



## Judicial Authority and the Role of the Religious Courts in the Settlement of Sharia Economic Disputes

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**Abstract.** Regulations on the procedures for resolving sharia economic disputes are undeniable. The rapid development of sharia economics requires adequate and holistic regulations. The importance of regulations regarding procedures for resolving sharia economic disputes can also be understood from the notion of sharia economics or what is also known as Islamic economics. Islamic law regulates all human life as a whole. In principle, the settlement of sharia economic disputes is known by two methods. First, litigation settlement is the resolution of legal disputes or conflicts through the courts. Second, non-litigation settlement, which is the settlement of legal problems outside the judicial process. In providing justice for litigants, Religious Court judges are not only required to understand the sharia aspect but also have to understand the politics of economic law because sharia economics is part of national legal politics in general. Sharia economic law deals with two important aspects. The first is business, and the second is sharia law. The judges of the Religious Courts need to understand the political economy in the business world. All contracts will be tested with the conventional *fiqh muamalah* concept, even though some contracts practiced in Islamic banking currently have several products that are modifications of conventional *fiqh* concepts mixed with business concepts in the modern world through the epistemological approach of *al-maslahah al-mursalah*. In order to carry out its role in sharia economic dispute resolution, in line with community demands, the Religious Courts of the Supreme Court of the Republic of Indonesia has increased the human resource preparation program in the sharia economic law. Various efforts continue to be made, from technical guidance activities for religious court judges, certified sharia economic education and training to legal discussions with the theme of sharia economic law.

**Keywords:** Religious Courts, Sharia Economy, Legal Disputes, Judicial Authority



**Abstrak.** Pengaturan mengenai tata cara penyelesaian sengketa ekonomi syariah tidak dapat dipungkiri, perkembangan ekonomi syariah yang pesat dan pesat memerlukan pengaturan yang memadai dan holistik. Pentingnya pengaturan mengenai tata cara penyelesaian sengketa ekonomi syariah juga dapat dipahami dari pengertian ekonomi syariah atau yang juga dikenal dengan ekonomi syariah. Hukum Islam mengatur seluruh kehidupan manusia secara keseluruhan. Pada prinsipnya penyelesaian sengketa ekonomi syariah dikenal dengan dua cara. Pertama, penyelesaian litigasi, yaitu penyelesaian sengketa atau konflik hukum melalui pengadilan. Kedua, penyelesaian non-litigasi, yaitu penyelesaian masalah hukum di luar proses peradilan. Dalam memberikan keadilan bagi para penggugat, hakim Pengadilan Agama tidak hanya dituntut untuk memahami aspek syariah, tetapi juga harus memahami politik hukum ekonomi karena ekonomi syariah merupakan bagian dari politik hukum nasional pada umumnya. Hukum ekonomi syariah berkaitan dengan dua aspek penting. Pertama, aspek bisnis, kedua adalah aspek hukum syariah. Hakim Pengadilan Agama perlu memahami ekonomi politik dalam dunia bisnis. Semua akad akan diuji dengan konsep *fiqh muamalah konvensional*, meskipun beberapa akad yang dipraktikkan di perbankan syariah saat ini memiliki beberapa produk yang merupakan beberapa modifikasi konsep *fiqh konvensional* yang dipadukan dengan konsep bisnis di dunia modern melalui pendekatan epistemologi *al-maslahah almursalah*. Dalam rangka menjalankan perannya di bidang penyelesaian sengketa ekonomi syariah, sejalan dengan tuntutan masyarakat, Pengadilan Agama Mahkamah Agung Republik Indonesia telah meningkatkan program penyiapan sumber daya manusia di bidang hukum ekonomi syariah. Berbagai upaya terus dilakukan, baik melalui kegiatan bimbingan teknis bagi hakim pengadilan agama, pendidikan dan pelatihan ekonomi syariah bersertifikat, hingga diskusi hukum dengan tema hukum ekonomi syariah.

