

Divine Justice and Gender Equity in Islam: A Qur'anic Analysis of Inheritance and Women's Testimony

Sujiat Zubaidi^{1*}, Farah Nur Arifah² and Ide Mafaza Sansayto³

¹ Universitas Darussalam Gontor; abufawwaz@unida.gontor.ac.id

² Universitas Darussalam Gontor; farahefena19@gmail.com

³ Universitas Darussalam Gontor; idemafazasansayto@unida.gontor.ac.id

* Correspondence: abufawwaz@unida.gontor.ac.id

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Abstract: This study investigates the Qur'anic concept of divine justice as it relates to inheritance distribution and the role of women in legal testimony, areas often debated for their gender-specific rulings. While these provisions may appear to privilege men, this research explores the underlying rationale that integrates social roles, economic responsibilities, and ethical principles within Islamic jurisprudence. According to Islamic teachings, the objective is to elucidate how these distinct legal norms contribute to a balanced and just society. Employing a Qur'anic semantic analysis, the study focuses on key verses from Surah 'Al-Nisā' [4]: 11,176 and Surah *Al-Baqarah* [2]:282, supplemented by classical and contemporary interpretations and the *maqāṣid al-shariah* framework emphasising justice and social harmony. Findings reveal that the Qur'anic guidance aims to establish justice by recognizing equality in dignity while differentiating rights and duties based on social and financial roles. For example, the unequal inheritance shares reflect men's broader financial obligations to family stability, and testimony rules prioritise evidentiary reliability over gender bias. The study concludes that the Qur'anic justice model balances individual rights with collective responsibilities, fostering social cohesion and challenging simplistic views of discrimination. This research contributes to scholarly discourse by clarifying the ethical and jurisprudence foundations of gender-specific legal provisions in Islam.

Keywords: Divine Justice; Inheritance Distribution; Legal Testimony; Islamic Law; *Maqāṣid*.

Abstrak: Penelitian ini mengkaji konsep keadilan ilahi dalam Al-Qur'an terkait pembagian warisan dan peran perempuan dalam kesaksian hukum. Hukum Islam memberikan pedoman berbasis gender khusus dalam dua bidang ini, yang sering kali mendorong diskusi tentang peran gender dan kesetaraan. Sementara hukum Al-Qur'an tentang warisan dan kesaksian mungkin tampak berpihak pada laki-laki, analisis yang lebih mendalam mengungkap sistem yang mengintegrasikan peran sosial, tanggung jawab ekonomi, dan prinsip etika dalam kerangka keadilan ilahi. Studi ini bertujuan untuk mengungkap alasan di balik ketentuan-ketentuan yang berbeda ini dan mengeksplorasi bagaimana mereka berkontribusi untuk membangun masyarakat yang seimbang dan adil menurut ajaran Islam. Dengan menggunakan pendekatan semantik Al-Qur'an dan analisis mendalam, studi ini berfokus pada ayat-ayat kunci—khususnya, Surah *Al-Nisā'* [4]: 11,176 tentang warisan dan Surah *Al-Baqarah* [2]:282 tentang kesaksian. Studi ini juga mempertimbangkan interpretasi klasik dan kontemporer, konteks sosio-historis, dan tujuan (*maqāṣid*) hukum Islam, terutama tentang keadilan dan harmoni sosial. Temuan-temuan tersebut menunjukkan bahwa tuntunan Al-Qur'an bertujuan untuk membangun masyarakat yang adil dengan mengakui kesetaraan dan mengakui keseimbangan hak, tanggung jawab, dan perbedaan peran. Misalnya, pembagian warisan yang tidak merata dirancang untuk mendukung stabilitas keluarga, dengan mempertimbangkan kewajiban finansial laki-laki yang lebih besar. Demikian pula, pedoman untuk

kesaksian menekankan keandalan dan keadilan berbasis bukti daripada bias gender. Sebagai kesimpulan, pendekatan Al-Qur'an mencerminkan model keadilan yang mencerminkan keseimbangan hak individu dan kewajiban kolektif, berkontribusi pada keharmonisan sosial dan menantang anggapan bahwa pedoman ini pada dasarnya diskriminatif.

