

History Artikel:

Submid: 27 Januari 2022

Revisi (Road-1) 31 Maret 2022

Revisi (Road-2) 21 Mei 2022

Naskah diterima 20 Juni 2022

Publish 30 Juni 2022



[Home](#) [About](#) [Editorial Team](#) [Issue](#) [Submissions](#) [News](#) [Contact](#)

[Home](#) / [User](#) / [Author](#) / [Submissions](#) / #26216 / [Summary](#)

[Summary](#) | [Review](#) | [Editing](#)

Submission

Authors	Erie Hariyanto
Title	Public Trust in the Religious Court to Handle Dispute of Sharia Economy
Original file	26216-79922-1-SM.docx 2022-01-27
Supp. files	None
Submitter	Erie Hariyanto
Date submitted	January 27, 2022 - 05:42 AM
Section	ARTIKEL
Editor	Khamami Zada
Abstract Views	0

Status

Status	Published Vol 22, No 1 (2022)
Initiated	2022-06-30
Last modified	2022-06-30

Submission Metadata

Authors

Name	Erie Hariyanto
Affiliation	Faculty of Syariah IAIN Madura
Country	Indonesia
Bio Statement	—
Principal contact for editorial correspondence.	

Title and Abstract

P-ISSN: 1412-4734

E-ISSN: 2407-8646

[Focus and Scope](#)
[Publication Ethics](#)
[Reviewers](#)
[Online Submissions](#)
[Transfer of Copyright Agreement](#)
[Author Guidelines](#)



Citation indices All	Since 2016
Citations	859 817
h-index	13 13
i10-index	25 22

User

You are logged in as...

[eriehariyanto](#)
[My Journals](#)
[My Profile](#)
[Log Out](#)

Visitors

ID 159,638	EG 411
US 12,019	CN 405
MY 7,107	TR 316
IN 1,097	RU 314
NG 737	NL 310
GB 638	JP 310
SG 555	CA 300
SA 477	IR 288
PH 431	AU 287
ZA 414	PK 284
Pageviews: 540,579	
FLAG counter	

00481455

[View My Stats](#)

[Author](#)

Title and Abstract

Title	Public Trust in the Religious Court to Handle Dispute of Sharia Economy
Abstract	<p>Religious court is not empowered to seek justice in settling sharia economic disputes. Practitioners of sharia economy lack the enthusiasm to demonstrate the importance of a religious court in solving sharia economic disputes. At the same time, Muslims have often utilized a religious court to solve problems in family law such as divorce, inheritance disputes, applications for child custody, probate, and grants. This trend indicates a lack of public trust in the religious court. This study analyzes how public trust is the main obstacle to improving religious court services to resolve sharia economic disputes. The research is based on sharia economic cases that have been decided in the last fifteen years and interviews with some judges, advocates, and practitioners of sharia economy. The research findings showed that there are three key points on which public trust in religious courts remains low: (1) The historical development of religious courts and the incompleteness of laws and regulations to support the judicial process in resolving sharia economic disputes, (2) The business demand to deal with disputes effectively and efficiently as well as the factor of the lack of the supporting facilities and infrastructures; and (3) lack of legal literacy among Islamic economic practitioners to resolve disputes. Public trusts are crucial for Muslims to raise awareness and belief in the religious court. This macroscopic study requires microscopic analysis to see the anatomy of public perception of religious courts in solving sharia economic disputes.</p>

Author

[Submissions](#)
[Active \(0\)](#)
[Archive \(1\)](#)
[New Submission](#)

Abstrak

Peradilan Agama kurang dimanfaatkan untuk pencarian keadilan dalam sengketa ekonomi syariah. Mereka hanya memanfaatkan Peradilan Agama untuk memecahkan masalah dalam hukum keluarga seperti perceraian, sengketa kewarisan, permohonan hak asuh anak, wasiat dan hibah. Kecenderungan ini menjadi tanda dari rendahnya kepercayaan publik terhadap Peradilan Agama. Tulisan ini menganalisis bagaimana kepercayaan publik kepada Peradilan Agama menjadi kendala utama dalam pemanfaatan pelayanan untuk menyelesaikan sengketa ekonomi syariah. Fokus penelitian ini pada data perkara ekonomi syariah yang diputuskan pada lima belas tahun terakhir dan wawancara dengan sejumlah hakim, pengacara, dan pelaku ekonomi syariah. Hasil penelitian menunjukkan bahwa tiga prasyarat yang menjadi dasar lemahnya kepercayaan publik terhadap Peradilan Agama: (1) sejarah perjalanan Peradilan Agama dan aturan perundang-undangan yang tidak lengkap untuk mendukung proses penyelesaian sengketa ekonomi syariah; (2) tuntutan budaya bisnis dalam penyelesaian sengketa yang cepat efektif dan efisien serta kurangnya sarana dan prasana pendukungnya serta; (3) literasi hukum yang rendah di kalangan pelaku ekonomi syariah untuk menyelesaikan sengketa syariah di Peradilan Agama. Kepercayaan publik menjadi sangat krusial bagi umat Islam dalam meningkatkan kesadaran dan kepercayaan pada lembaga Peradilan Agama. Tulisan ini bersifat umum sehingga dibutuhkan suatu kajian yang bersifat khusus untuk dapat melihat anatomi persepsi publik terhadap Peradilan Agama

untuk menyelesaikan sengketa syariah di Peradilan Agama. Kepercayaan publik menjadi sangat krusial bagi umat Islam dalam meningkatkan kesadaran dan kepercayaan pada lembaga Peradilan Agama. Tulisan ini bersifat umum sehingga dibutuhkan suatu kajian yang bersifat khusus untuk dapat melihat anatomi persepsi publik terhadap Peradilan Agama dalam penyelesaian sengketa ekonomi syariah.

Indexing

Keywords Public Trust; Religious Court; Dispute of Shariah Economy; Law Literacy Regulations

