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**KESAKSIAN PEREMPUAN
Benarkah Separuh Laki-laki?
LIA ALIYAH AL-HIMMAH
Alumni Fakultas Ushuluddin IAIN Sunan Kalijaga Yogyakarta**

Abstract

The fact that the Qur'an explicitly mentions about women as witnesses, and have the rights to receive inheritance is in itself a revolutionary advancement steps promoted by Islam for women's rights in the era. This means that the Qur'an acknowledges and recognizes not only women as individuals but also women's legal capacity and rights in social life, ideas that have never been observed by Arabian society of the seventh century. In this era women were denied access to inheritance, even they were seen as parts of objects of inheritance. Islam has radically changed this tradition by elevating women to be autonomous subjects of legal entity. Although the Chapter of Al-Baqarah verse 282 mentions about the necessity to have two women witnesses to replace one male witness, this should not mean that women are inherently inferior than men in terms of their capacity and rights to legal engagement. But we should see the spiritual message of this revolutionary offer provided by the Qur'an, that women can act as witnesses in business, in public affairs. Nowadays women have achieved and showed their intellectual and social capacity to be autonomous legal subjects, therefore the paper suggests that women can be witnesses in any businesses as far as they are knowledgeable about the issues.

**PERSAKSIAN PEREMPUAN DALAM SURAT AL-BAQARAH AYAT 282
YULDI HENDRI
Mahasiswa Jurusan Tafsir Hadis Fak. Ushuluddin UIN Sunan Kalijaga Yogyakarta**

Abstract

Along with the development of human awareness on gender injustice, the provision of woman witness in Islamic law needs rethinking. Under the mainstream Islamic law a woman cannot give her witness expect in any case moreover her witness is percentaged a half of man witness. Of course, in the outset such provision seems to be gender bias, because the Islamic law treats woman as incapable person. The most moslem scholars comprehended the argumentation texts textually without observing the socio-cultural context of Islamic message and Arabian culture. Nevertheless, the meaning of witness have to be understood as tool of witness proof. Significance of witness is not sex, but the justice and personality integrity witness, and connection of the witness with the fact that she/he sees with the result that the witness is really competent with that problem. If the witness is understood as proof of reality, inequality gender will be overcome. Finally, if we comprehend the religion contextually and progressively so there is no inequality

gender will happen. Because Islam is progressive and peace religion and giving equality to everybody.

KESAKSIAN PEREMPUAN DALAM HADIS NABI
EMA MARHUMAH
Dosen Fakultas Tarbiyah UIN Sunan Kalijaga Yogyakarta

Abstract

The provision of women's rights to become witness promoted by Islam during the life of the Prophet Muhammad was indeed a high achievement considering the tradition of era which did not recognize women's rights to become witnesses not only on trade, but also in courts for public disputes. This is because the essential thing in the affair of giving witness does not lie in the type of the sex of the witness, but on the capacity, expertise of the witness in performing their task to attain justice. In short there is no preference in the sex of a witness; men and women have rights become witnesses as far as they have intellectual capability to do so.

KONTROVERSI NILAI KESAKSIAN PEREMPUAN
KHOIRUDDIN NASUTION
Guru Besar Fakultas Syari'ah UIN Sunan Kalijaga Yogyakarta

Abstract

Majority of conventional scholars almost never questioned of status of women's testimony stated al-Baqarah (2): 282, that the testimony of women is only a half of that men. However, majority of contemporary scholars have different view. They argue that what has been stated in the verse has to be interpreted contextually. The paper tries to describe the different view of the conventional and contemporary scholars, why it happens, and what kind of interpretation seems to be suitable for nowadays. What have been found is that the different opinion between conventional and contemporary scholars appears seems to be due to different context and method of interpretation. Conventional scholar more textual in interpretation while contemporary one more contextual. This different method happens due to the different demand. The conventional scholar was able to apply easily and no difficulty what is stated al-Baqarah (2):282 without contextualization, while contemporary scholars need context. Moreover, applicable concept and it is more guarantee justice for nowadays is that the testimony of men in general manner is equal of that woman. Since, generally speaking, men and women play equal role in all aspect of life; family, society and state. The conclusion is found by using contextual approach and put normative-universal nash more and before practice-temporal nash, while al-Baqarah (2):282 is concluded in al-Baqarah (2): 282 is more contextual than normative. Therefore, different context automatically produces different concept.

**KESAKSIAN WANITA DALAM PERSPEKTIF HUKUM ISLAM DAN HUKUM
POSITIF DI INDONESIA
LAYYIN MAHFIANA
Dosen STAIN Ponorogo**

Abstract

The concept of female witness can be seen in two perspectives: first from the Islamic law, and second from a positive law. In the perspective of mainstream Islamic law, most Muslim scholars favor for not giving equal status and rights for women with that of men in acting as witnesses. The inequality is found in the number of male/female witnesses. A male alone can be a witness, while for female needs to be at least two women in order to make their witnesses legally sound. In the Indonesian positive law however, such distinction of number requirement is not found, and therefore a male and/ or a female can be a witness.

**NILAI PEMBUKTIAN SAKSI PEREMPUAN DALAM HUKUM ISLAM
MUHAMMAD ISNA WAHYUDI**

Abstract

Female witness in Islamic Law as understood by the Islamic jurists is a half of that of male. The Qur'an also states it distinctly in 2:282. Of course, it seems to be discriminative against women. The question now, does that provision prevail temporally and universally? What is the historical situation proceeding the provision? According to the author, the provision that female witness is a half of that of male is temporal and not universal. It needs two women to bear witness to be equal with the male witness due to the lack of women experience in public matters. So if one is hesitate to bear witness, another is able to remind her. It is important to note that at the time of relation, the roles of women in Arabia were generally restricted in domestic sector. Therefore, at this time when the women have equal chance with the men to reach higher study, work in public sector and be the president of a nation, it is supposed to treat female witness equal with that of male.

**KEDUDUKAN SAKSI WANITA DALAM FIQH KONTEMPORER
DYAH LISTYARINI
Direktur AKS RA Kartini Semarang sejak 2004**

Abstract

This paper asserts that contextually speaking a women is equal with a man. This opinion is based on the principles of musawah ad-dinyyah (religious equality) and of musawah al-ijtima'iyah (social equality) without ever questioning their sexes. In interpreting

religious texts, therefore we need to take into considerations the historical, social and cultural contexts of the revelation to find their inner spirit. The male superiority in the affair of witness, and also the leadership of men over women should not be seen to be inherent, automatic rights for all men, because the clauses mentioned in the Qur'anic verses showed that their distinct right are contingent upon the fulfillment of certain functions, such as having broader knowledge and capability to assume responsibility to feed family member. Therefore when women have attained similar knowledge and capability, they cannot be denied their rights to perform as witnesses.