Kata Kunci: Keadilan Ilahi, Pembagian warisan, kesaksian hukum, Hukum Islam, Maqāṣid

1. Introduction

Divine justice is a central concept in Islam that underscores fairness, balance, and the provision of equal rights in accordance with Sharia law (Mir-Hosseini, Vogt, Larsen, & Moe, 2013). This principle governs a broad range of life aspects, from individual rights within the family unit to issues of inheritance and the role of testimony in legal proceedings. The Qur'an addresses several critical matters that shape the framework of justice, including the distribution of inheritance and the acceptance of women's testimony, both have been points of contention regarding gender roles and equity in Islamic society. While these regulations may initially seem to privilege men, a more profound analysis reveals that the Qur'an aims to establish a just system that seeks balance by considering individuals' distinct social and economic responsibilities. This approach highlights a deeper level of fairness that ensures justice is not simply about equality, but also about meeting the varied needs of each gender within the context of their societal roles and obligations (Nasr, 2006).

The Qur'an outlines specific regulations regarding inheritance, which assign different shares to men and women. These distinctions are not intended to be unjust or discriminatory, but rather reflect the varying social and economic roles men and women fulfil within Islamic society. A key example is men's financial responsibility in providing for their families, which justifies their receiving a larger share of the inheritance. In contrast, women do not have the same financial obligations, so their inheritance share is smaller. This difference in shares should not be seen as an issue of inequality, but rather as an expression of proportional justice. It is a system that aligns individual rights with the responsibilities and duties each gender must fulfil in society (Rustam & Situmorang, 2020). Islamic teachings thus emphasise a form of justice that considers the distinct roles and obligations of men and women, ensuring that the distribution of wealth reflects their respective responsibilities. In this way, justice is not based on equal shares, but on fairness and balancing duties and rights (Saeed, 2006).

Before the arrival of Islam, women often experienced discrimination, especially in the distribution of inheritance. They were considered unworthy of receiving inheritance and were not recognised as heirs. Until finally Islam as a religion *rahmatan lil 'ālamīn* came, by elevating the dignity of women and making them equal to men. However, the Qur'an textually states the superiority of men over women in terms of inheritance distribution. Men get a larger share than women, with a composition of 2:1. Boys receive twice as much as girls. This is due to the greater responsibility imposed on men. Therefore, this distribution is considered fair and does not require change, because it is in accordance with the concept of gender justice in Islam (Ali Murtdalo, 2018).

Not only in inheritance, in terms of testimony, the Qur'an provides that in some cases two female testimonies are required to replace one male testimony. This provision is often debated, but it can be used as an attempt to maintain accuracy in technical or financial cases, where women may be less involved at the time (Tasbih, 2020). In addition, many cases show that women and children as witnesses are vulnerable to threats or demands for their testimony. Therefore, the majority of scholars agree to accept the testimony given by women in matters that are usually only known by women and not known by men, such as breastfeeding, childbirth, menstruation, *'iddah* and so on (Al-Hanafī, 1973).

Based on the explanation above, the questions in this study include how the Qur'an conceptualised justice and how the Qur'an regulates the justice of inheritance distribution and women's testimony in the Islamic legal system. This research aims to delve deeper into the concept of

divine justice in the Qur'an related to women's inheritance rights and testimony. With this approach, this research attempts to provide a broader perspective on how the principles of justice and balance in Islam are implemented in legal provisions. In addition, this study aims to enrich the understanding of the role of gender in Islam, which is based on justice, not discrimination, and provide a foundation for modern society to understand the meaning of equality in the context of Sharia.

This research adopts a qualitative design with a semantic-content analysis approach, grounded in the normative framework of *maqāṣid al-sharī'ah*. The analysis centers on primary sources from the Qur'an, particularly Surah *Al-Nisā* [4]:11, 176 concerning inheritance, and Surah *Al-Baqarah* [2]:282 concerning testimony. These verses are examined through both classical exegeses—such as *Tafsīr al-Ṭabarī*, *Tafsīr al-Qurṭubī*, and *Tafsīr al-Rāzī*—and contemporary scholarship on Islamic gender justice. Secondary sources include academic journal articles, modern commentaries, and works on Islamic legal theory. Data were obtained through documentary research, and then analyzed using thematic coding, comparative interpretation, and contextual reasoning to ensure a rigorous understanding of justice and gender within the Qur'anic legal framework.

