

Strengthening The Role Of Religious Courts In Sharia Economic Dispute Settlement As A Sharia Economy Development Effort

Syukri Hidayat^{*)}

^{*)}PT. Bank Tabungan Negara (Persero DKI Jakarta Email : syukrihidayat27@gmail.com)

Abstract

The enactment of the Republic of Indonesia Law Number 3 of 2006 concerning the Religious Courts has strengthened the position of the Religious Courts as one of the law enforcement institutions due to the expansion of absolute competence in the settlement of sharia economic disputes. Currently, Islamic economic activities are growing rapidly in Indonesia. This development must be followed by many disputes. The resolution of this dispute is the authority of the Religious Courts, so that the functions of the Religious Courts must be strengthened. The problems discussed in this study include: the extent to which the development of sharia economy in Indonesia, how to resolve sharia economic disputes in the Religious Courts and how to strengthen the strategy of the function of the Religious Courts. This research is a normative legal research that is descriptive in nature using a statutory and analytical approach. Based on the results of the study, it can be concluded that the settlement of sharia economic disputes is the absolute authority of the Religious Courts. The settlement process underwent a simple, fast and light update, so a strategy was needed to improve the quality of the Religious Courts. The author suggests that it is necessary to socialize the function and change the stigma about the Religious Courts.

Keywords: Sharia Economics, Disputes, Religious Courts.

1. Introduction

Economic activity in today's modern era, especially sharia economics shows developments in all sectors of life.¹ The Islamic economic system is an economic system that must be strengthened in Indonesia because it is relatively new, compared to conventional financial and business industries. However, in a relatively short time, the economy grew and developed very rapidly. At this time it has become the most important and strategic part as one of the driving forces of the Indonesian economy.²

The development of Islamic economic law in Indonesia began with the emergence of Islamic banking and therefore there is no need to use the term Islamic economics as used by many countries, but Islamic economics as a terminology that is unique to Indonesia.³ The Islamic economic system is intended to regulate economic activities in order to achieve a decent degree of life for all individuals in society. The Islamic economic system in all activities and habits of society is dynamic and fair in the

¹ Wieke Dewi Suryandari, 2021, *The Application of Fiduciary Guarantee in the Perspective of Islamic Law*, Jurnal daulat Hukum,, Vol. 4. No. December 4, p. 260

² Muhammad Syafi'i Antonio, *Bank Syari'ah, Cet. 1* (Jakarta : Gema Insani, 2001), p.4

³ Abdurrahman, *Penyelesaian Sengketa Ekonomi Syariah di Indonesia*, (Banjarmasin: Scientific Oration Paper delivered at the Opening of the Sharia Faculty IAIN Antasari Lecture, August 30, 2010), p. 3.

distribution of income and wealth by giving each individual the right to a decent and noble life. both in this world and in the hereafter.⁴

With the growth and development of sharia economic activities, the opportunities for disputes, conflicts (dispute) between sharia economic actors are also getting bigger. , so that the implementation of the rights and obligations that arise is not harmonious.⁵The more and wider the business activities, the higher the frequency of disputes, it can be interpreted that there are more and more disputes that must be resolved. Every type of dispute that occurs always demands a quick resolution and resolution. Dispute resolution is a method, procedure or mechanism taken by the parties to resolve disputes or conflicts over their differences in interests. The application of sharia principles in business activities is followed by the development of existing dispute resolution institutions. Especially the judiciary as the last resort for the disputing parties to resolve the disputes they face.⁶

A new development in the judiciary in Indonesia is the provision of sharia economic dispute resolution competence to religious courts. This competence is a new challenge for law enforcement officers in the religious court environment, so that readiness is needed in handling these cases. However, the ability of the Religious Courts to adjudicate sharia economic cases is currently still in doubt. The situation in the religious courts is still dominated by divorce cases. In addition, the judicial process which still uses ordinary judicial procedures is no different from the general justice system. Therefore, a new regulation on judicial proceedings for sharia economic cases is needed.

