



**Harmonizing law and faith: The validity of female instrumentaire witnesses in notarial deeds and the principle of gender justice**

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**ABSTRACT**

*The issue of female instrumentary witnesses in notarial deeds is significant due to differing perspectives between Indonesian positive law and Islamic law. The Notary Office Act (UUJN) does not differentiate witnesses based on gender, as long as they are adults, legally competent, and independent. In contrast, some classical Islamic views consider women's testimony in muamalah matters to be worth half that of men, as stated in Surah Al-Baqarah verse 282. This raises questions regarding the validity of notarial deeds involving female instrumentary witnesses. This study employs a normative juridical method with a conceptual approach through library research, including UUJN, the Qur'an, classical exegesis, and academic literature. The analysis is qualitative with deductive reasoning, comparing positive legal norms and Islamic law, while also interpreting their relevance through the principle of maqashid al-shari'ah. The findings show that under Indonesian positive law, a notarial deed remains valid even with female witnesses, since the key requirement lies in legal competence rather than gender. Meanwhile, classical Islamic law restricts women's testimony, but contemporary interpretations grounded in maqashid al-shari'ah emphasize justice and equality, thereby granting women equal standing in giving testimony. In conclusion, the use of female instrumentary witnesses in notarial deeds does not contradict Indonesian positive law or contemporary Islamic legal principles. This study highlights the importance of harmonizing national law and Islamic law so that Indonesia's legal system can be more responsive to justice and gender equality values.*

**Keywords:** Notarial Deed; Instrumentaire Witness; Al-Baqarah 282; Islamic Law; Gender in Testimony.

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## ABSTRAK

*Permasalahan kedudukan saksi instrumentair perempuan dalam akta notaris menjadi isu penting karena adanya perbedaan perspektif antara hukum positif Indonesia dan hukum Islam. Undang-Undang Jabatan Notaris (UUJN) tidak membedakan status saksi berdasarkan jenis kelamin, asalkan memenuhi syarat dewasa, cakap hukum, dan independen. Sebaliknya, sebagian pandangan hukum Islam klasik menempatkan kesaksian perempuan, khususnya dalam perkara muamalah, bernilai setengah dari laki-laki sebagaimana termaktub dalam Surah Al-Baqarah ayat 282. Perbedaan ini memunculkan pertanyaan mengenai keabsahan akta notaris dengan saksi instrumentair perempuan. Penelitian ini menggunakan metode yuridis normatif dengan pendekatan konseptual melalui studi kepustakaan, meliputi UUJN, Al-Qur'an, kitab tafsir, dan literatur akademik. Analisis dilakukan secara kualitatif dengan teknik penalaran deduktif, untuk membandingkan norma hukum positif dan hukum Islam serta menafsirkan relevansinya berdasarkan prinsip maqashid al-shari'ah. Hasil penelitian menunjukkan bahwa dalam hukum positif Indonesia, akta notaris tetap sah meskipun menggunakan saksi perempuan karena syarat utama adalah kecakapan hukum, bukan gender. Sementara itu, hukum Islam klasik membatasi kesaksian perempuan, namun tafsir kontemporer yang berlandaskan maqashid al-shari'ah menekankan prinsip keadilan dan kesetaraan, sehingga mengakui kedudukan setara perempuan dalam kesaksian. Kesimpulannya, penggunaan saksi instrumentair perempuan tidak bertentangan dengan hukum positif Indonesia maupun prinsip hukum Islam kontemporer. Penelitian ini menegaskan pentingnya harmonisasi hukum nasional dan hukum Islam agar sistem hukum Indonesia lebih responsif terhadap nilai keadilan dan kesetaraan gender.*

**Kata Kunci:** Akta Notaris; Saksi Instrumentair; Al-Baqarah 282; Hukum Islam; Kesaksian Perempuan.

## 1. INTRODUCTION

A notary deed is a form of authentic deed that has an important role in proving civil law in Indonesia. This deed is made by or before a notary as a public official authorized by law to create legal documents that are valid, strong and binding. In the process of making a deed, the notary does not work alone, but is assisted by instrumental witnesses who are present to witness the signing process and the formal validity of the document. The role of this instrumental witness is part of the legal formality that cannot be ignored (Orlando, 2022).