**Kata kunci:** Pengadilan Agama, Ekonomi Syariah, Sengketa Hukum, Otoritas Pengadilan

## 1. Introduction

Regulations on the procedures for resolving sharia economic disputes are undeniable. The rapid development of sharia economics requires adequate and holistic regulations. Law and economics are two things that should not be separated because these two things complement each other like two sides of a coin. Economic law is a study of law related to economics in an interdisciplinary and multidimensional manner.<sup>1</sup> Economic law is the entirety of norms made by the government or authorities as a personification of society that regulates economic life in which the interests of individuals and society confront each other.<sup>2</sup>

Article 54 of Law No. 7 of 1989 concerning Religious Courts as amended by Law No. 3 of 2006 and the second amendment to Law No. 50 of 2009 stipulates that the procedural law applicable within the religious courts is the procedural law applicable in general court environment except those specifically regulated in the Law on Religious Courts.

The procedural law, as referred to above, is still scattered in various laws and regulations, namely: HIR, RBg., Law No. 20 of 1947 concerning Retrial Court, Law No. 48 of 2009 concerning Judicial Power, Law No. 7 1989 as amended by Law No. 3 of 2006 and Law No. 50 of 2009 concerning Religious Courts and other laws and regulations. In carrying out the duties and authorities of examining, adjudicating, and deciding sharia economic cases, the judges of the religious courts must explore the provisions of the procedural law that are scattered in the various laws and regulations.

Based on the above matters, in an effort to make it easier for judges of religious courts to seek references to procedural law in examining, adjudicating, and deciding on sharia economic cases, the Supreme Court of the Republic of Indonesia has programmed the preparation of the Compilation of the Sharia Economic Procedural Law. The steps taken to implement the program are described below.

The importance of regulations regarding procedures for resolving sharia economic disputes can also be understood from the notion of sharia economics or what is also known as Islamic economics. According to M. Umar Chapra, Islamic

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<sup>1</sup> Ridwan Ridwan. "Legislasi Hukum Ekonomi Syariah Dalam Bingkai Hukum Nasional Indonesia." In *Al-Risalah: Forum Kajian Hukum dan Sosial Kemasyarakatan*, vol. 16, no. 01, pp. 95-111. 2016.

<sup>2</sup> Sumantoro, *Hukum Ekonomi*. Jakarta: UI Press, 2008, hlm. 18.

economics is a knowledge that helps the realization of human happiness through the allocation and distribution of limited resources that are within the corridor that refers to Islamic teachings without giving individual freedom or without sustainable macroeconomic behavior and without environmental imbalances.<sup>3</sup>

According to Siddiqi, Islamic economics is a response to the economic challenges of a certain period. In this endeavor, they are assisted by the Qur'an and as-Sunnah, reason and ijtihad and experience.<sup>4</sup> According to Zaman, Islamic economics is the knowledge and application of sharia law to prevent injustice in the use and development of material resources with the aim of providing human satisfaction and doing so as an obligation to Allah SWT and society.<sup>5</sup>

Islamic law regulates all human life as a whole, covering all aspects that have to do with that life.<sup>6</sup> Among them are the regulation of the human tendency to live materially and the culture of consumerism which is only based on existing income without thinking about the wasteful nature (*israf*) which must be eliminated. Including the maintenance of natural resources which in essence have not been touched by humans until today.<sup>7</sup>

Moreover, there is a plan to establish a waqf bank by collecting waqf venture funds initiated by the Association of Muslim Intellectuals (*Ikatan Cendekiawan Muslim Indonesia/ICMI*), which is a development of Islamic financial institutions and is managed based on a productive waqf system.<sup>8</sup> This condition further illustrates how the rules regarding the settlement of sharia economic disputes are increasingly needed to anticipate future disputes. With clear and definite rules, this

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<sup>3</sup> Muhammad Umer Chapra. *Masa depan ilmu ekonomi: sebuah tinjauan Islam*. Jakarta Gema Insani, 2001, hlm. 121.