The settlement of sharia economic disputes must be based on the principles taught in Islamic sharia, namely the principle of Islamic personality.⁷ The Supreme Court in this case has issued a regulation that specifically regulates the settlement of sharia economic disputes, namely Supreme Court Regulation Number 14 of 2016. Therefore, it takes the readiness of the Religious Courts in handling sharia economic cases, especially in terms of Human Resources, be it Judges, Registrars and bailiff. They must develop competencies to meet new and increasingly complex tasks in order to make quality decisions. However, if it turns out that the sharia economic case justice system has not been able to fulfill the parties' sense of justice, a special formula is needed in the form of an alternative sharia economic dispute resolution. Settlement institutions are very important in supporting the development of the Islamic economy, especially since the current Islamic economy is still identical to the banking sector.

⁴ Husain Sahatah, *Bangunan Ekonomi yang Berkeadilan Teori, Pratek dan Realitas Ekonomi Islam*, (Yogyakarta : Magistra Insania Press, 2004), p. 80

⁵ Suyud Margono, *ADR dan Arbitrase Proses Pelembagaan dan Aspek Hukum*, (Jakarta: Ghalia Indonesia, 2000), p. 12.

⁶ Abdul Ghofur Anshori, *Peradilan Agama di Indonesia Pasca UU No. 3 Tahun 2006 (Sejarah, Kedudukan & Kewenangan)*, (Yogyakarta : UII Press, 2007), p. 4-5.

⁷The Supreme Court of the Republic of Indonesia, Directorate of Religious Courts, *Pedoman Pelaksanaan Tugas Dan Administrasi Peradilan Agama*, Revised Edition 2010. Page 56. See also Law Number 7 of 1989 which has been amended by Law Number 3 of 2006 and which has been amended by Law Law Number 50 of 2009 concerning Religious Courts.

Based on the above background, the objectives of this study are as follows: to find out and analyze the implementation of sharia economic dispute resolution in the Religious Courts; and strategies for strengthening the functions of the Religious Courts in resolving sharia economic disputes.

2. Research Methods

This research is included in normative legal research, namely legal research conducted by examining library materials consisting of primary legal materials, secondary legal materials, and tertiary legal materials.⁸This research is descriptive using a statutory approach and an analytical approach. The type of data used in this legal research is secondary data. This data was not obtained directly in the field, but obtained from library materials. To obtain the necessary legal materials, it is carried out by searching, collecting and reviewing library materials, laws and regulations, research results, scientific works and other written documents.

3. Results and Discussion

3.1. Implementation of the Settlement of Sharia Economic Cases in the Religious Courts

The enactment of Law Number 3 of 2006 concerning Religious Courts and Law 21 of 2008 concerning Sharia Banking added new duties and authorities to the Religious Courts to resolve Sharia Economic disputes submitted by the public. With his new authority, he can adjudicate disputes in the field of Islamic economics. Sharia Economic Cases are cases in the field of sharia economics including sharia banks, sharia microfinance institutions, sharia insurance, sharia reinsurance, sharia mutual funds, sharia bonds, sharia futures securities, sharia securities, sharia financing, sharia pawnshops, sharia financial institution pension funds, sharia business, including waqf, zakat, infaq, and shadaqah which are commercial in nature, both contentious and volunteer.

Settlement of disputes through the courts (litigation) has become the authority of the Religious Courts based on Article 49 of Law Number 3 of 2006 concerning Religious Courts. The determination of the Religious Courts as the settlement of sharia economic disputes based on Article 49 of the Law on Religious Courts provides an extension of authority to the Religious Courts. With the expansion of the authority of the Religious Courts as the breaker of sharia economic disputes, it has legal consequences that the district courts are no longer authorized to resolve sharia economic disputes. Thus, the Religious Courts become the first-level judicial institution that has the duty and authority to examine, decide, and resolve cases at the first level between people who are Muslim in the fields of marriage, inheritance, The scope of the authority to adjudicate the religious court environment in the field of sharia economics already covers the entire field of sharia economics, namely any business activity in the

⁸ Soerjono Soekanto dan Sri Mahmuji. *Penelitian Hukum Normatif* (Jakarta: Rajawali Pers, 2007), p. 14

economic field carried out according to sharia principles is included in the scope of the authority to adjudicate the religious court environment.