Law of the Republic of Indonesia Number 2 of 2014 concerning Amendments to Law Number 30 of 2004 concerning the Position of Notary does not explicitly regulate the gender difference of witnesses in the making of notary deeds. What is prioritized is the legal skills of the witness, which must be mature, capable, and do not have a conflict of interest in the deed made. This problem arises because of the provisions in the Qur'an, especially Surah Al-Baqarah verse 282, which regulates testimony in debt and receivables transactions. The verse states that if there are no two men who can be witnesses, then one man and two women are allowed. This provision has caused a long debate among academics and practitioners of Islamic law regarding the value and capacity of women's testimony in the realm of Islamic commercial law (*muamalah law*) (Istiqomah et al., 2024).

In the context of classical Islamic law, women's testimony is often seen as a complement or companion to men's testimony. However, as the times develop, new approaches have emerged that are more contextual and take into account the values of *maqashid al-shari'ah* such as justice, utility, and the benefit of the ummah. This view assesses that women's ability to testify in certain fields, including in legal and evidentiary cases, can be equal to that of men if supported by relevant competence, integrity, and qualifications (Siregar & Irham, 2023).

The validity of a notary deed that is only witnessed by a female witness becomes increasingly important to be studied, especially when the notary is in the context of a religious society and adheres to sharia principles. The difference between positive legal provisions and religious norms, especially in Islam, creates a space for debate that requires in-depth academic study so as not to cause legal dualism and uncertainty in its implementation in the field. The advantage of Islamic law is its flexibility in responding to the changing times through the principle of *ijtihad*. Therefore, contemporary jurists play an important role in renewing the understanding of the law based on the principle of *maqashid al-shari'ah* which emphasizes the benefit, justice, and non-burdensome of the *ummah* (Negara, 2022).

The existence of female witnesses in notary deeds can also be seen as part of efforts to mainstream gender in the legal field. This is important to create a legal system that is inclusive and responsive to the needs of all levels of society, including women who have historically been marginalized in the legal process. The problems proposed in this study are: 1) What is the validity of a notary deed according to positive law if it uses a female instrumental witness?, 2) How is the provision of witnesses in Surah Al-Baqarah verse 282 understood in the context of Islamic law?, and 3) Is the use of female instrumental witnesses in notary deeds in accordance with the principles of Islamic law?

## 2. LITERATURE REVIEW

Literature review is an important part of writing scientific papers that aim to elaborate on theories, expert views, and previous research results that are relevant to the topic of discussion. In the context of this research, the study will focus on positive legal aspects about witnesses in notary deeds, the interpretation of Islamic law on the verses of testimony in the Qur'an, and the discourse on gender equality in contemporary Islamic law.

Law Number 2 of 2014 concerning the Notary Position states that every deed must be witnessed by two legally capable witnesses. There is no explicit provision stating that the witness must be male. This provides an inclusive legal space, allowing women to act as instrumental witnesses as far as they meet the administrative requirements. In the practice of notary, the existence of instrumental witnesses has a formal function as a guarantor that the procedure for making a deed has been carried out correctly. Their role is not to justify the substance of the deed's content, but only to ensure that the process takes place in accordance with the law (Ulumuddin, 2017).

According to Adi (2020)., instrumental witnesses only play a role in the formality aspect and are not responsible for the content of the deed. Therefore, the validity of the deed cannot be questioned simply because of the identity or gender of the witness, as long as the formal procedure has been properly executed. From the perspective of Islamic law, Surah Al-Baqarah verse 282 is the main basis for the discussion of testimony in debt and receivables transactions. The verse emphasizes that if there are no two men who can be witnesses, then one man and two

women are enough. Classical commentators such as Al-Thabari and Al-Qurthubi take this verse literally. However, contemporary interpretations as explained by Shihab and Abduh highlight that the social context of Arab society at the time of the descent of the verse greatly influenced the redaction of the law in the verse. They argue that in modern society, where women have extensive access to information and education, their testimonies can be on par with men's (Orlando, 2022).

Latif emphasized that context-oriented interpretation will result in a fair and non-discriminatory law. He said that in other verses about testimony, there is no distinction between men and women, which shows that the arrangements in Al-Baqarah 282 are particular. A study shows that even in the making of sharia deeds, positive law still does not discriminate against gender in the appointment of witnesses, although in conservative Muslim societies there is still resistance to this (Latif, 2019).