<sup>4</sup> Muhammad Nejatullah Siddiqi. *Role of the state in the economy: An Islamic perspective*, UK. The Islamic Foundation, 1992, hlm. 69.

<sup>5</sup> Hasanuz Zaman, *Economic Function of on Islamic State*, Leicester, The Islamic Foundation, 1984, hlm. 52.

<sup>6</sup> Yonas Perwiratama. "Sistem Jual-Beli Kredit Motor Di UD Sabar Motor Ditinjau Menurut Hukum Islam." PhD diss., Universitas Muhammadiyah Surakarta, 2010.

<sup>7</sup> Suroso Imam Zadjuli. "Prinsip-Prinsip Ekonomi Islam." *Surabaya: Fakultas Ekonomi Universitas Airlangga* (1999), in Karim, M. Rusli. "Berbagai Aspek Ekonomi Islam." *Yogyakarta: Tiara Wacana* (1992). hlm. 44.

<sup>8</sup> Raditya Sukmana (Chairman of the Department of Islamic Economics FEB Universitas Airlangga), Indonesian Waqf Bank and Pakistan Akhuwat Foundation, in *Republika Daily*, Friday, January 27 2017, p. 6.

will provide a way of settlement and legal certainty for all parties so that the sharia economy runs in accordance with sharia principles.<sup>9</sup>

## **2. Discussion**

### **2.1. Sharia Economic Dispute Resolution**

In principle, the settlement of sharia economic disputes is known by two methods, namely:<sup>10</sup>

#### **2.1.1. Litigation settlement**

Litigation dispute resolution is the resolution of legal disputes or conflicts through the courts.<sup>11</sup> According to Munir Fuadi, conventional dispute resolution through a court body has been carried out for hundreds or even thousands of years. However, over time this judicial body is increasingly confined within a juridical wall that justice seekers like to penetrate, especially if the justice seeker is a business person with a business-related dispute. So, start thinking about another alternative to resolve disputes outside the judiciary.<sup>12</sup>

The procedural provisions in sharia economic disputes are the same as other civil procedural laws, except those that have been specifically regulated by the provisions of the legislation. Starting from the filing of a lawsuit or application, then anyone can submit an application or lawsuit to the Court. However, the panel of judges also needs to first consider the legitimacy of the two parties to the litigation, including the validity of the attorney who in the power of attorney works as an advocate, this is intended to ensure that the attorneys for the parties have the right to represent the legal interests of the litigating parties.

Therefore, the parties who file the lawsuit or application can be distinguished between material parties who are also commonly referred to as Principals, namely parties who are directly interested in the subject matter of the case, then there are

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<sup>9</sup> Simon Butt. *Corruption and law in Indonesia*. Routledge, 2017.

<sup>10</sup> Kamaruzzaman Bustamam-Ahmad. "The application of Islamic law in Indonesia: the case study in Aceh." *Journal of Indonesian Islam* 1, no. 1 (2007): 135-180.

<sup>11</sup> Parman Komarudin. "Penyelesaian Sengketa Ekonomi Syari'ah Melalui Jalur Non Litigasi." *AL-IQTISHADIAH: EKONOMI SYARLAH DAN HUKUM EKONOMI SYARLAH* 1, no. 1 (2014): 87-105.

<sup>12</sup> H. Amran Suadi, and M. SH, *Penyelesaian sengketa ekonomi syariah Teori dan Praktek*. Jakarta: Kencana. 2017. hlm 36.

also so-called formal parties, namely parties who come forward before the Court for the benefit of the court. material parties. The mechanism for examining sharia economic cases with ordinary procedures is for ordinary lawsuits based on the applicable civil procedural law except those specifically regulated in the Supreme Court regulations. and other laws and regulations.