Numerous books and scholarly articles have explored the concept of justice in the Qur'an, particularly about gender. One notable study by H. Saeful Anwar, "The Concept of Justice in the Qur'an: An Analysis of *Maudu'i Tafsir*," highlights that Qur'anic justice entails "placing something in its proper place," reflecting objective treatment by nature of things. (Hadi, Hakim, Meria, & Nursa, 2024) From a rational standpoint, justice involves recognizing similarities and differences accurately, balancing comparable entities, and treating distinct ones appropriately. However, while such studies contribute valuable insights, recent global scholarship has deepened this discourse by engaging with complex intersections of gender, ethics, and Islamic law. Scholars such as Ziba Mir-Hosseini (2013), Kecia Ali (2006), Khaled Abou El Fadl (2014), and Jasser Auda (2008) have critically examined how traditional interpretations of gendered norms in Islamic legal texts often reflect socio-historical contexts rather than immutable divine prescriptions (Ardiansyah, 2025). This study positions itself in dialogue with these scholars by affirming the ethical foundations of Qur'anic gender norms through a semantic-legal reading that integrates the *maqāṣid al-sharī'ah* framework. Unlike critical feminist readings that tend to deconstruct traditional legal hierarchies, this study seeks to demonstrate that gender-specific provisions in the Qur'an can be ethically justified within a proportional model of justice rooted in social responsibility and divine equity. In doing so, it acknowledges the need for contextual re-examination and maintains fidelity to scriptural integrity (Anwar, 2002).

Syaiful Muhyidin reports his study on "Konsep Keadilan dalam Al-Qur'an". The results of this study show that according to the Qur'an, justice is giving something to everyone according to the rights they must obtain, treating everyone equally without "favouritism", upholding the balance between rights and obligations, and the balance between what is obtained with needs and uses (Muhyidin, 2019). Another research written by Tasbih in entitle "*Pemahaman Kontekstual Terhadap Nilai Kesaksian Wanita dalam Al-Qur'an*". This study indicates that based on contextual understanding of the verses regarding women's testimony, it can be said that the Qur'an never differentiates between men and women. The Qur'an actually appreciates and upholds the partnership between men and women. The provisions of Islamic *fiqh* which stipulate that women's testimony is half the value of men's testimony is not an absolute law. When social change occurs, which allows women to engage in financial transactions, the value of women's testimony can be seen as being as strong as men's testimony (Tasbih, 2020).

The primary contribution of this study lies in its theoretical proposition of "proportional justice" as an alternative framework for interpreting gender-related legal provisions in Islam (Mandal, Little, & Leavy, 2023). Unlike prior studies that analyze inheritance or testimony in isolation, this research adopts a more holistic approach by examining both themes together under the lens of Qur'anic semantics and the *maqāṣid al-sharī'ah* (Adyatama, Saleh, Nofriyanto, & Khoerudin, 2023). While formal equality emphasizes identical treatment regardless of context, and substantive justice seeks to correct structural disadvantages, proportional justice—as advanced in this study—aims to align rights and responsibilities with the distinct social roles envisioned in Islamic ethics. However, this model is not

without challenges. In modern contexts, where gender roles are increasingly overlapping and women often share economic responsibilities, applying traditional inheritance and testimony laws raises questions of relevance and adaptability. This study acknowledges such tensions and invites further scholarly engagement to reinterpret Qur'anic legal frameworks in a way that remains faithful to its ethical principles while responsive to evolving socio-economic realities. In doing so, it not only strengthens the conceptual grounding of Islamic gender justice but also contributes to contemporary debates on legal reform and equity in Muslim societies.

2. Justice: A Problem of Terminology

Justice is defined as moral rightness based on fairness, equality, and the rule of law. It aims to ensure impartial treatment, protect rights, and maintain social harmony. (Bader, Desmond, Mencken, & Johnson, 2010) It involves resolving disputes, promoting equal opportunities, and safeguarding individual freedoms. Different theories of justice, such as distributive, procedural, and restorative justice, focus on various aspects of fairness and equality to achieve a just society (Marshall, 2012). These principles emphasise not only the fair distribution of resources but also the enforcement of laws and conflict resolution in ways that respect individual rights and societal order. However, the meaning of justice varies across cultures and traditions, reflecting diverse ethical, social, and political ideologies (Zarinkolah, 2023).

Western philosophers have developed varied approaches to justice, each emphasising unique dimensions of moral and social frameworks (Barry, 1974). Immanuel Kant's concept of justice revolves around his ethical theory of the categorical imperative, asserting that individuals must be treated as ends in themselves, respecting their autonomy and dignity. Justice, for Kant, is intertwined with moral duty and fairness, requiring laws to uphold universal moral principles (Kant, 1714). John Rawls, introduces "justice as fairness," which promotes societal structures that benefit the least advantaged through the Liberty Principle and the Difference Principle (Rawls, 1999). Rawls' approach relies on a hypothetical social contract created behind a "veil of ignorance" to ensure impartiality (Rawls, 2001). Meanwhile, Robert Nozick, in his libertarian perspective, equates justice with the protection of individual property and liberty, advocating for minimal state intervention and voluntary exchanges among individuals to preserve justice (Nozick, 1974).