Scholars such as Engineer and Umar reject textual approaches that discriminate against women. They encourage an *ijtihad* and contextual approach in understanding *nash*, so that Islamic law remains relevant and fair to all groups. The principle of *maqashid al-shari'ah*, namely protecting religion, soul, intellect, descendants, and property is an important basis in the formation of responsive Islamic law. In this context, the selection of witnesses based on gender is not mandatory if the values of *maqashid* are maintained (Latif, 2020).

Fanani and Ansori in their writings stated that many traditional *fiqh* norms were born in a patriarchal culture, so legal reform must be carried out taking into account the principles of justice and equality as the foundation of Islamic teachings (Fanani & Ansori, 2024). In the law of proof, witnesses are not only seen from their gender, but from the aspects of integrity, honesty, and ability to convey facts. This is in line with modern legal principles that focus on the substance of the evidence rather than the biological identity of the witness. Practical experience in court also shows that women's testimony is often decisive in criminal and civil cases. This proves that in legal practice, gender equality in proof has been recognized (Azizah, 2022).

Other literature also shows that Islam does not reject the role of women in the public sphere, including in the provision of witnesses. Women have played a role in the fields of economics, law, and government since the time of the Prophet PBUH. This can be achieved through an integrative approach that recognizes the values of Islamic justice without ignoring constitutional and human rights principles.

### 3. METHOD

This research uses a normative juridical approach that aims to examine laws and regulations, legal theories, and Islamic legal norms that are relevant to the validity of notary deeds and testimony of female instrumental witnesses. This approach was chosen because the problems discussed concern the normative aspects of the provisions of positive law and Islamic law. In the normative juridical approach, the data used is sourced from primary and secondary legal materials. Primary legal materials consist of Law Number 2 of 2014 concerning the Office of Notary, the Qur'an, especially Surah Al-Baqarah verse 282, and books of interpretation. Meanwhile, secondary legal materials are obtained from literature such as law books, scientific journals, research results, and other academic works (Wiraguna, 2024).

This research is also descriptive-analytical. Descriptive because it describes the legal reality as it is, and analytical because it examines and evaluates the conformity between legal provisions and the values of justice and sharia principles. To assess the validity of a notary deed in the context of Islamic law, the method of legal interpretation (tafsir) is used both textually and contextually. Textual interpretation refers to the literal understanding of the verse, while contextual interpretation considers the social, cultural, and historical situation at the time the verse is revealed (Rosidi et al., 2024).

The comparative method is also used by comparing norms in Indonesian positive law and Islamic law. The purpose of this comparison is to find common ground that allows synchronization between the two. With a combination of normative, conceptual, descriptive, and comparative approaches, this research is expected to make a scientific contribution in answering the problems raised holistically and comprehensively.

#### **4. FINDINGS AND DISCUSSION**

##### *4.1. The Validity of a Notary Deed According to Positive Law if Female Instrumental Witnesses Are Used*

In Indonesia's positive law, the existence of instrumental witnesses is expressly regulated in Law Number 2 of 2014 concerning the Notary Position. In this provision, there is no explanation for the gender restriction of instrumental witnesses, as long as they meet the legal qualifications, namely adulthood, sound mind, do not have a relationship of interest, and are able to understand the language used in the deed. This provision shows that national law is gender-neutral in terms of the appointment of witnesses (Maloko, 2021).

The role of instrumental witnesses in notary deeds is formalistic and administrative. They are not asked to testify about the substance of the deed's contents, but only to ensure that the signing process is carried out by the authorities and in a state of legal awareness. Therefore, the argument that the gender of the witness affects the validity of the deed has no solid legal basis. In practice, many deeds are legalized and accepted in court even though the instrumental witnesses used are women. This proves that the application of positive legal norms has supported the equal roles of men and women in the notary system (Istiqomah et al., 2024).

The Supreme Court has never annulled a notary deed just because the instrumental witness is a woman. This shows that national jurisprudence is in line with the principle of inclusivity embraced by the Notary Profession Law. Notaries as public officials are required to understand the principles of non-discrimination contained in the Indonesian legal system. The application of the principle of equality in the notary profession reflects the spirit of Pancasila and the 1945 Constitution which upholds human rights, including gender equality. The selection of female instrumental witnesses does not conflict with the principles of civil procedure law, as long as there is no evidence to show the incompetence or incompetence of the witness. The main requirement remains on the legal competence and integrity of witnesses (Basri, 2018).