Language en

Supporting Agencies

Agencies –

References

- References**
- Al Hasan, F. A. (2019). Peran Pengadilan Agama dalam Mendukung Perkembangan Industri Keuangan Syariah di Indonesia. *Al-Ahkam Jurnal Ilmu Syari'ah Dan Hukum*. <https://doi.org/10.22515/al-ahkam.v4i1.1329>
- Amiruddin. (2012). *Pengantar Metode Penelitian Hukum*. Grafindo Persada.
- Apriyandanu, E. (2018). Kedudukan Basyarnas Dalam Penanganan Kepailitan Perbankan Syariah Ditinjau Dari UU No. 21 Tahun 2008 Tentang Perbankan Syariah. *JURNAL USM LAW REVIEW*. <https://doi.org/10.26623/julr.v1i1.2230>
- Azheri, B. (2018). Urgency of the establishment of a special court for the resolution of Sharia economic dispute in the Religious Courts. *Journal of Legal, Ethical and Regulatory Issues*.
- Budiharto, & Sismarwoto, E. (2020). Freedom of contracts and dispute settlement between conventional banking and sharia banking. *International Journal of Economics and Business Administration*. <https://doi.org/10.35808/ijeba/438>
- Chen, J. V., Jubilado, R. J. M., Capistrano, E. P. S., & Yen, D. C. (2015). Factors affecting online tax filing - An application of the IS Success Model and trust theory. *Computers in Human Behavior*. <https://doi.org/10.1016/j.chb.2014.11.017>
- Daulay, H. R. (2021). Legal Reconstruction Settlement Of Sharia Capital Market Strengthening Regulatory Aspects To Provide Legal Certainty Disputes : 40, 161- 169.
- Faizal, B. T. W. (2021). Menakar Urgensi Pengaturan Pelaksanaan Dan Pembatalan Putusan Badan Arbitrase Syariah Nasional (BASYARNAS). *Ijlil*. <https://doi.org/10.35719/ijl.v1i01.73>
- Fitriyanti, F., Yunita, A., & Hamsin, M. K. (2020). Peningkatan Kualitas Kompetensi Arbiter Syariah Di Badan Arbitrase Syariah Nasional (BASYARNAS) Wilayah Diy. *Panrita Abdi - Jurnal Pengabdian Pada Masyarakat*. <https://doi.org/10.20956/pa.v4i3.7437>
- Foster, C., & Frieden, J. (2017). Crisis of trust: Socio-economic determinants of Europeans' confidence in government. *European Union Politics*. <https://doi.org/10.1177/1465116517723499>
- Gofar, A. (2017). The reform of the procedural religious court law based on islamic law in Indonesian legal system. *Sriwijaya Law Review*.

<https://doi.org/10.1080/21515581.2013.771502>

- Hariyanto, E. (2014). Penyelesaian Sengketa Ekonomi Syariah di Indonesia. *IQTISHADIA: Jurnal Ekonomi & Perbankan Syariah*, 1(1). <https://doi.org/10.19105/iqtishadia.v1i1.365>
- Hariyanto, E. (2016a). The Characteristic Settlement of The Syariah Banking Dispute In Religious Judiciary. *Universitas* 17 Agustus 1945.
- Hariyanto, E. (2016b). The Political Scrimmage of The Religious Court's Law as The Judicial Institution In The Reformation Era in Indonesia. *Al-Ihkam: Jurnal Hukum & Pranata Sosial*, 11(1), 178. <https://doi.org/10.19105/al-ihkam.v11i1.782>
- Hong, H. (2013). Government websites and social media's influence on government-public relationships. *Public Relations Review*. <https://doi.org/10.1016/j.pubrev.2013.07.007>
- Huberman, M. (1990). Linkage Between Researchers and Practitioners: A Qualitative Study. *American Educational Research Journal*. <https://doi.org/10.3102/00028312027002363>
- Hudawati, S. N. (2020). Problematika Hukum Formil Penyelesaian Sengketa Ekonomi Syariah di Pengadilan Agama. *Jurnal Penegakan Hukum Dan Keadilan*. <https://doi.org/10.18196/jphk.1102>
- Idri. (2009). RELIGIOUS COURT IN INDONESIA History and Prospect. *Journal of Indonesian Islam*, 03(02), 297–313.
- Im, T., Cho, W., Porumbescu, G., & Park, J. (2014). Internet, Trust in Government, and Citizen Compliance. *Journal of Public Administration Research and Theory*, 24(3), 741–763. <https://doi.org/10.1093/jopart/mus037>
- Isti'nanah, H., & Kusnadi, N. (2019). Existence of Religious Court in Indonesia as the Executor Mortgage Right of Islamic Bank Financing. *International Journal of Multicultural and Multireligious Understanding*.
- Jamal, M., Mahfudz, A. A., Syamsuri, S., & Handayani, R. (2021). Analysis of Alternative Dispute Resolution in non-litigation dispute resolution on Islamic Mortgage: at the Ombudsman Institution Yogyakarta. *TSAQAFAH*, 17(1). <https://doi.org/10.21111/tsaqafah.v17i1.6760>
- Jamaludin, M. J. (2020). Penanganan Sengketa Ekonomi Syariah Perspektif Cita Hukum di Pengadilan Tinggi Agama Semarang. *JURNAL AL-QARDH*. <https://doi.org/10.23971/jaq.v5i1.1882>
- Kamal, H. (2020). Analisis Penyelesaian Sengketa Ekonomi Syariah Pasca Putusan MK No. 93/PUU-X/2012. *Al Mashaadir : Jurnal Ilmu Syariah*. <https://doi.org/10.52029/jis.v1i1.4>
- Karmawan, K. (2020). Mediation in the Religious Courts of Indonesia. *AHKAM : Jurnal Ilmu Syariah*. <https://doi.org/10.15408/ajis.v20i1.13249>
- Kasim, A. (2021). THE SETTLEMENT OF SHARIA ECONOMIC DISPUTES IN INDONESIAN ISLAMIC CLASSIC TRADITIONS AND POSITIVE LAW. *Tasharruf: Journal Economics and Business of Islam*, 6(1), 54. <https://doi.org/10.30984/tjebi.v6i1.1414>
- Khasanah, K., Adinugraha, H. H., & Mayangsari, P. A. (2021). Online Dispute Resolution (ODR) as an Alternative Resolution of Sharia Economics in Indonesia. *Jhi*, 19, 21–42.
- Khosravi, M. (2020). Perceived Risk of COVID-19 Pandemic: The Role of Public Worry and Trust. *Electronic Journal of General Medicine*, 17(4), em203. <https://doi.org/10.29333/ejgm/7856>
- Lathifah, A. (2020). State Marriage and Civil Marriage: The Role of State Policy on Interreligious Marriage in Central Java. *Al-Ihkam: Jurnal Hukum Dan Pranata Sosial*, 15(1), 1–30. <https://doi.org/10.19105/AL-IHKAM.V15I1.2689>
- Marzuki, M., Yetta, Y., Badollahi, M. T., Ruslan, M., & Hanafi, S. (2021). The Implementation of Underage Marriage Dispensation in Palu Religious Court. *Review of International*
-

Underage Marriage Dispensation in Palu Religious Court. Review of International Geographical Education Online. <https://doi.org/10.33403/rigeo.800521>

Masriani, Y. T. (2016). THE POSITION OF NOTARIAL DEED IN THE SHARIA ECONOMIC DISPUTE. *Mimbar Hukum - Fakultas Hukum Universitas Gadjah Mada*. <https://doi.org/10.22146/jmh.15861>

Masse, R. A., & Rusli, M. (2018). Islamic Banking Dispute Resolution in National Sharia Arbitration Board. *IOP Conference Series: Earth and Environmental Science*, 175(1). <https://doi.org/10.1088/1755-1315/175/1/012169>

Mawardi, A. I., & Riza, A. K. (2019). Why did Kompilasi Hukum Islam succeed while its counter legal draft failed? A political context and legal arguments of the codification of Islamic law for religious courts in Indonesia. *Journal of Indonesian Islam*. <https://doi.org/10.15642/JIIS.2019.13.2.421-453>

Minardi, A. (2020). Two Lane Settlement of Sharia Economic Disputes Between Religious Court and National Sharia Arbitration Agency (BASYARNAS). *Indonesian Journal of Religion and Society*, 1(2), 126–137. <https://doi.org/10.36256/ijrs.v1i2.66>

Muhaimin, Husni, L., & Wira, L. (2021). Authoritative Institution In Disputes Resolution In The Conversion Of Conventional Bank To Sharia Bank. *Journal of Legal, Ethical and Regulatory Issues*, 24(4), 1–8.