In contrast, Muslim thinkers view justice as deeply rooted in divine law and ethical principles aimed at achieving individual and societal harmony (Orman, 2018). Al-Ghazālī emphasises justice as alignment with *Shariah*, advocating fairness and balance in all aspects of life while ensuring sincerity and moral integrity (A. H. Al-Ghazālī, 1983); (A. H. Al-Ghazālī, 1939). Al-Shāṭibī highlights the objectives of *Sharia* (*Maqāṣid al-Sharia*) in his concept of justice, focusing on safeguarding essential human interests such as religion, life, intellect, lineage, and property. Jasser Auda builds upon this framework, proposing a contextual approach to justice that harmonises Islamic principles with contemporary values, prioritising social equity and human dignity (Auda, 2008a, 2008b). Similarly, Muhammad Al-Ghazālī and Sayyid Quṭb underscore justice as an equitable system ensuring rights, welfare, and harmony, guided by *Shariah* principles ((M. Al-Ghazālī, 1983); (Quṭb, 2000). These perspectives underline justice's spiritual and moral dimensions, aiming to address inequality and uphold collective well-being.

In the Islamic perspective, justice (*ADL*) is a fundamental concept that emphasises fairness, equity, and the protection of rights, grounded in the teachings of the Qur'an and the Hadith. According to the Qur'anic view, justice (*ADL*) is a fundamental value that is the foundation of Islam's ethical and moral framework (Zargar, 2023). The Qur'an emphasises that justice must be upheld in all aspects of life, including personal relationships, societal affairs, and legal matters. In the Qur'an, justice is about ensuring fairness in legal transactions and promoting social equity, safeguarding individual rights, and ensuring the well-being of all people, especially marginalised and vulnerable members of society. For instance, in Surah *Al-Nisā'* [4]:135), the Qur'an commands believers to be just and fair, even if it requires speaking the truth in difficult circumstances (Zubaidi, 2013).

Furthermore, the Qur'an advocates for distributive justice, encouraging the fair distribution of wealth and resources. It emphasises the importance of treating others with respect and fairness, whether they are fellow Muslims or non-Muslims. The Qur'an also calls for the protection of the rights of the vulnerable, such as orphans, women, and the poor. Therefore, in the Qur'anic view, justice is not merely a legal concept but a comprehensive ethical principle that strives to maintain balance, fairness, and equity in all aspects of life.

3. The Concept of Justice in the Qur'an

In Islamic and Quranic Knowledge, the word *al-'Adl* has several synonyms, including *al-Qist*, *al-Hukm* and *al-wasf*. These keywords are expressed in the Qur'an with various variations and derivations. *Al-Qisth* in the Qur'an is mentioned 25 times in verbs and nouns. In the verb *al-Qist* which sounds *tuqsiṭū* and *aqsiṭū*, it has the meaning "you act justly" and "act justly". *Al-Hukm* in the Qur'an is mentioned about 150 times, which means "court" or "judgment" intending to be able to hold justice and judge fairly. *Al-wasf* in the Qur'an means "middle" or "intermediate" which calls for being fair and impartial (Saputra, 2012).

While Justice itself comes from the word *al-'adl* (*ism maṣdar*) and *fi'il māḍī* and *fi'il muḍāri'* is *'Adala - Ya'dilu* which means fair, impartial, punishing righteously, just (antonym of persecution) (Munawwir, 1984). Sayyid Mujtabā al-Mūsawī al-Lārī defines justice in several terms, namely: putting something in its place, not committing injustice, paying attention to the rights of others, not committing an act that is contrary to wisdom and public interest (Lari, 2004) Zainal Abidin Ahmad argued that, according to Ibn Sina, justice is one of the five principles of Islamic politics that must be upheld in social life (N. Ismail & Antonio, 2012; Rosadi, Anwar, & Ruhendi, 2021).

Putting something in its place in the context of equality, which is the original meaning of the word fair, results in the subject of justice not siding with anyone. This means that the subject of justice will not give something wrong to the right, and will not give something right to the wrong. Therefore, siding with the truth means justifying the right and blaming the wrong. Consequently, the right party will obtain rights according to their truth, and the wrong party will obtain rights according to their wrong. This principle will automatically not give rise to arbitrariness and no one will be wronged. Each party will reap the results of their own actions, both positive and negative results (Okin, 2018).