Settlement and procedural law for the settlement of sharia economic disputes are regulated in Supreme Court Regulation (Perma) No. 14 of 2016 concerning Procedures for Settlement of Sharia Economic Cases. There are several provisions stipulated in the regulation that deserve attention, including the time for case settlement, the method of summons using information technology, and the qualifications of judges who hear cases and their legal references.

### ***2.1.2. Litigation settlement***

The term non-litigation (out of court settlement) consists of two syllables, namely non and litigation. The word non comes from English, namely from the word none which means not or rejecting.<sup>13</sup> In its development, the word non has become the official language of Indonesia with the meaning of not or not.<sup>14</sup> The word litigation comes from the word litigation which means the court process, or the course of the case.<sup>15</sup>

Non-litigation is the resolution of legal problems outside the judicial process. Dispute Resolution out of court (non-litigation) Is an attempt to bargain or compromise to obtain a mutually beneficial solution. The presence of a neutral third party is not to decide the dispute, but the parties themselves who make the final decision.<sup>16</sup>

Settlement of cases out of court is recognized in the laws and regulations in Indonesia. First, starting from the Elucidation of Article 3 of Law No. 14 of 1970 concerning the main provisions of judicial power until the amendment of the three laws, it is emphasized that the settlement of cases outside the Court, on the basis of peace or through referees (arbitration) is still allowed. Second, in Law No. 30 of

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<sup>13</sup> John M. Echols dan Hassan Shadily, 1997, Kamus Inggris Indonesia, An English-Indoneisan Dictionary, Gramedia Pustaka Utama, Jakarta, hlm. 395

<sup>14</sup> Anton M. Moelyono.1990. Kamus Besar bahasa Indonesia, Departemen Pendidikan dan Kebudayaan, dan Balai Pustaka, Jakarta, hlm. 692

<sup>15</sup> Jhon M.Echols dan Hassan Shadily. Op.Cit. hlm. 361

<sup>16</sup> H. Amran Suadi, and M. SH, Op.Cit. hlm. 56

1999 concerning Arbitration and Alternative Dispute Resolution Article 1 No. (10) states that alternative dispute resolution is an institution for resolving disputes or differences of opinion through procedures agreed upon by the parties, namely settlements out of court by means of consultation, negotiation, mediation, or expert judgment. Then there are also several non-litigation dispute resolutions, for example the settlement of sharia economic disputes through consumer institutions regulated in Law No. 8 of 1999 concerning Consumer Protection and Dispute Settlement by an authorized institution or agency, namely through the consumer dispute settlement agency (BPSK).

## **2.2 Authority of the Religious Courts**

The word authority can be interpreted with power, in legal terms this word is often also referred to as competence which comes from the Dutch language, namely *competentie* which is often translated with the word authority, so the three meanings are considered meaningful.<sup>17</sup>

Religious Courts as referred to in Article 49, Law No. 3 of 2006 concerning the First Amendment and Second Amendment to Law No. 50 of 2009 concerning Amendments to Law No. 7 of 1989 concerning the Religious Courts states that the Religious Courts have absolute competence to receive, examine, adjudicate, and decide disputes in the field of Islamic economics, including in the field of Islamic Banking. This authority is defined as follows:<sup>18</sup>

The Religious Courts have the duty and authority to examine, decide and settle cases at the first level between people who are Muslims in the fields of marriage, inheritance, wills, grants, waqf, zakat, infer, alms and sharia economics.<sup>19</sup>

The birth of the Law on Religious Courts also brought important changes in the environment of the Religious Courts which had been identified with Islamic family courts (Islamic family law), with the new authority mandated by the religious court law sharia economic cases whose transactions are made after the religious court is authorized to handle them or before, whose cases are filed after the

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<sup>17</sup> H. Amran Suadi, and M. SH, Op. Cit. hlm. 36

<sup>18</sup> Muh Nasikhin. *Perbankan Syariah & Sistem Penyelesaian Sengketanya*. Semarang: Fatawa Publishing (2010), hlm. 193.