Previously, Article 49 of Law Number 3 of 2006 states that "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, infaq, sadaqah; and Islamic economics". Then in the Elucidation of Article 49 it is further explained that what is meant by "between people who are Muslim" is including people or legal entities that automatically submit themselves voluntarily to Islamic law regarding matters that are the authority of the Religious Courts.

In Indonesia, dispute resolution through litigation is still the main choice. Although in practice the settlement through the courts is not efficient and effective. However, to anticipate this, the Supreme Court has issued Regulation No. 2 of 2015 which was later updated with Regulation No. 4 of 2019 concerning Procedures for Settlement of Simple Lawsuits (Small Claim Court).⁹With regard to procedures for resolving sharia economic disputes in the Religious Courts, in 2016, the Supreme Court issued Supreme Court Regulation (PERMA) Number 14 of 2016 concerning Procedures for Settlement of Sharia Economic Cases. PERMA is to ensure the implementation of sharia economic dispute resolution which is simpler, faster and less costly. Based on PERMA Number 14 of 2016, sharia economic cases can be filed in the form of a simple lawsuit or with the usual procedure. Case examination with a simple procedure is the examination of a sharia economic case with a maximum value of IDR 500,000,000.00 (five hundred million rupiah). This examination refers to the Regulation of the Supreme Court Number 4 of 2019 concerning Procedures for Settlement of Simple Lawsuits except for matters that are specifically regulated.

The handling of sharia economic cases in a simple way refers to PERMA No. 2 of 2015 in conjunction with PERMA No. 4 of 2019 concerning Procedures for Settlement of Simple Lawsuits or commonly known as small claims court. Meanwhile, the handling of sharia economic cases in the usual way still refers to various applicable laws and regulations. In the case of a simple lawsuit or an ordinary lawsuit, the plaintiff can file his case by coming to the clerk's office or through electronic registration. The difference is, if you want to register a simple lawsuit, the plaintiff only needs to fill out a form or a lawsuit form provided by the court. The contents describe the identity of the plaintiff and the defendant; brief explanation of the case (*posita*); and the plaintiff's claim (*petitum*). In addition, when registering the case, the plaintiff must attach legalized proof of the letter. Electronic case registration is actually not a new thing in religious courts. A number of courts have implemented it, with several variants. However, so far there is no single regulation that regulates it.¹⁰Here's a comparison of the simple solution and the usual way:

Table.1. Comparison of Simple and Ordinary Events

⁹ Peni Rinda Listyawati, 2021, *Small Claim Court : Principle Concretization In Lawsuit Settlement*, Jurnal Pembaharuan Hukum, Vol. 8. No. December 3, p. 340-341

¹⁰ Directorate General of Religious Courts, "Membedah Perma Tata Cara Penyelesaian Perkara Ekonomi Syariah", <https://badilag.mahkamahagung.go.id/seputar-ditjen-badilag/seputar-ditjen-badilag/membedah-perma-tata-cara-penyelesaian-perkara-ekonomi-syariah>

