that these rules should be applied with justice, taking into account the social and human context, and should not be used as a tool to disadvantage or exclude women in society. The concept of justice in Islam is fundamental and covers all aspects of life, including the treatment of women (Zaki & Saidin, 2024). Justice in Islam is guided by the principles of al–'adl and al–qist, both meaning fairness. In Islamic law, fairness does not always equate to uniformity as

perceived by human standards. Justice in Islam can mean equal treatment in some contexts and balanced treatment in others, even if quantitatively unequal. Therefore, understanding the nuanced meaning of justice in Islam is essential before concluding that Islamic justice lacks fairness. In the context of testimony, the Quranic rule of allowing two female witnesses in place of one male witness (Al – Baqarah 2:282) is in line with this principle. This principle is not to demonstrate inequality, but to ensure that women's rights and responsibilities are recognized and given a place in the process of justice. Islam emphasizes the importance of balance in various aspects of life. In the case of testimony, when no male witnesses are available, the use of two female witnesses is considered an alternative measure to maintain balance and ensure fairness in financial transactions. This shows that Islamic rules are designed to maintain balance and justice in social and economic life. Islam emphasizes the need for justice in administering the law. The involvement of women as witnesses provides legal protection to them and ensures that their voices and testimonies are respected.

It aims to prevent abuse of power or discrimination against women in various legal contexts. Justice in Islam also includes humanitarian aspects and contextual considerations. While there are differences in the number of testimonies between men and women in some cases, such as adultery cases, the principles should not be applied without regard to context and humanitarian justice (Abdulmalek Hussein Ali Altaj, 2024). This understanding ensures that Islamic rules are always implemented with wisdom and take into account social justice. The connection between the position of women as witnesses and the Islamic concept of justice can be seen as part of Islam's efforts to maintain balance, provide equal rights and responsibilities, and protect the rights and dignity of women. These principles not only create justice in law, but also reflect the principles of equality and humanity in the Islamic view. Justice and fairness are indisputable in every aspect of life. In the legal context, the principles of fairness are the main foundation that sustains the integrity of the legal system. Ensuring that every individual, including women, has equal access to justice and is not discriminated against is an integral milestone in maintaining balance and fairness. By taking into account the values of fairness, the legal system is able to build a strong foundation for an inclusive and just society, where individual rights are respected and justice is not limited by gender considerations.

b. Women's Contribution to Justice

The participation of women as witnesses in ensuring justice has a very important impact in the legal system. Here are some arguments regarding the importance of this: Women's participation as witnesses brings a different perspective in the legal process. They can bring a more sensitive point of view on certain issues that male witnesses may not have noticed. This enriches the information obtained in the trial, ensures more comprehensive justice (Dwi Prastyo et al., 2024). Involving women as witnesses is a form of empowerment, enabling them to contribute actively to the formation of legal decisions. It also provides an important example of the importance of women's role in society and the legal process. In some cases, women may have difficulty getting justice due to gender stereotypes or biases. The presence of women as witnesses can help overcome such biases and ensure that their perspectives are also heard and considered. By involving women as witnesses, the legal system can demonstrate its inclusivity. This can increase public confidence in legal justice, because all parties, both men and women, feel represented and heard. Women are often victims of violence or harassment, and their presence as witnesses can be key in uncovering these cases. In such situations, the presence of women as witnesses can give the victim the courage to speak up and ensure that the perpetrator gets the punishment he deserves. Women's participation as witnesses is not only an issue of gender equality, but also an issue of justice and balance in the legal system (Mubdi & Trikusrahayu, 2024). Their presence brings significant added value and ensures that all perspectives are heard and considered in reaching a fair decision.