<sup>19</sup> Dhian Indah Astanti, B. Rini Heryanti, and Subaidah Ratna Juita. "Kewenangan Pengadilan Agama Dalam Penyelesaian Sengketa Perbankan Syariah." *ADHAPER: Jurnal Hukum Acara Perdata* 5, no. 1 (2019): 167-180.

enactment of Law No. 3 of 2006.<sup>20</sup> Furthermore, Article 49 letter (i) of this law explains that the Religious Courts have the duty and authority to examine, adjudicate and resolve cases at the first level between Muslims in the field of Islamic economics which include, a) Islamic Bank, b) Sharia microfinance institutions, c) Sharia Insurance, d) Sharia Reinsurance, e) Sharia Mutual Funds, f) Sharia bonds and Sharia medium term securities, g) Sharia Securities, h) Sharia Financing, i) Sharia Pawnshop, j) Islamic financial institution pension fund, and, k) Sharia business.<sup>21</sup>

In addition to the absolute authority of the religious court, referring to Article 49 letter (i) of Law no. 3 of 2006 which Article and its contents are not changed in Law No. 50 of 2009 concerning the Second Amendment to Law No. 7 of 1989 concerning the Religious Courts, parties who perform contracts based on sharia principles have been closed to making legal choices through courts outside the Religious Courts. More firmly, it is stated in the General Elucidation of Law No. 3 of 2006 paragraph 2, that the choice of law has been declared abolished.<sup>22</sup>

### **2.3. The Role of the Religious Courts in the Settlement of Sharia Economic Disputes**

After the issuance of the Constitutional Court Decision No. 093/PUU-X/2012, the *quo vadis* regarding the dualism of the authority to settle sharia economic disputes through litigation has disappeared. The religious court is legally constitutional as the only institution authorized to resolve sharia economic disputes through litigation.<sup>23</sup> In connection with these new competencies, it is very relevant to discuss academically the role of the religious courts in resolving the sharia economic disputes, especially for the effectiveness of law enforcement in the economic field.

The settlement of sharia economic disputes is a species of law enforcement efforts (genus) in Indonesia. Therefore, the study of the settlement of sharia economic disputes in Indonesia is closely related to aspects of the structure,

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<sup>20</sup> Ahmad Mujahidin, *Prosedur Penyelesaian Sengketa Ekonomi Syariah di Indonesia*. Bogor: Ghalia Indonesia. 2010, hlm.17-18

<sup>21</sup> Ibid. hlm. 18

<sup>22</sup> Ibid, hlm, 20.

<sup>23</sup> Siti Nurhayati. "Eksistensi Peradilan Agama Pasca Putusan Mahkamah Konstitusi No. 93/puu-x/2012 Tentang Penyelesaian Sengketa Perbankan Syariah." *Justicia Islamica* 12, no. 1 (2015): 146475.



substance, and legal culture of the community in the field of Islamic economics.<sup>24</sup> In the aspect of legal structure, the ability of human resources to administer judicial power within the religious courts, including judges and other clerks, is very decisive for the implementation of law enforcement in the field of sharia economics. In the aspect of legal substance, the availability of legal rules both formally and materially in the field of sharia economics is correlated with the embodiment of the values of certainty, justice, and legal benefits in the field of sharia economics. Likewise, in the aspect of legal culture, the level of public trust in religious courts is very significant for the effectiveness and efficiency of law enforcement in the field of sharia economy.