Aspect	Simple Way	Usual Way
Claim value	Maximum IDR 500 million	More than IDR 500 million
Domicile of the parties	The plaintiff and the defendant are domiciled in the same jurisdiction	The plaintiff and the defendant do not have to be domiciled in the same jurisdiction
Number of parties	The plaintiff and the defendant each cannot be more than one, unless they have the same legal interest.	Plaintiffs and defendants may have more than one each
Defendant's address	Must know	Don't have to know
Case registration	Using the lawsuit form	Make a lawsuit
Submission of evidence	Must coincide with case registration	At the time of the trial, the agenda of evidence
Case registration, appointment of judges and court clerks	Maximum 2 days	Longest day
Checkers and breakers	single judge	Panel of judges
Preliminary examination	There is	There isn't any
Mediation	There isn't any	There is
The presence of the parties	Plaintiffs and defendants are required to attend each trial directly (impersonal), even though they have legal counsel	Plaintiffs and defendants are not required to attend every trial in person (impersonal).
Consequences of the plaintiff's absence at the first trial without a valid reason	The lawsuit is declared void	The lawsuit is not declared void
Case examination	Just a claim and an answer	It is possible to demand provisions, exceptions, conventions, interventions, replicas, duplicates, and conclusions
Deadline	for 25 days from the first	5 months

settlement of cases	trial		
Submission of decisions	of	No later than 2 days since the verdict is pronounced	No later than 7 days after the verdict is pronounced
Legal remedies and deadlines for completion	for	Objection (7 days since the panel of judges was appointed)	Appeal (3 months), cassation (3 months) and reconsideration (3 months)
Legal action deadline	action	7 days after the decision is pronounced or notified	14 days after the decision is pronounced or notified
Authority of the Court of Appeal and the Supreme Court	of the	There isn't any	There is

Perma Number 14 of 2016 is the first regulation that accommodates the possibility of filing cases using the internet in the religious court environment. Regarding the form or form of the lawsuit, some courts have provided it and some have not. Usually, the lawsuit forms are made in several versions, following the types of cases that are the absolute competence of the religious courts. However, so far there is no regulation that regulates it, so the format varies. Evidence from the plaintiff's letter, in a simple lawsuit, must be attached to the lawsuit at the time of registering the lawsuit. This is in line with the basic concept of a small claims court, which only imposes a burden on the plaintiff to parse legal facts and their evidence, without having to worry about basic legal matters. Besides that, the obligation to provide evidence at the time of registration aims to give the defendant an earlier opportunity to prepare answers. Thus, the examination of simple lawsuits can save time. If it is classified as a small claims court, the head of the court only needs to appoint one judge, while if it is an ordinary claim, the chairman of the court appoints a panel of judges. The sole judge in simple lawsuits and the panel of judges in ordinary lawsuits must be certified. This means that they must pass the certification of sharia economic judges held by the Supreme Court, based on PERMA Number 5 of 2016. If there are no certified judges in the PA, then the head of the court can appoint judges who have attended Islamic economic functional training.¹¹

PERMA Number 14 of 2016 is very accommodating to the development of information technology. In addition to legitimizing online case registration, the Perma, which contains 15 articles in 11 chapters, also provides opportunities for expert examination through information technology, for example via teleconference. Other matters relating to simple lawsuits in sharia economic cases that need more specific regulation include the format of the simple lawsuit form, the components and nominal fees for the case, the case register, the format of determination by a single judge

¹¹Ibid

regarding the feasibility of litigation in a simple manner, news format proceedings and decisions, as well as procedures and costs for objections.¹²

3.2. Strengthening the function of the Religious Courts in the settlement of Sharia Economic Disputes

As described earlier, the development of legal relations in society in the economic field, especially in the field of agreements that use sharia principles has experienced significant developments. The development of law in the field of sharia economics and other civil matters in the community certainly requires a settlement procedure that is simpler, faster and less costly, especially in simple legal relationships. In principle, the settlement of economic disputes by litigation in court is an ultimatum action through the competent judicial environment. The ultimatum remedium is in the form of the last action that can be taken if an amicable settlement is not obtained.