The role of women extends beyond the emotional dimension, encompassing critical contributions that deepen understanding in various contexts. Women's strong emotional

sensitivity can enhance public relations perspectives, adding depth to event interpretations and facilitating insight into their impacts on individuals and society. Additionally, women's active roles in social and familial relationships offer valuable perspectives on how events influence relationship dynamics, family roles, and social structures. Their attention to detail is a valuable asset, enabling them to identify nuances that may be overlooked, thereby enriching the overall assessment. To support these claims, authoritative references highlighting women's contributions in these domains are essential. Women often occupy a central role in caring for children and families. In providing a holistic perspective, women bring a focus to the well-being of children and the impact of specific events on the family as a whole. Women's ability to empathize with the various parties involved in an event opens the door to a deeper understanding of the motivations, feelings, and reactions of the individuals involved. In many cases, women also show greater concern for aspects of mental and emotional well-being (H. Yusep Mulyana, 2023). They bring a more particular perspective to the psychological impact of an event, which may be overlooked by others. Understanding and appreciating the role of women in providing unique and holistic perspectives not only creates diversity in the understanding of events, but also encourages more balanced and equitable decision-making. Women's involvement in decision-making processes and event analysis can create a more inclusive and supportive environment.

c. Efforts to Promote Gender Equality

Efforts to promote gender equality require synergy between governments, civil society, the private sector, and international institutions in order to create impactful and sustainable changes in building an inclusive and just society. The government plays an important role in creating a policy framework that supports gender equality. They can create laws and policies that ensure the protection of women's rights, provide equal access to services and education, and promote women's participation in various fields. Education that prioritizes gender equality from an early age is an important foundation for creating a just and inclusive society. It is a joint effort to create an environment where every individual, regardless of gender, has equal opportunities to develop and contribute. From elementary to advanced, gender equality education is not just about understanding the importance of equal rights, but also about building respect for diversity and fostering inclusiveness in all aspects of life (Elsaman, 2020). Education like this can have a tremendous impact in dismantling restrictive gender stereotypes, reducing gender gaps in various fields, and opening up equal opportunities for all individuals. It's not just about changing the way we look at gender, it's also about creating structures and systems that support equality, starting at the root of the problem. By empowering young people through education that promotes gender equality, we are shaping a more thoughtful, inclusive, and sustainable society. It is a long-term investment that will bring about positive changes in the overall social, economic, and political order (Rasidin et al., 2024).

Encouraging women's participation in all levels of education is a fundamental step towards building an inclusive and equal society. The right to education is a human right, and involving women in the education process is an important effort in ensuring those rights are recognized and respected. Apart from being a right, education also empowers women with the skills and knowledge needed to achieve economic independence. By increasing women's participation at higher levels of education, we not only open doors for individual advancement, but also contribute to the improvement of the overall quality of human capital. Education also plays a role in shaping people's attitudes and values, so encouraging women's participation is a key step in creating cultural change towards gender equality. Investments in women's education create a more educated, independent, and empowered generation, which in turn, can play a role in the social, economic, and political development of society as a whole. Therefore, prioritizing inclusive and equitable education is a long-term investment that provides tremendous benefits for the development of society.

Encouraging religious interpretations that support gender equality is a crucial foundation in building a just and inclusive society. Contextual understanding of religious

texts is key to ensuring that they are interpreted relevantly and do not result in gender – based discrimination. Within this framework, it is important to emphasize the universal values embodied in many religious teachings, such as justice, compassion, and equality. Supporting religious interpretations that accentuate these values creates a point of common ground with human rights principles, forming a solid basis for addressing gender inequality. Support for religious interpretations that promote gender equality also has an impact on women's empowerment. This opens up opportunities for women to play an active role in religious interpretations and practices, giving them space to take part in religious decision – making. Meanwhile, this approach helps address gender stereotypes and discrimination that may exist, creating a more equitable and inclusive environment (Rosmaria, 2024). Furthermore, promoting religious interpretations that uphold gender equality can help harmonize traditional beliefs with contemporary aspirations for justice, demonstrating that traditional values can align with principles of fairness without being inherently discriminatory. This creates space for better dialogue and understanding between generations, facilitating the integration of religious values with more contemporary principles of gender equality. In this regard, progressive interpretations of religion can bridge the gap between traditional beliefs and demands for gender equality. Encouraging religious interpretations that support gender equality is not just about translating religious teachings into a modern context, but also about creating space for dialogue and shared understanding. It is a journey towards a more just, inclusive, and grounded society based on universal values recognized by various religious faiths.