In the study of Muhyidin (2019), it was explained that according to the Qur'an, the concept of justice has at least four meanings, namely:

Fair in the Meaning of "Equal"

The word "equality" refers to equality of rights, following the verse of the Qur'an *al-Nisā'* verse 58 which affirms the principle of justice and responsibility in Islam, where Allah commands man to fulfil his mandate to the owner of his rights and establishes justice in every decision. Trust encompasses various forms of responsibility, including leadership and financial trust, while fairness encompasses an objective attitude and respect for individual rights. This verse emphasises the importance of integrity in carrying out the mandate and upholding justice (E.M et al., 2001a).

This verse related to the attitude and treatment of judges during the court process (Grofman, 1981) to place the disputing parties in the same position and other aspects of the decision-making process. If equality includes what is received from the decision, it becomes the meaning of "*al-adl*" as referred to in the verse (Muhyidin, 2019).

Fair in the Sense of "Balanced"

The meaning of the word "fair" which means "balanced" is the creation of balance in a group that has the same goal, even though its members have different characters and abilities (Shihab, 2007) The universe and its ecosystem are examples of "justice" in the sense of "balance." Justice is identical to suitability or proportionality. It is important to note that balance does not always mean that each part

has the same size and condition. Different parts can have small or large sizes, according to their expected function (Okin, 2018).

Fair in the sense of "Attention to Individual Rights and giving those Rights to their Owners"

What is meant by the meaning of justice is "putting something in its place", or "giving another party its rights through the closest path" (Khatri, 2024). The opposite of justice is injustice with another meaning violating the rights of another party. This understanding of fairness will give birth to the concept of social justice (Shihab, 2007). As in the Qur'an, Allah says in Surah *Al-Nahl* [16]:90: 90 affirming Allah's command to uphold justice (*al-adl*), do good (*al-ihsān*), and help relatives in need. In addition, Allah forbids heinous deeds (*fahshā'*), iniquity (*munkar*), and tyranny or acts that go beyond the boundaries (*baghy*).

This verse provides broad ethical and moral guidance for humans, emphasising the importance of social justice, compassion, and concern for others, while distancing themselves from all forms of evil that undermine the social order. From here, it can be concluded that justice is a basic value that must be applied in social life (Muhyidin, 2019).

Just in the Meaning of "Attributed to the Divine"

The meaning of just here means "maintaining the reasonableness of the continuation of existence and not preventing the continuation of existence and obtaining mercy when there are many possibilities (Shihab, 1996). All beings have no right to Allah. Divine justice is a manifestation of His mercy and goodness, which means that the mercy of Allah Swt., can be obtained by creatures as far as they are able to achieve it. This justice can be understood from the nature of Allah as the Most Just, namely "*Allahu al-'Adl*" or "*Allahu al-Muqshit*" (Alikhani, 2023; Muhyidin, 2019).

In addition, surah *Āli 'Imrān* verse 18 emphasised that Allah is not only the One and has no partner, but He is also the One who upholds justice. His justice must be reflected in every servant. In essence, justice is giving rights to everyone according to what they have to receive, treating everyone without discrimination, upholding a balance between rights and obligations, and between what is obtained, needed and used (Alikhani, 2023).

Based on the above exposition, it can be concluded that justice in the Qur'an is not confined to a legal-formal dimension, but extends to cosmological, ethical, social, and spiritual realms. This multidimensional understanding positions justice (*al-'adl*) as a foundational principle that permeates all aspects of life—from divine attributes to interpersonal relations. Recognizing the typology of justice in Islam—whether in the form of balance, equity, or rightful distribution—opens the possibility for a reconstruction of social ethics that is more inclusive and context-sensitive. Such an approach allows Islamic legal and moral thought to engage dynamically with contemporary issues while anchoring in divine guidance.

Inheritance Law in Islam

Islamic law regulates the provisions of inheritance distribution very well and wisely. These provisions regulate the transfer of property belonging to a deceased person to his heirs, whether in the form of tangible objects or in the form of property rights, and both women and men (Cahyani, 2018).

The principle of justice in Islamic inheritance law includes a balance between the rights obtained from inheritance and the obligations or burdens that the heirs must bear. The definition of inheritance law in the Compilation of Islamic Law (KHI) is a law that regulates the transfer of the right to own inherited property (*tirkah*) of heirs, determining who has the right to be heirs and how many parts are each (RI, 2011). Therefore, justice in Islamic inheritance law is not measured by the equality of rank between heirs, but rather by the magnitude of the burden or responsibility given to them, in accordance with the conditions of human life in general (Rusydi, Supriyatin, & Gunawan, 2022).