The three aspects mentioned above are positively correlated with the effectiveness of law enforcement in the field of sharia economy and the acceleration of sharia economic growth in Indonesia. In this regard, it is necessary to express the readiness of the religious courts, both in increasing the capacity of human resources and the rule of law (formal and material) so that in carrying out the roles that have been given by the law, it can be carried out properly in accordance with the expectations of the community. The meaning of roles or roles according to Grass, Mason and MC Eachern, as quoted in David Bery's Book of Thoughts in Sociology, is a set of expectations imposed on individuals or groups who occupy certain social positions.<sup>25</sup> Meanwhile, Soekanto stated that the role is a dynamic aspect of the position (status). If a person carries out his rights and obligations according to his position, then he carries out a role.<sup>26</sup>

Based on the two definitions above, it can be understood that the role is a set of expectations imposed on individuals or groups to carry out the rights and obligations that must be carried out by role holders in accordance with what is expected by the community. Everyone has various roles that come from the patterns of social life. This at the same time means that the role determines what he does for the community and what opportunities are provided by the community or the environment to him.

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<sup>24</sup> The theory of law enforcement by M. Friedman is very relevant to observe in relation to the settlement of sharia economic disputes by the religious courts in Indonesia. See Lawrence M. Friedman. *The legal system: A social science perspective*. Russell Sage Foundation, 1975.

<sup>25</sup> David Berry. *Pokok-pokok pikiran dalam sosiologi / David Berry; penerjemah, Paulus Wirutomo.* Jakarta: Raja Grafindo Persada, 2003.

<sup>26</sup> Soerjono Soekanto. *Sosiologi Suatu Pengantar (cetakan ke-44)*. Jakarta: Rajawali Pers, 2012.

With regard to the focus of the discussion in this paper, the role of the religious courts in the settlement of sharia economic disputes can be understood as the expectations of the community to the Religious Courts in carrying out the authority that has been given by law to them to resolve disputes in the field of sharia economics.

The role of religious courts in resolving sharia economic disputes must be realized in at least two ways. First, to provide justice for the disputing parties so that they are satisfied with the resulting decision. Second, to make a positive contribution to the development of the Islamic economy in Indonesia which has now been transformed into “The Biggest Islamic Retail Banking in the World“. In this regard, it cannot be denied that Islamic banking parties are reluctant to take their disputes to the Religious Courts because they are often defeated in final decisions. This criticism, of course, must be addressed properly by reviewing several decisions of the Religious Courts in sharia economic cases submitted to the Religious Courts to find out the cause of this.

As it is known that sharia economics has become the absolute authority of the religious courts. No more dualism. Therefore, whether you like it or not, the judges of the Religious Courts must be able to resolve sharia economic disputes. Based on the principle of *ius curia novit*, where the judge is considered to know the law, the judge may not refuse to examine the case on the pretext that the law is not clear or unclear.

In providing justice for litigants, Religious Court judges are not only required to understand the sharia aspect, but also have to understand the politics of economic law because sharia economics is part of national legal politics in general. At this level, the current developing sharia economic practice is still in the stage of synchronization and adjustment between conventional economic practices and sharia-based economic practices. At this stage of adjustment, of course, several factors, both external and internal, must be considered, which causes the practice in sharia banking to not be fully in accordance with the sharia conception.

Sharia economic law deals with two important aspects. First, the business aspect, the second is the sharia law aspect. In the business aspect, it is absolutely understood that sharia economic issues are an important part of the nation's and state's economic activities. At this level, religious court judges in resolving sharia economic disputes, in addition to having to master the sharia aspects of sharia economic activities, must also understand the business aspects.

If the judges of the Religious Courts do not understand the political economy in the business world, they tend to judge a case “black and white“, all contracts will be tested with the conventional *fiqh muamalah* concept, even though some contracts that are practiced in Islamic banking today have several products that are some modifications of conventional *fiqh* concepts mixed with business concepts in the modern world through the epistemological approach of *al-maslahah almursalah*. In this context, judges in enforcing the law need to also consider the impact of their decisions on the growth and development of the sharia economy as a maintenance of the interests of the larger Islamic community.

The second criticism relates to the executive power of the decisions of the Religious Courts in sharia economic disputes. Adiwarman said that there are still doubts about the implementation or execution of the decision of the Religious Courts. The third criticism was made by an Indonesianist from Australia, Tim Lindsey stating that so far, religious court judges have almost exclusively handled family law cases. Religious court judges tend to be slow in exploring the problems surrounding the Islamic economy, which are technically complex and challenging.