Mukhametzaripov, I. (2020). Religious Courts in Modern European States. *Sovremennaya Evropa*. <https://doi.org/10.15211/soveurope32020148157>

Mukhametzaripov, I. A. (2020). Foreign scientific discourse about religious courts in a secular state. *Religiovedenie*. <https://doi.org/10.22250/2072-8662.2020.1.114-122>

Musjtari, D. N., Riyanto, B., & Setyowati, R. (2019). Reformulation of mediation in dispute settlement on Islamic banking. *Humanities and Social Sciences Reviews*. <https://doi.org/10.18510/hssr.2019.7424>

MUSRIFAH, M., & KHAIRUNISA, M. (2020). PENYELESAIAN SENGKETA EKONOMI SYARIAH MELALUI ARBITRASE SYARIAH. *Al-Amwal*. <https://doi.org/10.36341/al-amwal.v9i1.142>

Mustofa, K. N. (2019). Submission of Marital Dispensation for Religious Courts in Central Java: Study of Minimum Pair Age Standards Along With Judge's Attitudes and Wisdomes. *Journal de Jure*, 11(1), 63. <https://doi.org/10.18860/j-fsh.v11i1.6611>

Nunkoo, R., Ramkissoon, H., & Gursoy, D. (2012). Public trust in tourism institutions. *Annals of Tourism Research*, 39(3), 1538–1564. <https://doi.org/10.1016/j.annals.2012.04.004>

Osman, O., & Abdillah, K. (2019). HUKUM MATERIIL PENYELESAIAN SENGKETA EKONOMI SYARIAH (TINJAUAN UNDANG-UNDANG DAN HUKUM ISLAM). *Al Huquq: Journal of Indonesian Islamic Economic Law*, 1(1), 31–52. <https://doi.org/10.19105/ALHUQUQ.V1I1.2646>

Otoritas jasa Keuangan. (2020). Perkembangan Bank Syariah. <https://www.ojk.go.id/id/kanal/syariah/berita-dan-kegiatan/publikasi/Pages/Snapshot-Perbankan-Syariah-Indonesia-Maret-2020.aspx>

Rian Andhika, L. (2018). Meningkatkan Kepercayaan Publik Terhadap Pemerintah Melalui Redesain Proses Kebijakan. *JIP (Jurnal Ilmu Pemerintahan) : Kajian Ilmu Pemerintahan Dan Politik Daerah*. <https://doi.org/10.24905/jip.3.1.2018.24-42>

Ridwan, R., Zain, M. F., & Maula, B. S. (2021). The Mapping of Sharia Economic Dispute Decisions in Religious Courts. <https://doi.org/10.4108/eai.18-11-2020.2311813>

Peridah, Z. N. (2020). Limitation of Application of Sharia Principles in Sharia Economic

Rian Andhika, L. (2018). Meningkatkan Kepercayaan Publik Terhadap Pemerintah Melalui Redesain Proses Kebijakan. *JIP (Jurnal Ilmu Pemerintahan) : Kajian Ilmu Pemerintahan Dan Politik Daerah*. <https://doi.org/10.24905/jip.3.1.2018.24-42>

Ridwan, R., Zain, M. F., & Maula, B. S. (2021). The Mapping of Sharia Economic Dispute Decisions in Religious Courts. <https://doi.org/10.4108/eai.18-11-2020.2311813>

Rosidah, Z. N. (2020). Limitation of Application of Sharia Principles in Sharia Economic Dispute Resolution in Religious Courts. *Journal of Morality and Legal Culture*. <https://doi.org/10.20961/jmail.v1i1.44749>

Rosidah, Z. N., & Karjoko, L. (2021). Orientasi Filosofis Hakim Pengadilan Agama Dalam Menyelesaikan Sengketa Ekonomi Syariah. *Jurnal Hukum Ius Quia Iustum*. <https://doi.org/10.20885/iustum.vol28.iss1.art8>

Rosidah, Z. N., & Mahfiana, L. (2020). Efektivitas Penerapan Prinsip-Prinsip Syariah Dalam Penyelesaian Sengketa Ekonomi Syariah di Badan Arbitrase Syariah Nasional (Basyarnas).

TAWAZUN : Journal of Sharia Economic Law. <https://doi.org/10.21043/tawazun.v3i1.7529>

Sakti, T. I., Kusuma, V., Pratama, A. P., & ... (2021). PUTUSAN SENGKETA EKONOMI SYARIAH PENGADILAN NEGERI PASAMAN BARAT TENTANG PUTUSAN ARBITRASE BPSK KABUPATEN BATUBARA NOMOR *Jurnal*

Salim, M., Peng, X., Almaktary, S., & Karmoshi, S. (2017). The Impact of Citizen Satisfaction with Government Performance on Public Trust in the Government: Empirical Evidence from Urban Yemen. *Open Journal of Business and Management*, 05(02), 348–365. <https://doi.org/10.4236/ojbm.2017.52030>

Samin, S. B. B. (2020). Peran Pengadilan Agama Dalam Praktik Penyelesaian Sengketa Ekonomi Syariah. *Syarikat: Jurnal Rumpun Ekonomi Syariah*.

Silalahi, U. (2011). Kepercayaan Publik kepada Pemerintah Daerah Pasca Orde Baru. *Ilmu Akuntansi Negara*.

Siswajanthi, F. (2021). Gugatan Sederhana Dalam Penyelesaian Sengketa Ekonomi Syariah Di Indonesia. *Pakuan Law Review*.

Subramanian, N. (2017). Islamic Norms, Common Law, and Legal Reasoning: Muslim Personal Law and the Economic Consequences of Divorce in India. *Islamic Law and Society*, 24(3), 254–286. <https://doi.org/10.1163/15685195-00243p03>

Sufiarina, S. (2014). URGENSI PENGADILAN AGAMA SEBAGAI PENYELESAI SENGKETA EKONOMI SYARIAH. *Jurnal Hukum & Pembangunan*. <https://doi.org/10.21143/jhp.vol44.no2.21>

Sugiyono. (2009). *Metode Penelitian Kuantitatif, Kualitatif dan R&D*. Alfabeta.