Each legal system has its own principles, including inheritance law in Islam. These principles are the basis for determining the rules and procedures that must be followed in the inheritance process, ensuring justice and balance in the distribution of assets to heirs. In Islamic law (Harahap, 2023), there are five main principles, including:

First, The principle of *ijbārī*. This principle refers to the provision that the distribution of inheritance is determined automatically by law without requiring the approval or action of the heirs. The distribution is carried out in accordance with the provisions of sharia, so it cannot be changed or adjusted according to personal wishes (Wahyuni, 2018).

Second, Bilateral Principle. This principle means that inheritance rights are obtained from both sides of the family, the father and the mother. In other words, heirs can receive inheritance from the father's and mother's lineages, thus providing balance in inheritance.

Third, Individual Principle. This principle emphasises that each heir has individual rights to their share of the inheritance. The distribution of assets is carried out to entitled individuals, not to groups or collectives, so that each heir receives their share separately and clearly (Wahyuni, 2018).

Fourth, Balanced Justice Principle. This principle refers to the principle that the distribution of inheritance must be carried out fairly and equally. This justice does not mean equal distribution, but considers various factors such as the responsibilities, needs, and contributions of each heir in the family.

Fifth, Principle of Inheritance Occurs Due to Death. Islamic law stipulates that the transfer of a person's assets to his heirs, known as inheritance, only applies after the owner of the assets dies. In other words, assets cannot be inherited while the owner is still alive.

The justice of inheritance law in Islam is closely related to rights, obligations, and balance. Gender does not affect inheritance rights, both men and women have equal rights to receive inheritance (Rifenta & Prayogo, 2019). As we know, the distribution of inheritance in Islam assigns a larger portion to men than women, with a ratio of 2:1, as outlined in Surah *Al-Nisā'*, verse 11. This division is based on the principle of proportional justice, where men are assigned a larger share due to their financial responsibilities, including the duty to provide for their families. On the other hand, women are not burdened with the same financial obligations, which is why they receive a smaller portion. This system ensures that each individual's share aligns with their social roles and duties. Allah has prescribed for you (the division of inheritance for) your children, (namely) the share of a boy is equal to the share of two girls.

In the division of inheritance, even though there is a difference in the amount received, this does not mean injustice or discrimination (Haque, Solihin, Ahmad, & Jani, 2020). Justice in the view of Islam is not only measured by the amount of inheritance received, but also from its usefulness and need (Sholihah, Widiawati, Khairul, & Damit, 2024). In general, men are considered to need more material than women (Rifenta & Prayogo, 2019). A man needs more material sharing than a woman, because a man has a heavier responsibility, namely for himself and his family, including women (Rifenta & Prayogo, 2019). As Allah says in Surah *Al-Nisā'* verse 176: .. *fa li al-dzakari miṭlu ḥazzi al-unṣayayni ...* Surah *Al-Nisā'*, verse 176, underscores the principles of justice and balance in Islamic inheritance laws, particularly in cases of *kalālah* (when a person dies without direct heirs like a father or son). Allah's guidelines ensure that the rights of immediate family members are upheld, even in the absence of primary heirs, reflecting divine wisdom aimed at maintaining fairness and social harmony. For instance, male heirs typically receive twice the share of female heirs, a provision often questioned regarding fairness. However, this distinction aligns with men's financial obligations to support their families, including dependents, whereas women inherit wealth without such responsibilities. By distributing assets based on roles and responsibilities, Islamic inheritance laws ensure equity, protect family bonds, and promote collective well-being, demonstrating that the system is deeply rooted in divine justice and wisdom.

4. The Law of Women's Testimony According to The Qur'an

The position of women in terms of testimony is still controversial among scholars, both in terms of its value, scope, and law of witnessing. Meanwhile, the law of women's testimony according to the Qur'an is a fairly detailed and involves several verses that regulate this (Fozi, 2013). According to Abū Ḥanīfah, in some judicial and transaction matters, the testimony of a woman independently or alone cannot be accepted. This is based on the provisions of Q.S *Al-Baqarah* verse 282. : ... *fa-in lam yakūnā rajulayni fa-rajulun wa imra'atāni mimman tarḍawna mina al-syuhadā'..* "...If there are no two men, one man and two women among the people you like from the witnesses so that if one of them forgets, the other reminds him... "The word "*shahāda*" stated in the verse refers to the meaning of *ḥuḍūr* (presence), *'knowledge* (knowing), and *i'lam* (notification). This word is mentioned 160 times in the Qur'an in its various forms. The word witness in the Qur'an, which is called *martyr*, comes from the word *martyr* (*al-shuhūd* and *al-shahādah*) which means to be present and witness both with the eyes and with the intelligence of reason (knowledge). The word *martyr*, according to al-Asfahānī, means to be present and witness (Mukhtar, 2011).