Disputes or disputes in the Islamic economy are the realm of disputes in business or trade activities. Sharia economic disputes can occur before or after the agreement is agreed, for example regarding the object of the agreement, the price of goods, and the contents of the agreement (akad). The emergence of forms of sharia economic disputes or conflicts are generally caused by two factors, namely Data Conflicts and Interest Conflicts.¹³

Based on positive law in Indonesia, alternative sharia economic dispute resolution consists of:

a. Peace and Alternative Dispute Resolution (ADR)

Thought the need for a sulh (peace) institution¹⁴ in modern times this is certainly not a discourse and ideals that are still utopian, but have entered the practical area. This can be seen in the rise and popularity of Alternative Dispute Resolution (ADR). According to Suyud Margono¹⁵ The tendency to choose Alternative Dispute Resolution (ADR) by the community today is based on the first consideration: lack of trust in the court system and at the same time understanding the advantages of using the arbitration system compared to the Court, so that the business community prefers to look for other alternatives in an effort to resolve various problems. business disputes, namely by way of arbitration, secondly: public trust in arbitration institutions, especially BANI, has begun to decline due to the many arbitration clauses that do not stand alone, but follow the clause on the possibility of submitting a dispute to the Court if the arbitration decision is not successfully resolved. In other words, not a few disputed cases received by the Court are cases that have been decided by BANI arbitration. Thus, dispute resolution by means of ADR is a profitable alternative. Law

¹²Ibid

¹³ Amran Suadi, *Penyelesaian Sengketa Ekonomi Syariah - Penemuan dan Kaidah Hukum*, Kencana Prenamedia, Jakarta, 2018, p. 31.

¹⁴ Dadan Muttaqiem, *Penyelesaian Sengketa Perbankan Syariah Di Luar Lembaga Peradilan*, dalam *Majalah Hukum Varia Peradilan Tahun Ke XXIII NOMOR 266 Januari 2008* (Jakarta: IKAHI, 2008) p. 60.

¹⁵ Suyud Margono, *ADR dan Arbitrase, Proses Pelembagaan dan Aspek Hukum*, (Jakarta : Ghalia Indonesia, 2000), p.82

Number 30 of 1999 concerning Arbitration and Alternative Case Resolution regulates dispute resolution outside the Court, namely through consultation, mediation, negotiation, conciliation and expert judgment. This law does not entirely provide detailed and clear definitions or limitations. conciliation and expert judgment. This law does not entirely provide detailed and clear definitions or limitations. conciliation and expert judgment. This Law does not entirely provide detailed and clear definitions or limitations.¹⁶

b. Arbitration (Trial)

Usually in a business contract it has been agreed upon in the contract he made to resolve disputes that occur in the future between them. Dispute resolution efforts can be submitted to certain forums in accordance with the agreement. There are those who go directly to the Court institution or there are also through institutions outside the Court, namely arbitration (choice of forum/choice of jurisdiction).¹⁷In Indonesia, there are several arbitration institutions to resolve various business disputes that occur in trade traffic, including BAMUI (Indonesian Muamalat Arbitration Board) which specifically handles disputes in Islamic business, BASYARNAS (National Sharia Arbitration Board) which handles problems that occur. in the implementation of Islamic Banks, and BANI (Indonesian National Arbitration Board) which specifically resolves non-Islamic business disputes.

The existence of the alternative institutions above is a challenge for religious courts in improving quality. This means that whether justice seekers prefer the Religious Courts to alternative dispute resolutions, it really depends on the readiness of the religious courts. The decision of the Constitutional Court Number: 93/PUU-X/2012 has annulled Article 55 paragraph (2) of Law Number 21 of 2008 which causes dualism in the handling of cases between the Religious Courts and the District Courts. The Constitutional Court's decision demands that the Religious Courts be more professional in dealing with sharia economic disputes. Professionalism in the form of readiness and skills of PA judges is an absolute requirement to gain public trust, especially in terms of resolving sharia economic disputes.¹⁸In order to respond to this public trust, especially in the field of Human Resources competence, the Directorate General of the Religious Courts Agency prepares qualified judges, for example by organizing Training of Trainers for judges both at the first and appeal levels in addition to conducting trainings both at home and abroad.¹⁹In addition to training, this can also be done in the form of limited discussions such as workshops, seminars, as well as internal discussions between judges to discuss actual matters in the field of Islamic economics and national and international economics and business. Periodic meetings for relevant actors in the scope of Islamic economics to discuss technical issues are needed. It must be admitted that the understanding of the Islamic financial services