Sulistiyowati, S. (2015). Penyelesaian Sengketa antara Bank Shari'ah dengan Nasabah Bermasalah melalui Badan Arbitrase Shari'ah Nasional (BASYARNAS) menurut UU No. 30 tahun 1999. *ISLAMICA: Jurnal Studi Keislaman*. <https://doi.org/10.15642/islamica.2014.9.1.193-222>

Syarif, F. (2019). Perkembangan Hukum Ekonomi Syariah di Indonesia. *Pleno Jure*, 8(2), 1–16. <https://doi.org/10.37541/plenojure.v8i2.38>

Vinet, L., & Zhedanov, A. (2010). A "missing" family of classical orthogonal polynomials. *Dissertation Abstracts International*. <https://doi.org/10.1088/1751-8113/44/8/085201>

Wahyudi, F. (2019). THE QUO VADIS OF BANCKRUPT SETTLEMENT AND PKPU LAWS ON SHARIA BANKING. *Jurnal Hukum Dan Peradilan*.

Law and the Economic Consequences of Divorce in India. *Islamic Law and Society*, 24(3), 254–286. <https://doi.org/10.1163/15685195-00243p03>

Sufiarina, S. (2014). URGENSI PENGADILAN AGAMA SEBAGAI PENYELESAI SENGKETA EKONOMI SYARIAH. *Jurnal Hukum & Pembangunan*. <https://doi.org/10.21143/jhp.vol44.no2.21>

Sugiyono. (2009). *Metode Penelitian Kuantitatif, Kualitatif dan R&D*. Alfabeta.

Sulistiyowati, S. (2015). Penyelesaian Sengketa antara Bank Shari'ah dengan Nasabah Bermasalah melalui Badan Arbitrase Shari'ah Nasional (BASYARNAS) menurut UU No. 30 tahun 1999. *ISLAMICA: Jurnal Studi Keislaman*. <https://doi.org/10.15642/islamica.2014.9.1.193-222>

Syarif, F. (2019). Perkembangan Hukum Ekonomi Syariah di Indonesia. *Pleno Jure*, 8(2), 1–16. <https://doi.org/10.37541/plenojure.v8i2.38>

Vinet, L., & Zhedanov, A. (2010). A "missing" family of classical orthogonal polynomials. *Dissertation Abstracts International*. <https://doi.org/10.1088/1751-8113/44/8/085201>

Wahyudi, F. (2019). THE QUO VADIS OF BANCROUPT SETTLEMENT AND PKPU LAWS ON SHARIA BANKING. *Jurnal Hukum Dan Peradilan*. <https://doi.org/10.25216/jhp.8.1.2019.1-20>

Wahyuningsih, R. D. (2011). Membangun Kepercayaan Publik Melalui Kebijakan Sosial Inklusif. *Jurnal Ilmu Sosial Dan Ilmu Politik*, 15(1), 29–40. <https://doi.org/10.22146/jsp.10923>

Widaningrum, A. (2017). Public Trust and Regulatory Compliance. *Jurnal Ilmu Sosial Dan Ilmu Politik*. <https://doi.org/10.22146/jsp.28679>

Wu, Y., Sun, I. Y., & Hu, R. (2016). Public trust in the Chinese police: The impact of ethnicity, class, and Hukou. *Australian and New Zealand Journal of Criminology*. <https://doi.org/10.1177/0004865814554309>

Yahya, I. (2017). Sengketa Ekonomi Syariah di Indonesia Pasca Putusan Mahkamah Konstitusi Nomor 93/PUU-X/2012. *Al-Manahij: Jurnal Kajian Hukum Islam*. <https://doi.org/10.24090/mnh.v10i1.921>

Yanti, I., Addiarrahman, & Badaruddin. (2016). Quo Vadis Of Religious Court On The Development Of Sharia Economic Law In Indonesia. *Al-Risalah*, 16(2), 255–267. <https://doi.org/https://dx.doi.org/10.30631/al-risalah.v16i02.311>

Zain, N. H. M., & Rosidah, Z. N. (2018). Strengthening Sharia Arbitration As a Model of Banking Dispute Resolution. *Seajbel.Com*, 17(4), 54–58.

Zainuddin Ali. (2013). *Metode Penelitian Hukum* (4th ed.). Sinar Grafika.

Policies

Focus and Scope
Section Policies
Peer Review Process
Open Access Policy
Archiving

Submissions

Online Submissions
Author Guidelines
Copyright Notice
Privacy Statement

Other

Journal Sponsorship
Site Map
About this Publishing System

Share

 Tweet
 Share 0


[Home](#) / [User](#) / [Author](#) / [Submissions](#) / #26216 / [Review](#)
[Summary](#) | [Review](#) | [Editing](#)

Submission

Authors	Erie Hariyanto
Title	Public Trust in the Religious Court to Handle Dispute of Sharia Economy
Section	ARTIKEL
Editor	Khamami Zada

Peer Review

Round 1

Review Version	26216-79923-1-RV.docx 2022-01-27
Initiated	2022-05-31
Last modified	2022-06-19
Uploaded file	Reviewer A 26216-80231-1-RV.docx 2022-06-02

Editor Decision

Decision	Accept Submission 2022-06-20
Notify Editor	Editor/Author Email Record 2022-06-02
Editor Version	None
Author Version	26216-80309-1-ED.docx 2022-06-04 Delete 26216-80309-2-ED.docx 2022-06-20 Delete
Upload Author Version	<input type="button" value="Choose File"/> No file chosen <input type="button" value="Upload"/>

P-ISSN: 1412-4734

E-ISSN: 2407-8646

Focus and Scope
Publication Ethics
Reviewers
Online Submissions
Transfer of Copyright Agreement
Author Guidelines



Citation indices All Since 2016

Citations	859	817
h-index	13	13
i10-index	25	22

User

You are logged in as...

eriehariyanto

[My Journals](#)
[My Profile](#)
[Log Out](#)

Visitors

ID 159,638	EG 411
US 12,019	CN 405
MY 7,107	TR 316
IN 1,097	RU 314
NG 737	NL 310
GB 638	JP 310
SG 555	CA 300
SA 477	IR 288
PH 431	AU 287
ZA 414	PK 284

Pageviews: 540,591



08481456

[View My Stats](#)

Author

PUBLIC TRUST IN THE RELIGIOUS COURT TO HANDLE DISPUTES IN SHARIAH ECONOMY

Erie Hariyanto

Faculty of Syariah State Institute for Islamic Studies Madura, erie@iainmadura.ac.id

Abstrak:

Peradilan Agama kurang dimanfaatkan dalam pencarian keadilan atas sengketa ekonomi syariah. Pelaku ekonomi syariah kurang antusias dalam memanfaatkan Lembaga peradilan agama dalam memecahkan sengketa ekonomi syariah, sementara umat islam telah terbiasa memanfaatkan peradilan agama untuk memecahkan masalah dalam hukum keluarga seperti perceraian, sengketa kewarisan, permohonan hak asuh anak, wasiat dan hibah. Kecenderungan ini menjadi tanda dari rendahnya kepercayaan publik terhadap peradilan agama. Tulisan ini menganalisis bagaimana kepercayaan public kepada Peradilan Agama menjadi kendala utama dalam pemanfaatan layanan Peradilan Agama untuk menyelesaikan sengketa ekonomi syariah. Penelitian didasarkan pada data perkara ekonomi syariah yang telah diputuskan dalam lima belas tahun terakhir dan wawancara dengan sejumlah hakim, advoket, pelaku ekonomi syariah dan para pihak terkait. Hasil penelitian menunjukkan bahwa tiga prakondisi yang menjadi dasar lemahnya public trust terhadap peradilan agama: (1) Sejarah Perjalanan Peradilan Agama dan aturan perundang-undangan yang tidak lengkap untuk mendukung proses peradilan penyelesaian sengketa ekonomi syariah, (2) Tuntutan budaya bisnis dalam penyelesaian sengketa yang cepat efektif dan efisien juga faktor dan kurangnya sarana dan prasarana pendukungnya serta (3) Literasi hukum yang rendah di kalangan pelaku ekonomi syariah untuk menyelesaikan sengketa syariah di Peradilan Agama. *Public trust* menjadi sangat krusial bagi umat Islam dalam meningkatkan kesadaran dan kepercayaan pada lembaga peradilan agama. Tulisan ini bersifat makro sehingga dibutuhkan suatu kajian yang bersifat mikroskopis untuk dapat melihat anatomi persepsi public terhadap peradilan agama dalam penyelesaian sengketa ekonomi syariah.

Keywords: *Public Trust; Religious Court; Dispute of Shariah Economy; Law Literacy, Regulations*

Abstract:

The religious court is not empowered considerably to seek justice in settling sharia economic disputes. Practitioners of sharia economy lack enthusiasm to demonstrate the importance of religious court in solving sharia economic disputes. At the same time, Muslims have often utilized a religious court to solve problems in family law, such as divorce, inheritance disputes, applications for child custody, probate and grants. This trend indicates a lack of public trust in the religious court. This study analyses how public trust is the main obstacle to improving religious court services to resolve sharia economic disputes. The research is based on data on sharia economic cases that have been decided in the last fifteen years and interviews with a number of judges, advocates, practitioners of sharia economy and relevant parties. The research findings showed that there are three key points on which public trust in religious courts remains low: (1) The historical development of religious courts and incompleteness of laws and regulations to support the judicial process in resolving sharia economic disputes, (2) The business demand to deal with disputes effectively and efficiently as well

Commented [A1]: This paper aims to explain public trust in religious courts in resolving disputes. There are a few items that still need to be explained in this manuscript:

1. The background has not shown significant research problems, so this research is essential.
2. Reviewers have not seen a significant contribution from this research. The paper only describes other research without giving criticism and suggestions that show contradictions or support from existing research results.
3. No novelty
4. Implications and recommendations have not yet been found in the conclusions.
5. The manuscript has massive grammatical error that urgently to be fixed.

as the factor of the lack of the supporting facilities and infrastructures and (3) lack of legal literacy among Islamic economic practitioners to resolve disputes. Public trusts are crucial for Muslims to raise awareness and belief in the religious court. This macroscopic study requires a microscopic analysis to see the anatomy of public perception of religious courts in solving sharia economic disputes.

Commented [A2]: The abstract should be around 150-160 words

Keywords: *Public Trust; Religious Court; Dispute of Shariah Economy; Law Literacy, Regulations*

A. Introduction

The rapid development of Islamic financial institutions is not counterbalanced by the legal readiness, in this case, in a religious court, by which this institution is to provide justice and legal certainty in Sharia economic disputes. By 2022 there are 14 Sharia Commercial Banks, 20 Sharia Business units and 163 BPRS with total assets of 443.360 billion (Financial Services Authority, 2022). Almost all of its transaction agreement is based on sharia contracts, possibly causing various Sharia economic disputes. To achieve justice, law enforcement agencies for parties who have a dispute relating to the sharia economy are paramount importance. This is quite different from family law, which is institutionally more established (Hariyanto, 2016a, p. 98). The religious court's significant role is crucial as the shari'ah economic disputes have proliferated since the growing interest of the people in Indonesia – especially the Muslim community – towards Islamic business development.

Commented [A3]: Be consistent in writing the word sharia/Sharia

To date, a study on the authority of the religious court in resolving sharia economic disputes has little attention to the aspects of public opinion, especially sharia economic practitioners deal with sharia economic disputes in the religious court. A few studies tend to look at three things. *First*, there is an absolute authority in the religious court to settle sharia economic disputes and to handle sharia economic disputes, and there is still a dualism of the designated litigation institutions, namely the district court and religious court (Jamaludin, 2020; Kamal, 2020; Musrifah & Khairunisa, 2020; Samin, 2020; Sufiarina, 2014; Yahya, 2017). *Second*, a study on the judge's consideration and *ijtihad* in deciding on legal disputes concerning sharia economic cases as an absolute authority (Hudawati, 2020; Osman & Abdillah, 2019; Rosidah & Karjoko, 2021; Sakti et al., 2021; Siswajanthy, 2021). *Third*, the study on settling Islamic economic disputes through alternative resolution: mediation and arbitration through BASYARNAS and its relationship with religious court (Apriyandanu, 2018; Faizal, 2021; Fitriyanti et al., 2020; Minardi, 2020; Rosidah & Mahfiana, 2020; Sulistyowati, 2015)

Commented [A4]: Unclear

Commented [A5]: Unclear. Revise this sentence

On point three, a few studies tend to analyze the religious court's authority to resolve sharia economic disputes from the legal perspective and the position of the religious court in resolving disputes instead of conciliation, banking mediation and arbitration forums conducted by BASYARNAS or OJK. These studies do not look at how public trust is maintained by sharia practitioners who come to religious courts if they experience conflicts and

Commented [A6]: Provide more detailed information about this institution.

Commented [A7]: Ungrammatical phrase. Please revise it!

Commented [A8]: Give the abbreviations of these two terms!

disputes in sharia economy in order to obtain a fair trial under sharia perspective.

It is a known fact that in the last 16 years, religious courts can only produce 1,641 regulations and peace certificates (putusan3.mahkamahagung.go.id) despite the fact ~~that~~ the number of disputes in the Islamic economic industry has increased substantially. Economic disputes continue to increase, and it is estimated that there are 1,200 sharia disputes in 2021, as reported by the Financial Services Authority (OJK). Of course, the number in the field is greater (Mardi: 2020) (<https://www.tribunnews.com>). This issue has emerged as a national issue in various media but has not been carefully researched. The news is reported the following: Kampung kurma, Sharia Investment *bodong* under the sharia rules (Business Coil;2020), Fraud cases involving sharia-compliant housing (DetikNew.com: 2021) (Kompas.com: 2021); consumer dispute case for financial dominance (Bisnis.com: 2021). This issue was already studied by Hariyanto (2016) (Karmawan, 2020) (Mustofa, 2019). Two main studies were shown in these studies: lack of awareness about the use of religious courts and poor institutional performance of religious courts in handling cases of sharia economic disputes. In line with this, a thorough understanding of why the economic courts are limited to utilize in resolving Islamic economic disputes is very much needed.