The verse comprehensively explains how the testimony of women, especially in the case of financial transactions, stipulates that the testimony must be written and witnessed by two male witnesses and if it is not possible to obtain two male witnesses, then the alternative is one man and two women (Kamarusdiana & Hidayati, 2017). *an taḍilla iḥḍāhumā fa-tuḍakkira iḥḍāhumā al-ukhrā.*

This is considered an attempt to ascertain if there is a possibility that one of them may have forgotten or misremembered the details of a complex transaction, so that the other can remind and correct the testimony (Latif, 2020). Apart from that, women prioritise the heart over intellect. This is not to say that the status of women's testimony is lower than that of men, nor is it an indication of women's inferiority in terms of testimony in general. Outside of the context of a particular financial transaction, no provision requires women's testimony to be considered half of men's testimony in the Qur'an. Even in exceptional cases, such as *raḍā'ah* (breastfeeding), he receives the woman's testimony independently because it will be difficult to prove if it is not accepted.

Meanwhile, in the case of women's testimony, Islamic law stipulates that the testimony of two women is equivalent to the testimony of one man, which has sparked debates regarding gender equality. However, this provision is rooted in the historical and social context in which the verse was revealed. In Arabian society, women were generally limited in their formal legal education or experience in public affairs, which could affect their ability to provide reliable testimony in complex legal matters. (Jihaddin & Hannase, 2024) (Ahmed, 1994) The Qur'an's provision is seen as a pragmatic response to these social realities, ensuring that the process of legal testimony remains accurate and fair (Lestari, 2024). Furthermore, this rule was not intended to diminish the value of women's voices but rather to accommodate their historical position in society. It demonstrated the adaptability of Islamic law to the needs and circumstances of its time while maintaining its commitment to justice and equality.

5. Islamic Perspectives on Gender Justice

Gender equality in Islam is a complex topic and is often misunderstood among the wider community. In fact, in the Qur'an it has been explained, that men and women are not differentiated, between them they have the same responsibility and value of charity (Kisworo, 2020). This shows that all individuals, regardless of gender, have the same value before God. For example, in terms of economic rights, education, and social obligations, Islam affirms that men and women have the same rights to get an education, work, own property, and participate in social life (Badawi, 1995).

Although the principle of equality is recognised, Islam also recognises biological differences and social roles between men and women. For example, in some areas such as inheritance, financial responsibility, and certain social obligations, the difference in roles between men and women can reflect different obligations (Begum, Ismail, Yaakob, Razick, & Abdullah, 2024). As explained above, the difference in the distribution of inheritance is often seen in the context of family responsibility, where men are expected to provide for the family (QS. *Al-Nisā'* [4]: 34). At the same time, women have the right to financial support and protection (QS. *Al-Baqarah* [2]: 228). When viewed from the

point of view of testimony in financial transactions, the Qur'an emphasises the importance of justice and accuracy in testimony, not just the gender of the witness himself.(Dawood, 2024) Although traditionally, a woman's testimony could be considered half of a man's testimony in some instances, this is often understood in the context of one's respective obligations and roles in society, and not as an indication of inferiority (H. Ismail et al., 2024).

In practice, the application of gender equality values in Islamic law often takes into account different social and cultural contexts. The aim is to ensure that all individuals, both men and women, are in harmony and have equal rights in terms of justice, protection, and participation in society(Zubaidi & Muslih, 2020).

6. Gender Harmony in Islam: A Response to Western Criticism of Gender Justice

Justice in Islam is often misunderstood when analysed through a Western lens that equates justice with absolute equality, such as strict 50:50 divisions(Barry, 1974). This rigid approach can inadvertently lead to injustice by disregarding diverse contexts, roles, and responsibilities(Wolterestorff, 2015). In Islam, justice ensures that everyone receives their due rights according to their needs, circumstances, and contributions. For example, Islamic rulings on inheritance and women's testimony, often criticised as discriminatory, aim to achieve *maṣlaḥah* (public welfare) and social harmony. The unequal inheritance shares between men and women reflect men's financial responsibility to support their families, while the requirement for two women to substitute for one man as witnesses in certain contexts arises from practical considerations linked to social roles.(Husaini & Husni, 2015) These rulings emphasise balancing individual rights with collective welfare rather than enforcing arbitrary equality(Nugraha, Rosyadi, & Sa'diyah, 2023).