Indonesia's positive law is secular in the regulation of the notary position. Although religious values can be inspiring, positive legal norms should not explicitly refer to the interpretation of a particular religion as a formal source for establishing administrative legal provisions. Positive legal interpretation is also based on the principles of legality and legal certainty. As long as there is no norm that prohibits women from being witnesses, all

administrative actions that use female witnesses are still valid and cannot be canceled for this reason. In the global context, countries with modern legal systems also do not distinguish the role of witnesses based on gender. This reflects that the principle of nondiscrimination has become a universal standard in administrative and notary law practice (Ulumuddin, 2017).

The Ministry of Law and Human Rights of the Republic of Indonesia does not issue technical or administrative provisions that restrict women from becoming witnesses in the making of notary deeds. This shows that the implementation of state administrative law has accommodated the principle of equality substantively. It is important to emphasize that the notarial law aims to create administrative order, not to regulate the moral or religious aspects of society. Therefore, the limitation of women's role as witnesses based on certain religious interpretations should be placed in a private space and not binding on the public legal system. The principle of notary professionalism demands the competent use of human resources, regardless of gender. So that the use of professional and capable female witnesses is a practice that is in line with the notary code of ethics. In notary education, there are no gender restrictions for students to understand and carry out the role of notaries or witnesses in practice. This reflects the acceptance of the legal education system towards gender equality in the legal profession (Orlando, 2022).

Based on the study of state administrative law, administrative actions must be neutral, objective, and non-discriminatory. The use of female witnesses who have met the legal and administrative requirements cannot be used as a basis for the cancellation of the deed. In international jurisprudence, the principle of non-discrimination has been used as the main parameter to assess the validity of public legal policies. Therefore, Indonesia, which adheres to this principle, must adapt the practice of notoriety to the values of equality. If there is a lawsuit on the basis of the gender of the witness in the deed, then the lawsuit will be rejected by the court because it is not in accordance with the applicable positive legal principles. This is affirmed in various civil judgments that emphasize legal prowess over the aspect of personal or biological identity. The existence of a female witness in a notary deed is a manifestation of the principle of equality guaranteed by national law. This practice is not only legally valid, but also encourages recognition of women's role in fair and inclusive legal development (Azizah, 2022).

#### *4.2. The Provisions of Witnesses in Surah Al-Baqarah Verse 282 Understood in the Context of Islamic Law*

Surah Al-Baqarah verse 282 is the longest verse in the Qur'an that regulates in detail about debt and receivables transactions. This verse gives an order to record the transaction and to present two male witnesses. However, if there are no two men, then it can be replaced by one man and two women, so that if one of the women forgets, then the other can remind him. The text of this verse has long been the main reference in the discussion of women's testimony in Islamic law. Classical interpretations such as those found in the works of Imam Al-Thabari and Al-Qurthubi generally understand this verse literally, that women have half the value of testimony compared to men in matters of *muamalah* (Alfani et al., 2025). However, in the development of contemporary interpretation science, the understanding of this verse has been widely reviewed with a contextual approach. Modern *mufassirs* such as Muhammad Abduh and Quraish Shihab emphasized that these provisions were conditional and in accordance with the

social realities of Arab society at that time which were patriarchal and limited women's access to education and public life (Orlando, 2022).

This contextual approach departs from the principle of *maqashid al-shari'ah*, which is that Islamic law aims to realize justice, benefit, and avoid harm. Therefore, if in the context of modern society women have equal abilities in terms of professionalism and integrity, then there is no reason to limit the value of their testimony. In the context of Islamic law, testimony is a means of proof (*bayyinah*) and should not be seen as a form of evaluation of the degree or morality of witnesses. This evidence must be seen from the perspective of the validity of the disclosure of the truth, not based solely on biological identity (Azizah, 2022).

Verse Al-Baqarah 282 itself does not apply universally to all types of testimony. Many scholars distinguish between testimony in *muamalah* and in *hudud* (criminal), as well as between public and private cases. Therefore, the determination of two women equal to one man only applies in the context of debt and receivables transactions at the time the verse was revealed. The fact that in the verse it is permissible for two women to replace one man if two men are not found also shows the flexibility of Islamic law in responding to social realities. This proves that the verse does not intend to limit women absolutely (Latif, 2020).