¹⁶ Listyo Budi Santoso, *Kewenangan Pengadilan Agama Dalam Menyelesaikan Sengketa Ekonomi Syariah Berdasarkan Undang-Undang Nomor 3 Tahun 2006 (Tesis)*, (Semarang : Universitas Diponegoro, 2009), p. 45

¹⁷*Ibid*

¹⁸ Potret Penyelesaian Sengketa Ekonomi Syariah. *Majalah Peradilan Agama Edisi 3, Des 2013-Feb 2014*. p. 18

¹⁹*Ibid*

industry to judges of religious courts is still minimal. On that basis, cooperation to provide comprehensive knowledge about the Islamic financial services industry to judges can continue. The first step can be started by socializing the program to high court judges in the regions.

The lack of regulations at the level of laws and regulations governing sharia economics is a challenge for religious judges to continue to update their knowledge, because most of them have a scientific background that is sharia centric and lacks knowledge in the field of economics, both micro and macro.²⁰ Strengthening in the religious courts must continue to be improved. In addition to providing training for career judges, in the recruitment of State Civil Apparatuses (ASN) within the religious courts, attention should be paid to knowledge of sharia economics for ASN candidates. This is because the Human Resources factor is the most important factor in the readiness and quality improvement of religious courts. The expansion of the authority of the Religious Courts to handle sharia economic disputes is a new phenomenon that must be faced by all levels (employees and judges) of the Religious Courts. On the one hand, all judges of the Religious Courts have an educational background in Islamic law, which so far have not handled disputes related to the sharia economy, so their insight into sharia economics is very limited. On the other hand, Religious Courts must have special judges who are capable of handling sharia economic disputes. Judges are also required to understand all the cases that fall within their competence. Because the judge is considered to know the law, so the judge may not refuse to examine the case on the pretext that the law does not exist or is unclear.²¹ So far, the assumption that has developed in the community is that they still recognize the Religious Court as an institution for resolving divorce cases. In order to realize the ideal form, the religious courts must slowly get rid of this impression. Judges must always enrich legal knowledge, as well as a moral responsibility for claims that what has been decided by judges must be considered correct (*res judicata pro veretatur habetur*). In line with that, every judge of the Religious Courts is required to further explore and master the matter of the sharia economy. These judges are required to understand all the cases within their competence. This is in accordance with the adage *ius curia novit*, because in this case the judge is considered to know the law even though the case is a new case under his authority. The insights possessed by Religious Court judges regarding the handling of sharia economic disputes are still limited. His insight will be far from the problems of marital disputes, inheritance, wills, grants, waqf and alms that he has handled so far.

The profession of judge is a noble profession so that in carrying out their duties and obligations in ensuring justice, judges must be able to devote themselves to the interests of the community and not to their own interests. In the future, one of the challenges for the judges of the Religious Courts is to oversee the development of the

²⁰ Suhartono, 2017, "Urgensitas Penguatan Kompetensi Penyelesaian Sengketa Ekonomi Syariah Di Pengadilan Agama Dalam Mengawal Pertumbuhan Industri Keuangan Syariah Di Indonesia", *Jurnal Studi Keislaman* Volume 3, Number 2, December 2017, p. 7

²¹ Siti Nurhayati, "Penguatan Peran Hakim Pengadilan Agama Dalam Penyelesaian Sengketa Perbankan Syariah Pasca Putusan Mahkamah Konstitusi Nomor 93/PUU-X/2012," *Yudisia*, Vol 7 No 2 Desember (2006) : 325-326

sharia economy in Indonesia. The public certainly hopes that the judges of the Religious Courts throughout Indonesia can better understand the regulations and ins and outs of the sharia economy.