This study aims to follow up on previous studies that are still limited and still examine normative aspects. In this study, a special review of preconditions led to a bit of interest from practitioners of sharia economy in convincing religious court institutions to solve sharia economic disputes. The minor role of religious court institutions can be seen from institutional competence for one thing and the awareness of Islamic economic practitioners for another thing. These practitioners have difficulty running a business and dealing with legal problems. Various sharia economic disputes require legal authority to settle from the sharia perspective.

Here are three arguments to support this study. *First*, empowering a religious court requires adequate legal in providing an umbrella act for various dispute resolutions. *Second*, the religious court's ability to carry out legal functions is largely determined by the adequacy and quality of human resources and infrastructure to meet the demand for business practitioners to settle disputes effectively. *Third*, the judicial process can run well with an adequate literacy level of Islamic economic practitioners in various aspects of sharia economic law.

B. Method

The lack of enthusiasm in the religious court in dealing with sharia economic disputes is a problem that needs to be solved amidst the growing national sharia economy, considering that its role as a special judiciary has absolute authority. On the ideal and sociological level, the religious court becomes the focus of muslims' hopes to achieve justice and legal certainty in business activities

Commented [A9]: Wrong citation. Follow the author guidelines.

Commented [A10]: Italic

Commented [A11]: Change to English terms!

Commented [A12]: Wrong citation. Follow the author guidelines.

Commented [A13]: Wrong citation. Follow the author guidelines.

Commented [A14]: Unclear. What previous studies?

Commented [A15]: There

Commented [A16]: This paragraph should be in conclusion. You have not mention your research problems and questions that lead to your research analysis and methods.

according to sharia. Public trust in business practitioners is crucial for Muslims in raising awareness and fostering a belief in the religious court. Indonesia is the country with the largest Muslim population in the world. It is the center of sharia economy in Southeast Asia, so there needs to be a guarantee of legal protection for justice and legal certainty in settling sharia economy.

Commented [A17]: Unnecessary paragraphs. Consider to omit this

The data were obtained from a qualitative research process related to public trust towards the religious court, which is seen from the lack of decisions and peaceful settlement of sharia economic disputes in the last 15 years (putusan3.mahkamahagung.go.id). Secondary data were acquired through media coverage that can be accessed online (Amiruddin, 2012). These data have become evidence that illustrates the lack of public trust in the religious court to handle sharia economic disputes. This study involves sharia economic practitioners and judges involved in the contract process and the settlement of sharia economic disputes. R

Respondents in this study include leaders of Islamic economic institutions, sharia cooperatives and judges who were selected randomly based on job diversity in the context of public trust in religious courts to settle sharia economic disputes.

Commented [A18]: How many respondent?

This study is based on complete data, ranging from verdicts in sharia economic disputes, mapping news and reports from secondary sources, conducting interviews, and focus group discussions. Secondary sources are obtained by reading a series of online news and reports, which are further recorded and mapping data collected thematically (Sugiyono, 2009). The offline interviews were conducted with the heads of Islamic economic institutions and judges and maintained health protocols. Some other online interviews were conducted using video calls through the WhatsApp application. FGD was held using Zoom media with the board of the Sharia Economic Community (MES) association, and the administrator of the Indonesian Sharia Lawyers Association (APSI) to dig up data on how public trust in the religious court handle sharia economic disputes

Commented [A19]: How do you connect both literature data and interviews. Please explain the details in this section

Data were analyzed using Huberman analysis techniques (1990) to describe the major phases of data analysis: data reduction, data display and verification. Methods for collecting data were carried out by selecting and sorting data by thematic mapping techniques. Furthermore, the data were displayed in tables and narrative quotations while maintaining the originality of the data (Zainuddin Ali, 2013). The use of triangulation of data sources did data verification. Restatement methods and description then analyzed the structured data. Re-statements are done by re-quoting informant statements in the interview excerpts to present a point of view on public trust (Amiruddin, 2012). The description was done by mapping the pattern of the tendency of public distrust of the religious court in resolving sharia economic disputes. All these stages became the basis for the collection of the research findings.

C. Dynamics of Religious Court Authority in Resolving Sharia Economic Disputes in Indonesia

The religious court develops dynamically over time and is influenced by the guidance of religious norms expressed by a particular part of the population, ranging from the need for ethnocultural identification to authority, religious leaders,

Commented [A20]: Finding and discussion? Please check author guidelines of AHKAM

efficiency and the high cost in the secular court (Mukhametzaripov, 2020; Idri, 2009; Karmawan, 2020). Therefore, religious court is maintained so that legal trust and certainty can be realized effectively and efficiently in ensuring public confidence for justice seekers (Azheri, 2018; Gofar, 2017; Marzuki et al., 2021). Despite the fact that the power of the religious court significantly weakens, the existence of religious court is still demanded by muslim communities and believers whose initial role is a counseling, reconciliation (Mukhametzaripov, 2020), and mediation processes (Musjtari et al., 2019). The religious court is a special judicial institution within the framework of a law that is given absolute flexibility to resolve civil disputes among Muslims. It is to ensure the functioning or non-functioning of religious associations normally and to refer to religious norms in the modern era to prevent and guarantee religious believers' rights in resolving sharia economic disputes (Mukhametzaripov, 2020).

The values of Islamic justice are philosophically and substantively different from substantive judicial normative law. The normative law or civil procedures composed with an approach of individualism, secular, and the optical properties of the nature of legal dispute become a fundamental differentiator over Islamic justice (Gofar, 2017; Isti'annah & Kusnadi, 2019). In line with that, the religious court tends to be based on the philosophical values of Islam (Gofar, 2017), where the religious court also has authority to resolve disputes in regard to sharia fields, such as divorce and economic disputes (Azheri, 2018). In other words, the religious court can facilitate various kinds of conflict resolution based on religious norms in accordance with the social context of people (Gofar, 2017; Mawardi & Riza, 2019; I. Mukhametzaripov, 2020). Mukhametzaripov (2020) further said that religious court, in certain situations, can also be utilized as an element of religious gathering with inherent functions designed to meet the needs of religious organizations and social groups which are just and humane.

The rapid development of Sharia business activities and Islamic financial institutions has given rise to potential disputes between the parties (Kasim, 2021; Rosidah, 2020; Khasanah et al., 2021). In Indonesia, the passage of the Law of the Republic of Indonesia Number 3 of 2006 concerning religious court is a response to one form of the Indonesian government in response to the increasing cases of sharia economic disputes to date (Al Hasan, 2019). The basic principles in resolving Sharia economic disputes must be based on mediation to provide benefits for the parties involved in dispute and have to conform to the moral and cultural values of the community. The disputes are supposed to be resolved quickly, correctly, and cheaply so as not to take a lot of energy, time, and thought through the concept of *al-tahkum* and if this cannot be settled, the resolution of sharia economic disputes can use *al-gadha* (Masriani, 2016; Masse & Rusli, 2018; Vinet & Zhedanov, 2010). Therefore, sharia economic disputes must be resolved in different ways. Dispute resolution in Islamic Law is known as *sulh* and *tahkim* which discovers ways to reconcile through litigation and nonlitigation (Kasim, 2021).