Contemporary scholars such as Engineer have even criticized classical interpretations that are rooted in patriarchal culture. According to him, the interpretation must be continuously updated so as not to contradict the principles of justice and human rights which are also part of Islamic values. Furthermore, even in classical *fiqh* books, there are differences of opinion regarding the acceptance of women's testimony in civil cases. The Hanafi school accepts women's testimony in financial and family matters, while the Maliki and Hanbali schools are stricter. This shows that from the beginning there were differences of opinion in Islam. In judicial practice in many Muslim-majority countries, including Indonesia, women have been recognized as witnesses in various cases, including civil, criminal, and even sharia cases. Religious Courts also accept women's testimony in divorce, inheritance, and guardianship cases (Latif, 2020).

The acceptance of women's testimony is also supported by a number of hadiths and practices of the Prophet Muhammad PBUH who entrusted many important tasks to female companions, including in conveying news and providing legal information. The emphasis on the social context is also reflected in the principles of *ushul fiqh* such as "*al-hukmu yadurru ma'a al-'illah wujudan wa 'adaman*" which means that the law changes according to changes in illat or legal reasons. In this case, the reason for the imposition of double testimony for women is irrelevant if social conditions have changed (Ikhsan & Ismansyah, 2019).

It is important to note that paragraph 282 does not speak of women's moral or intellectual credibility, but rather of a system of mitigating memory errors in a transaction, which in the society of the time was more susceptible to occur to women because of their social limitations. If this verse is interpreted contextually, then the main value is prudence in financial transactions, not the reduction of women's values. Therefore, in today's time, prudence can be realized in the form of documentation, recording technology, and witness professionalism. In the fatwas of contemporary scholars, including the fatwa of the Indonesian Ulema Council, there is no prohibition on the use of female witnesses in administrative contexts, including notary. This shows that there is a development in *muamalah fiqh* that is increasingly responsive to the needs of the times (Fanani & Ansori, 2024).

Most Muslim intellectuals support the reinterpretation of the Qur'anic verses by considering universal values such as justice, mercy, and humanity. They reject literal readings that curb the role of women in modern society. In Islamic law, testimony is one of the various types of evidence, including pledges, oaths, and *qarinah*. Thus, proof does not rely solely on witnesses, and the use of female witnesses becomes legitimate insofar as she meets the requirements of justice and truth, verse Al-Baqarah 282 if understood progressively will strengthen the role of women in law and public administration. A responsive interpretation of social change makes Islam remain relevant in answering modern problems, including in the practice of notary.

#### *4.3. The Suitability of the Use of Female Instrumental Witnesses in Notary Deeds with the Principles of Islamic Law*

The suitability of the use of female instrumental witnesses in notary deeds with the principles of Islamic law is important when there is a difference between positive legal norms and religious norms. In the principles of Islamic law, every legal and social activity must refer to the principles of justice (*'adl*), benefit (*maslahah*), and non-burdensome (*'usr*). The use of female witnesses in notary deeds must be seen from their function as instrumental witnesses, not as factual witnesses. This means that instrumental witnesses do not testify to the material content of the deed, but only confirm the formality process in its making. Therefore, the existence of women as witnesses in this context does not contradict the principle of justice in Islam (Rahim & Bakry, 2020).

In *maqashid al-shari'ah*, the principle of maintaining reason, property, and justice is the core of every legal determination. If women have been proven capable, reasonable, and fair in witnessing the process of making deeds, then there is no obstacle to receiving their testimony, including as instrumental witnesses. A number of contemporary scholars such as Yusuf al-Qaradawi and Wahbah az-Zuhaili also advocated a dynamic and adaptive approach to Islamic law. In the context of modern societies where women have education, integrity, and professionalism, they are equal to men in legal capacity (Orlando, 2022).

The difference between men and women in testimony, as stated in Al-Baqarah verse 282, should not be used as an excuse to reject the role of women in general in administrative or legal activities, especially if the context is different from the context of the descent of the verse. In the context of modern notary, the values of professionalism and honesty take precedence over gender. This principle is in line with the rules of fiqh: "*al-'ibrah bi al-ma'ani la bi al-alfaz*" (what is considered is substance, not mere redaction). The equality of roles between men and women in Islam is also guaranteed in many verses of the Qur'an, such as QS Al-Hujurat: 13 and QS An-Nahl: 97 which affirm that what distinguishes humans is only piety, not gender. Therefore, limiting the role of female witnesses just because of gender is contrary to the spirit of equality promoted by Islam (Maloko, 2021).