To overcome this criticism, the current sharia economic procedural law has been drafted since 2012 by the Team of the Supreme Court of the Chamber of Religion by considering business aspects that require a simpler and faster economic settlement. As an overview, some of the materials in the draft of Compilation of Sharia Economic Procedural Laws (*Kompilasi Hukum Acara Ekonomi Syariah/KHAES*), among others, regulate class action. Among the materials in the draft KHAES that are emphasized in this discussion include: (1) confiscation of shares; (2) prerogative; (3) class action lawsuits; (3) simple events; (4) application of mediation; (5) relative competence; (6) power of attorney problem; (7) summons by registered post or electronically; (8) descent; (9) parties as witnesses; (10) hostage taking; (11) the trial is open/closed to the public; (12) *dwang-som*; (13) freebies; (14) legal remedies; and (15) bankruptcy. Some of them are still in the stage of further study.

These efforts are in order to prepare formal legal substances that can support the realization of a simple and fast judiciary, which in turn will foster trust, especially sharia economic actors, to the religious courts. Public trust in the Religious Courts is a key element, because only with public trust can the future of legal certainty over sharia banking and business disputes be built. In order to carry out its role in sharia economic dispute resolution, in line with community demands, the Religious Courts of the Supreme Court of the Republic of Indonesia has

increased the human resource preparation program in the sharia economic law. Various efforts continue to be made, both through technical guidance activities for religious court judges, certified sharia economic education and training, to legal discussions with the theme of sharia economic law.

1. Improving the ability of judges in the field of sharia economic law:
  - a. The Supreme Court carried out Sharia economic judge certification training, the Religious Courts Agency as well as in collaboration (MoU) with Bank Indonesia, the Financial Services Authority, and the Ministry of Finance, resulting in the issuance of Supreme Court Regulation of the Republic of Indonesia No. 5 of 2016 concerning Certification of Sharia Economic Judges.
  - b. Comparative studies and short courses in the field of Islamic economics abroad, especially in Middle Eastern countries, which are considered more advanced in the application of the Islamic economic system;
  - c. Legal discussions are held regularly by presenting competent resource persons in the field of Islamic economics; and
  - d. Technical guidance for clerks in the field of administration of Sharia economic cases.
2. Preparing formal and material legal rules in the field of Sharia economics
  - a. In the field of material law, the Sharia Economic Law Compilation (*Kompilasi Hukum Ekonomi Syariah/KHES*) has been issued with a legal umbrella in the form of the Regulation of the Supreme Court of the Republic of Indonesia No. 2 of 2008;
  - b. In the field of procedural law, Supreme Court Regulation No. 14 of 2016, dated December 22, 2016, has been issued, which has been recorded in the State Gazette No. 2059, dated December 29, 2016, concerning Procedures for Settlement of Sharia Economic Disputes;
  - c. Collecting sharia economic case decisions to be a reference for Religious Court judges in resolving sharia economic disputes;
  - d. Collecting fatwas of the National Sharia Council of *Majelis Ulama Indonesia* (MUI) related to Bank Indonesia regulations and Financial Services Authority regulations; and,
  - e. Circular Letter of the Chairperson of the Religious Courts and the Director General of the Religious Courts Agency regarding the obligation of every Religious Court to form a special assembly for sharia economic cases.

#### **4. Conclusion**

Based on the description above, it can be understood that the religious courts have a very important role in settlement of Sharia economic disputes. Likewise, in executing the decision of the National Sharia Arbitration Board (*Badan Arbitrase Syariah Nasional/Basyarnas*). In facing the new authority in the sharia economic dispute resolution field, the religious courts have taken strategic steps in preparing human resources and legal rules to make sharia economic law enforcement in Indonesia run well, effectively, and efficiently.

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