Western liberal frameworks often define gender justice through the lens of formal equality, where identical treatment is presumed to yield fairness(Arif, Yolanda, & Naldo, 2025). However, such an approach may neglect contextual realities and the complex interplay of social, economic, and religious factors that shape human experience. In Islamic jurisprudence, justice is substantive and relational, rooted in legal rights, obligations, social roles, and collective harmony. Thus, insisting on equal shares in inheritance or identical testimonial weight without accounting for contextual function and responsibility risks overlooking Islamic law's *maqāṣid* (higher purposes). This divergence underscores a fundamental epistemological gap between Western individualist liberalism and Islamic communitarian ethics.

Despite these differences, there is room for dialogue between Islamic and Western gender justice discourses(Shan, Diana, & Zhou, 2025). Concepts like relational equality or ethics of care in feminist theory share affinities with Islamic views that emphasize mutual responsibility over rigid symmetry(Fadil, Zuhri, Pembangunan, & Veteran, 2025). Islamic jurisprudence recognizes differentiated roles not to assert superiority, but to protect the integrity of social units such as the family. Therefore, rather than being incompatible, Islamic gender ethics can enrich global justice conversations by offering a teleological and values-based framework, where legal rules are designed to actualize well-being (*maṣlaḥah*), dignity (*karāmah*), and trust (*amānah*).

Islam prioritises Divine Justice, a principle that fosters harmony by recognising all humans as equal in value regardless of gender, based on faith and piety. This perspective rejects gender-based superiority, promoting societal stability through complementary roles. Men and women are assigned different roles in specific areas, not as an indication of inequality but as an acknowledgment of their unique responsibilities for collective well-being(Mir-Hosseini, 2002). Ultimately, Islamic teachings focus on achieving harmony and *maṣlaḥah* over rigid equality(Shalahuddin, 2012). By aligning with the Divine framework, Islamic justice seeks a society where both genders work together harmoniously, fulfilling their respective roles in a balanced and just manner.

Nonetheless, applying traditional gender rules in contemporary contexts poses challenges that cannot be ignored(Kasirzadeh, 2022). Women's participation in economic, educational, and legal domains has significantly expanded, calling for renewed *ijtihad* on issues like testimony and inheritance. The assumption that men are always financial providers, or that women are less involved

in technical matters, no longer holds universally true. This calls for contextualized legal reasoning (*fiqh al-wāqī'*) that honours the objectives of Sharia (*maqāṣid*) while responding to changing realities. Scholars like Jāsir 'Awdah and Zībā Mīr-Hūsainī have proposed interpretive models that combine textual fidelity with social awareness, which may help rearticulate gender rulings in a faithful and just way.

In this light, gender harmony in Islam is not about preserving archaic roles but about promoting functional complementarity rooted in justice and compassion. Islamic ethics do not demand uniformity, but strive for balance, equity, and cooperation between genders. By critically engaging both tradition and modernity, Muslim scholars and communities can advance an evolving yet principled model of gender justice—one that affirms Qur'anic values while navigating modern complexities with integrity.

7. Conclusion

This study concludes that the concept of justice in the Qur'an, especially related to the distribution of inheritance and women's testimony, is based on the principle of proportional justice, which aims to create social balance in accordance with each individual's roles and responsibilities. In terms of inheritance, the Qur'an establishes the division difference between men and women not as a form of discrimination, but to reflect the greater financial responsibility of men in the family. Thus, this division supports family stability and common welfare, where each party receives rights according to his obligations in the family order. In the context of testimony, the provision that requires two women to replace one man in a particular case aims to maintain the accuracy and reliability of evidence in legal decision-making. This provision considers the sociocultural conditions of the early days of Islam, when women may have limited involvement in commercial or legal affairs. This principle shows that Islam emphasises evidence-based justice and does not contain gender bias, but rather focuses on applying rules that are by social realities to prevent injustice in the legal system. This approach to proportional justice aligns with the primary goal of sharia (*maqāṣid shariah*), which includes justice, welfare, and social stability. The Qur'an does not emphasise equality in the absolute sense, but rather the granting of rights and responsibilities that are proportional to the social role of individuals in society. This research emphasises that the provisions of the Qur'an related to heritage and testimony are not a form of discrimination, but rather an effort to create a holistic and balanced justice system, which contributes to the harmony and well-being of society as a whole.

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