In the history of Islam, many women have become a reference for knowledge, including in the fields of law and hadith. Aisyah RA, the wife of the Prophet, is known as a hadith expert and is a reference in Islamic law. This shows that women's intellectual capacity has been recognized since the beginning of Islam. Many scholars also emphasized that the provision of two women being equal to one man in testimony did not show injustice, but a form of protection



for women in the social context of the time. In a modern society that provides equal space for women, this provision cannot be applied absolutely.

The principle of benefit in Islamic law opens up space for reform (*tajdid*) of the provisions of the law as long as it does not violate the spirit of the sharia. Therefore, the acceptance of female witnesses in the practice of notary is included in *ijtihad* to answer the needs of the times. Islamic law also recognizes the principles of *istihsan* (legal preference on the basis of goodness) and *urf* (community customs) as secondary sources of law. In the Indonesian context, the practice of accepting female witnesses has become a widely accepted *urf*, so it can be used as a basis for legal acceptance. Scholars from the Hanafi school even accept women's testimony in full in civil cases, including in *muamalah* that does not concern hudud or qisas. This proves that in the Islamic fiqh tradition itself there is flexibility in the application of the law of testimony (Siregar & Irham, 2023).

If viewed from the aspect of *maqashid al-shari'ah*, the use of female witnesses in notary deeds is actually a manifestation of social justice and recognition of women's civil rights in modern Muslim society. Considering the position of women in modern society who have a professional capacity on par with men, the use of female witnesses in notary deeds is not only in accordance with positive law, but also does not contradict the principles of Islamic law. One of the important principles in Islamic law is to avoid difficulties (*raf'ul haraj*). If only because of the consideration of gender then hinders the legitimate administrative process, then this is contrary to this principle. Islam does not want the law to be a burden that burdens its people (Maloko, 2021).

Islamic legal thinking that is open to modern reality makes Islamic law flexible and solutive in answering the needs of society. It is within this framework that the existence of women as instrumental witnesses in notary deeds can be accepted. Therefore, it can be concluded that there is no contradiction between the practice of using female instrumental witnesses and the principles of Islamic law based on justice, benefit, and equality. The view that restricts women witnesses must be reviewed so that Islamic law is not perceived as a restrictive system, but rather as a system that brings grace and solutions to modern problems. Thus, the use of female instrumental witnesses in notary deeds is legal and in accordance with the spirit of Islamic law reform which aims to answer the needs of the times and ensure justice for all parties.

## 5. CONCLUSION

Based on the description, it can be concluded that firstly, from the perspective of positive Indonesian law, the use of female instrumental witnesses in the making of notary deeds is legally valid. This is because Law Number 2 of 2014 concerning the Notary Position does not distinguish witnesses based on gender, but only requires legal proficiency, maturity, and no conflict of interest with the content of the deed. Therefore, as long as the female witness meets the administrative requirements, the validity of the deed is maintained.

Secondly, the interpretation of the provisions of the witness in Surah Al-Baqarah verse 282 shows that there are different approaches. Classical interpretations tend to be literal and limit the value of women's testimony. However, contemporary interpretations use a contextual approach and *maqashid al-shari'ah*, which takes into account current social realities,

emphasizes the principles of justice and benefit, and opens up space for women's testimony on an equal footing with men in *muamalah* cases, including legal transactions such as notary deeds.

Thirdly, the use of female instrumental witnesses in notary deeds does not contradict the principles of Islamic law, as long as the woman has equal legal capacity and integrity. In the principle of *maqashid al-shari'ah*, as long as the goal of the law, namely justice, benefit, and avoidance of harm can be achieved, then the practice is acceptable. Islamic law recognizes flexibility and adaptability to social change through *ijtihad*, *urf*, and *istihsan*. Thus, the integration between positive law and Islamic law in the context of female instrumental witnesses in notary deeds is not only possible, but also necessary to answer the legal challenges in the modern era. The acceptance of women's testimonies is part of efforts to create an inclusive, fair, and contextual legal system with the times.

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