Another strengthening that needs to be done in the Religious Courts is to change the stigma and public view of the Religious Courts. Religious Courts must be separated from the impression as a place of divorce. This can be done, for example, by installing information boards on the settlement of sharia economic disputes in every corner of the court, for example at the gate, entrance, waiting room and parking lot. Even if necessary, the Court must provide a special registration desk for sharia economic cases with writings and procedures that are clear and easy to read for justice seekers. These steps are one of the breakthroughs that can be taken to show the public that the Religious Courts are ready and able to resolve sharia economic cases.

4. Closing

Sharia economy is growing very rapidly in Indonesia. Sharia economic activities in Indonesia do not only cover financial institutions, but also in other business sectors, better known as sharia business. This activity covers the necessities of life in the form of production, distribution, consumption and trade activities in the form of goods and services in accordance with Islamic rules and laws. In the financial sector, the Indonesian Islamic Financial Services Industry showed positive growth both from the increase in Islamic banking assets and Islamic non-bank financial industry assets.

The development of legal relations in society in the economic field, especially in the field of agreements that use sharia principles has experienced significant development. Based on Law Number 3 of 2006 concerning the Religious Courts, it is confirmed that the Religious Courts have absolute authority in resolving Sharia Economic disputes. The issuance of PERMA No. 14 of 2016 concerning Procedures for Settlement of Sharia Economic Cases, guarantees the implementation of sharia economic dispute resolution which is simpler, faster and less costly.

Strengthening the Religious Courts in the context of implementing sharia economic dispute resolution is carried out by improving the quality of Court Human Resources. The General Court of Justice of the Supreme Court has currently held various trainings both at home and abroad to improve the competence of religious court judges in terms of handling the sharia economy. Strengthening also needs to be done in terms of recruitment where ASN candidates who will be placed in the Religious Courts must at least have basic knowledge of sharia economics.

5. Bibliography

Book

- [1] Antonio, Muhammad Syafi'i, *Bank Syari'ah, Cet. 1* (Jakarta : Gema Insani, 2001)
- [2] Anshori, Abdul Ghofar. *Pokok-Pokok Hukum Perjanjian Islam di Indonesia* (Yogyakarta : Citra Media, 2006)
- [3] Anshori, Abdul Ghofar. 2007, *Peradilan Agama di Indonesia Pasca UU No. 3 Tahun 2006 (Sejarah, Kedudukan & Kewenangan)*, (Yogyakarta : UII Press)

- [4] Burhanuddin, *Aspek Hukum Lembaga Keuangan Syariah* (Yogyakarta : Graha Ilmu, 2010)
- [5] Kara, Muslimin H., *Bank Syariah Di Indonesia analisis Kebijakan Pemerintah Indonesia Tentang Perbankan Syariah*, (Yogyakarta : UII Press, 2005)
- [6] Margono, Suyud, *ADR dan Arbitrase Proses Pelembagaan dan Aspek Hukum*, (Jakarta: Ghalia Indonesia, 2000)
- [7] Husain Sahatah, *Bangunan Ekonomi yang Berkeadilan Teori, Pratek dan Realitas Ekonomi Islam*, (Yogyakarta : Magistra Insania Press, 2004) hlm. 80
- [8] Muhammad, *Aspek Hukum Dalam Muamalat* (Yogyakarta : Graha Ilmu, 2007)
- [9] Soekanto, Soerjono dan Sri Mahmuji. *Penelitian Hukum Normatif* (Jakarta: Rajawali Pers, 2007)
- [10] Amran Suadi, *Penyelesaian Sengketa Ekonomi Syariah - Penemuan dan Kaidah Hukum*, Kencana Prenamedia, Jakarta, 2018

Legislation :

- [1] Law Number 3 of 2006 concerning Amendments to Law Number 7 of 1989 concerning Religious Courts, State Gazette of the Republic of Indonesia Year 2006 Number 22, Supplement to State Gazette of the Republic of Indonesia Number 4611.
- [2] Law of the Republic of Indonesia Number 50 of 2009 concerning Religious Courts, amendments to Law of the Republic of Indonesia Number 7 of 1989.
- [3] Regulation of the Supreme Court of the Republic of Indonesia number 2 of 2015 in conjunction with Regulation of the Supreme Court of the Republic of Indonesia number 14 of 2019 concerning Procedures for Settlement of Simple Lawsuits.
- [4] Regulation of the Supreme Court of the Republic of Indonesia No. 2 of 2008 concerning the Compilation of Sharia Economic Law
- [5] Law 21 of 2008 concerning Islamic Banking