In *murabahah* contracts, debtors who are in the process of instalment payment agreements and auctions of collateral goods often experience obstacles (Ridwan et al., 2021), such as business disputes in the case of sharia mortgages (KPR) in Yogyakarta (Jamal et al., 2021), and disputes on the capital market

(Daulay, 2021). Zain & Rosidah (2018) also said the religious court is essential in resolving sharia business disputes such as bad credit land loans. Although the parties have agreed to resolve disputes through arbitration bodies, they must still get approval from the head of the state religious court. In line with that, economic disputes also arise to apply for contracts in banking, especially in conventional and Islamic banks, where these problems lie in the credit process that obscures the rights and obligations between parties (Budiharto & Sismarwoto, 2020). To settle sharia economic disputes, the authorized institution is the religious court, and for the settlement of non-litigation pathways are resolved through deliberation, mediation, and BASYARNAS (Muhaimin et al., 2021).

The resolution of economic disputes requires an adequate umbrella act. The weakness of using a religious court lies in the unavailability of sufficient laws and regulations to be used as the basis of a legal ruling. Law No. 3 of 2006 on the religious court in a hierarchical manner, there is still a legal vacuum due to the absence of derivative rules that can ensure the given absolute authority by which this can run as it should be. The absolute authority of the religious court is outlined in Article 49, letter (i) of the Religious Court Law. It states that the sharia economy is an act or business activity carried out according to the principles of sharia, such as sharia banks, sharia microfinance institutions, sharia insurance, sharia reinsurance, sharia investment funds, sharia bonds and medium-term sharia securities, sharia securities, sharia financing, sharia mortgage, pension funds for sharia financial institution and sharia businesses. The regulations of sharia disputes are illustrated in the following table 1:

Table 1: Legal Norms in Handling Sharia Economic Disputes in Indonesia

No.	Regulations	Influences on Handling Sharia Economic Disputes
1	Regulations Number 3 the Year 2006 about Religious Court, article 49 (i)	The first legal source of the absolute authority of religious courts in the sharia economic dispute resolution
2	Regulations Number 21 Year 2008 about Sharia Banking	Giving rise to the dualism of sharia economic dispute resolution through district courts and religious courts
3	Constitutional Court Number 93/PUU/X/2012	The judgement of the Constitutional Court declaring the settlement of sharia disputes is the absolute authority of the Religious Court
4	The Regulation of Supreme Court of the Republic of Indonesia No. 2 of 2008 Compilation of Sharia Economic Law (KHES)	A guideline for judges in adjudicating disputes as a material law of sharia economic law and non-binding to society at large
5	Supreme Court Regulation No. 14 of 2016 concerning Procedures for Settlement of Sharia Economic Cases	A guideline for judges in adjudicating sharia economic disputes, as a formal law (procedural law) for simple cases and non-binding to society at large
6	Supreme Court Regulation Number 1 of 2016 concerning mediation procedure in court	The rule for the implementation of judicial mediation, where all Islamic economic cases must be carried out

Commented [A21]: These paragraphs seemed a literature review. If you are trying to discuss some findings from other research, please elaborate them with your critics and sharpen with the argumentation either you support or against them.

Commented [A22]: So many grammatical errors.

		through peaceful efforts by the mediator and non-binding to society at large
7	Supreme Court Regulation Number 1 of 2019 concerning the administration of cases and proceedings in court electronically	A guideline in conducting trials electronically with E-Court media and non-binding to society at large
8	Supreme Court Regulation Number 4 of 2019 changes to Supreme Court Regulation Number 2 of 2015 regarding resolution procedures against lawsuits	A guideline in carrying out the trial against lawsuits, including sharia disputes where the material claim has a value under 500,000,000 and is non-binding to society at large

The authority of the religious court in resolving disputes in sharia economy should be strengthened by the emergence of laws and regulations at the bottom such as Government Regulations. The regulation provides more technicalities on how Islamic economic practitioners can take advantage of the access to achieve justice in a dispute. Regulatory support of absolute authority in handling Sharia disputes is the Supreme Court of the Republic of Indonesia Regulation No. 2 of 2008 Compilation of Sharia Economic Law (KHES), Supreme Court Regulation No. 14 of 2016 concerning Procedures for Settlement of Sharia Economic Cases. The weakness of PERMA is that it is more binding into (Judges) and quite different from the law that generally binds to all levels of society. An interview with the judge of the Pamekasan Religious Court supported this:

Commented [A23]: What is it?

In addition to Law No.3 of 2006 and article 55 of Law No.21 of 2008, the judges also use another law, law number 21 of 2008, which supports the resolution of Sharia economic disputes through PERMA, which supports this authority. Sharia banking must improve the system and properly implement contract agreements, because the judge only develops the existing theories. The judge uses *ijtihad* to adjudicate when there is no regulation. (Wawancara dengan Ibu Farhanah, 21 September 2021)

Commented [A24]: Write it in English!

The strategy of dispute resolution in Islamic banking law that is not regulated in one specific article, and even the authority of the religious court is only put in the explanation of the article, will become an important lesson in dispute regulation in the future. The need for regulations to increase public trust in the religious court should have complete regulations such as the Sharia Economic Law, as a material law and the procedural law on religious court that regulate the procedures for proceedings in the court in handling sharia economic dispute cases which is not just a supreme court regulation that is only binding on judges and parties during proceeding. It is necessary to synchronize and interconnect between laws and regulations governing Islamic economic governance until and management in case of dispute. Regulations that ensure the availability of human resources and facilities in religious courts that support the process of the sharia economic dispute in accordance with a fast, simple, low-cost principle through adopting technological developments in electronic courts including e-Courts enforcement, tighten on the trigger so that sharia financial practitioners can trust

religious court in resolving Sharia economic disputes, as stated by the members of Regional Executive Board (DPW) the Sharia Economic Community:

Sharia financial practitioners must be absolutely committed to the rules that have been passed by the Legislature and the Government, so that there is no door to negotiate with each other on a dispute that has occurred in sharia finance. If the dispute resolution in the contract needs to be enforced by parties such as binding laws, so it is necessary to have an escort from the Panel of Judges who guards everything about the regulation of Islamic finance. In the realm of laws, judges must be really ready to try sharia economic cases with an understanding of material Law and procedural Law (Rudi Haryanto Interview, DPW MES East Java, April 11, 2022).

The religious court has exercised its authority in resolving disputes in the field of family law and Sharia economy in accordance with Law No. 3 of 2006 jo Law No. 50 of 2009 because it already has a long history of handling family law cases. The parties when do contract or agreement are given the freedom to choose which the dispute resolution will be taken, but if they result in failure, they will take the dispute to the religious court. The religious court is a judiciary that has absolute competence in handling sharia disputes stated in the religious court law which is strengthened by the constitutional court decision No. 93 /PUU/X/2012 (Wahyudi, 2019; Yahya, 2017).