Motivating religious institutions to take an active role in educating people about gender rights and responsibilities is a crucial step in creating a more just and inclusive social environment. Religious institutions have a great influence in shaping social values and norms, so their involvement in gender education can have a significant impact. First of all, religious institutions can be effective agents of change to break down gender stereotypes and patriarchal norms that may still prevail in society. By aligning religious teachings with the principles of gender equality, these institutions can help shape a positive outlook on balanced and equitable gender roles (Sabrina & Patty, 2024). Furthermore, the involvement of religious institutions in gender education can help spread a deep understanding of gender rights and responsibilities in the context of religious values. It can create a strong foundation for the development of social ethics that strengthen the rights of women and men, as well as provide a comprehensive understanding of shared responsibility in creating a just society (Siddiqi, 2024). In practice, religious institutions may organize educational programs, seminars, or discussions that highlight gender issues and provide religious views on equality. By integrating religious teachings with modern knowledge about gender, these institutions can be a valuable resource for shaping people's attitudes and behaviors. In addition, encouraging religious institutions to take an active role in gender education can facilitate interfaith dialogue about universal values recognized by different faiths. This creates an opportunity to build mutual understanding and interfaith cooperation in creating a more equal society (Sutopo et al., 2024). By encouraging religious institutions to be the driving force in gender education, we not only stimulate a deeper understanding of gender rights and responsibilities, but also promote universal human values. This is a step towards a more inclusive and equitable society, where gender rights and responsibilities are respected and fought for together.

Civil society can be a watchdog to ensure the implementation of existing policies and be an agent of change in breaking stereotypes and creating an inclusive environment (Veri K. et al., 2024). The private sector has the opportunity to support gender equality through internal policies that support equality in the workplace, ensure equal pay, and support women in leadership positions. Collaboration with the private sector can expand women's access to equal employment opportunities and support their economic empowerment. International agencies can provide technical assistance, resources, and global advocacy to promote gender equality at the global level. They can facilitate knowledge exchange between countries, provide financial support, and emphasize the importance of gender equality in international forums. This collaboration among all parties enables a comprehensive approach to building an inclusive and equitable society. By combining the

strengths and resources of various sectors, substantial progress can be made toward sustainable gender equality. Insights from interviews conducted during this study further highlight the diverse perspectives and commitments of stakeholders, adding depth to our understanding of these collaborative efforts.

CONCLUSION

The conclusion of this study highlights that the position of female witnesses in Islamic law in Indonesia is shaped by both legal frameworks and complex socio – cultural factors that impact the application of legal norms in practice. While Islamic law acknowledges the role of women as witnesses, challenges rooted in structural and cultural barriers continue to limit their full participation and equality within the judicial process. This study specifically identifies these challenges and the ways in which they affect the practical implementation of women's testimony in Indonesian courts, offering insights into the ongoing tensions between legal theory and societal practices. While Islamic law ostensibly provides space for women to participate in the judicial process as witnesses, numerous challenges persist, both structural and cultural, which often hinder their ability to engage fully and equally in the legal arena. This research illustrates that women's contributions as witnesses in the judicial system are not merely peripheral but can significantly enhance the quality of justice delivered and offer a more holistic perspective in dispute resolution. By incorporating the voices and experiences of women, the judicial process can benefit from a diversity of perspectives that enrich legal deliberations and outcomes. However, achieving this requires more consistent and robust efforts toward legal and policy reform, which must include the development of more inclusive legal education that empowers women and equips them with the knowledge and skills necessary to navigate the complexities of the legal system. Additionally, there is a pressing need to raise societal awareness about the importance of women's roles in the judicial process, challenging deeply ingrained stereotypes and cultural norms that may diminish their contributions. Therefore, to create a fair and equitable judicial system, it is essential to recognize and support women's contributions as an integral part of the legal process. This recognition must be accompanied by a steadfast commitment to the implementation of policies that not only respect and protect women's rights but also actively promote gender equality within the broader legal context in Indonesia. By fostering an environment that values and elevates the role of women in the judiciary, Indonesia can move toward a more just and inclusive legal system that benefits all members of society, ultimately paving the way for sustainable social change and greater justice for all.

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