Others (Journals/Articles/internet):

- [1] Santoso, Listyo Budi, 2009, *Kewenangan Pengadilan Agama Dalam Menyelesaikan Sengketa Ekonomi Syariah Berdasarkan Undang-Undang Nomor 3 Tahun 2006 (Tesis)*, (Semarang : Universitas Diponegoro)
- [2] Wieke Dewi Suryandari, 2021, *The Application of Fiduciary Guarantee in the Perspective of Islamic Law*, Jurnal daulat Hukum, Vol. 4. No. 4 Desember.
- [3] Fitria, Tira Nur, 2016, "Kontribusi Ekonomi Islam Dalam Pembangunan Ekonomi Nasional," *Jurnal Ilmiah Ekonomi Islam Vol .02, No.03*.
- [4] Muttaqiem, Dadan, 2008, *Penyelesaian Sengketa Perbankan Syari'ah Di Luar Lembaga Peradilan*, dalam Majalah Hukum Varia Peradilan Tahun Ke XXIII NOMOR 266 Januari, (Jakarta : IKAHI, 2008).
- [5] Nurhayati, Siti, "Penguatan Peran Hakim Pengadilan Agama Dalam Penyelesaian Sengketa Perbankan Syariah Pasca Putusan Mahkamah Konstitusi Nomor 93/PUU-X/202," *Yudisia, Vol 7 No 2 Desember* (2006)

- [6] Sutan, Fakhurrazi Reno, "Kajian Hukum Bisnis Syariah," *Jurnal Misykat al-Anwar*, Vol.29, No.1(2008), <http://faiumi.ac.id/jurnal/index.php/MaA16/article/view/62/51>
- [7] Peni Rinda Listyawati, 2021, *Small Claim Court : Principle Concretization In Lawsuit Settlement*, *Jurnal Pembaharuan Hukum*, Vol. 8. No. 3 Desember, h. 340-341
- [8] Suhartono, 2017, "Urgensitas Penguatan Kompetensi Penyelesaian Sengketa Ekonomi Syariah Di Pengadilan Agama Dalam Mengawal Pertumbuhan Industri Keuangan Syariah Di Indonesia", *Jurnal Studi Keislaman Volume 3, Nomor 2, Desember*.
- [9] Abdurrahman, 2010, *Penyelesaian Sengketa Ekonomi Syariah di Indonesia*, (Banjarmasin: Makalah Orasi Ilmiah disampaikan pada Pembukaan Kuliah Fakultas Syariah IAIN Antasari, 30 Agustus)
- [10] Direktorat Jenderal Peradilan Agama, "Membedah Perma Tata Cara Penyelesaian Perkara Ekonomi Syariah", <https://badilag.mahkamahagung.go.id/seputar-ditjen-badilag/seputar-ditjen-badilag/membedah-perma-tata-cara-penyelesaian-perkara-ekonomi-syariah>, 2018.
- [11] Kemenkeu, "Keuangan Syariah Indonesia Tumbuh Positif di Tengah Pandemi 2021" <https://www.kemenkeu.go.id/publikasi/berita/keuangan-syariah-indonesia-tumbuh-positif-di-tengah-pandemi/>
- [12] OJK, "Laporan Perkembangan Keuangan Syariah 2016," <http://www.ojk.go.id/en/berita-dan-kegiatan/publikasi/Documents/Pages/OJK-Publishes-2016-Islamic-Banking-and-Finance-DevelopmentReport/Laporan%20Perkembangan%20Keuangan%20Syariah%20%28LPKS%29%202016.pdf>