The interpretation of article 55 the Islamic Banking Law leads to polemics in the community related to the process of resolving Sharia economic disputes. Of course, this causes a bad response so as to show public distrust in government because it is considered inconsistent in the formulation of sharia economic dispute resolution rules in the religious court law and sharia banking law before reaffirming in the constitutional court judgement. However, this still affects public perception how government legislation makes policies in the Islamic economic Law (Hong, 2013)

The resolution of economic disputes eventually can be done in the religious court, as suggested by law. Therefore, there needs to be a guarantee for the sustainability due to the potential development of sharia economic markets at the national and global levels (Khasanah et al., 2021). Also, constructive steps are supposed to be taken between Islamic economic practitioners, courts and non-litigation institutions such as the Financial Services Authority (OJK), National Sharia Arbitration Agency (BASYARNAS), Sharia Mediator Association, sharia lawyers in the Indonesian Sharia Lawyer Association (APSI) to urge the government to enact a sharia economic law that regulates all aspects of Sharia economy in a codification of law so that inconsistencies and disharmonies can be avoided.

D. Human Resources and Infrastructure Readiness to Create the Principle of Fast, Simple and Low-Cost in Religious Court

Resources are a crucial factor that determines the quality of service in the Religious Court. The weakness of human resources, either quantitatively or qualitatively, will affect the public's perception of the performance of the Religious Court in resolving sharia economic disputes. At least there are three things as the basis of the weakness of human resources. *First*, limited skills (competencies) are a weak

point. In this case, this refers to limited judges who have the competence to resolve sharia economic disputes because the number is limited, where the judge who adjudicated must have competency certification as a sharia economic judge (Hariyanto, 2014). The practitioners of Sharia economy are reluctant due to the expectation to handle disputes with principle of simple and fast like an alternative dispute resolution.

Second, one drawback to handle sharia economic disputes is mainly caused by the Religious Court as a judiciary intended for muslim that becomes a reference for the resolution of civil disputes between Muslims. To deal with sharia economic disputes are a new set of things as the enactment of the religious court law in 2006 compared to the authority in the settlement of family law that has existed since hundreds of years ago. Therefore, this will be collective responsibilities in the development of human resource quality (Syarif, 2019; Yanti et al., 2016,).

Third, the Supreme Court's commitment from time to time since the enactment of the religious court law has gone up and down in regard with policies in the development of human resources and infrastructure. In the last ten years this has increased significantly in religious court buildings throughout Indonesia. This is a plus point in handling sharia economic disputes because the building is of significant for sharia cooperative or sharia banking. The Supreme Court's policy stakeholder is the key to changing the character of modern religious courts to always follow the development of dynamic Sharia economic agreements and ability to handle in a fast paced environment, professionalism and accountability (Interview with APSI Chairman Mr. Sulaisi, March 3, 2022)

As a new field in Indonesia, the government and Islamic economic practitioners do not realize that dispute resolution is of important to ensure sustainability and most has not felt the importance with this (Subramanian, 2017). There is a variety of contract. If a person has participated in a contract agreement, he has indirectly bent to Islamic Law so that there is no need to choose the district court as a place to resolve sharia disputes. There is no reason for judges of religious court to reject cases because there is no fundamental law. Therefore, the readiness of human resources such as judges and clerks of court who are expert in the sharia economy becomes an inevitability as stated by religious court judge's interview:

The Supreme Court's efforts in improving the quality of judges are made through the training of sharia economic judges and the policy of the leadership who ask to continue the Master of Sharia Economy. To resolve sharia economic disputes through non-litigation pathways is inevitable because there are regulations providing opportunities in relating to it. The basis for the implementation of sharia economic dispute examination is PERMA number 2 of 2015 concerning the settlement of simple lawsuits, then PERMA has been updated PERMA number 4 of 2019, so both regulations are clearly seen because not all changes. PERMA number 14 of 2016 then a reference from KHES. The regulation of sharia Financial Services Authority (OJK) and the *fatwa* by DSN MUI can be as a reference, because there is a legal basis. Therefore, judges may not reject cases because there is no fundamental law, and also consideration of the decision of the panel of judges must look at the data and facts that occurred in the trial examination process (Interview with Farhanah, dated September 24, 2021).

In society, sharia economic disputes concern: *First*, disputes between sharia economic institutions and sharia financing with their customers are different from family law in the field of muamalah which is possible to have an agreement with non-Muslim parties; *Second*, sharia economic disputes between sharia financial institutions may arise when sharia financing institutions use equity financing to one customer that allows disputes; *Third*, sharia economic dispute between Muslims concerns the authority of Islamic personalities where the contract agreement is firmly stated that the business activities carried out according to the principles of sharia provisions (Karmawan, 2020). Plurality and variety of parties involved in sharia economy require judges to always update knowledge in the field of Islamic economic law.

Some of the sharia economic disputes are actually resolved by the parties outside the court or non-litigation (Kamal, 2020), but if they get a stuck, they come to a religious court. Also, a certain dispute is resolved by third parties to be more efficient and there is no other dispute afterwards and has legal force protected by the State and the Law through religious court. The active participation of religious court and all components to introduce program to the community is actually important to get closer and the community gain a complete knowledge about the religious court which can not only resolve family disputes but also settle sharia economic disputes, as stated by the Director of Bank Syariah Indonesia Pamekasan:

In the contract, all clauses or articles listed in case of disputes will be resolved in the religious court. the first step in the event of a sharia dispute is done through consensus process and in accordance with the provisions stated in the contract agreement. A dispute can be resolved through negotiation, mediation, arbitration in the future.
(Interview with Mr. Marta, April 13, 2022).

The Supreme Court of the Republic of Indonesia since 2010 has improved the infrastructure of Court facilities (Buildings and infrastructure) that are representative to handle Sharia economic disputes by adopting information technology-based services and developing capacity-building by improving the quality of human resources through judge education in handling family cases and sharia economy where many judges have continued to the master and doctoral levels in Islamic economic Law (Youtube: Amran Suadi, 2021). The Supreme Court makes efforts to increase public trust such as: (1) educating and deepening the public's understanding of religious court institutions, which have implemented IT-based services through E-Court and SIPP and the regulation of the Supreme Court of the Republic of Indonesia Number 14 of 2016 concerning Procedures for Resolving Sharia Economic Cases, with a single judge and simple procedures; (2) evaluating policies based on people's perceptions and experiences by conducting a series of community literacy surveys on the main duties and functions of the religious court, to further design a model of Sharia economic dispute resolution with simple and fast principle, and (3) implementing policies democratically by always involving the community in decision-making and Islamic economic practitioners in the religious court, especially those related to the socialization of handling sharia economic disputes (Wahyuningsih, 2011).

E. Legal Culture: Trust of Sharia Economic Practitioners in resolving sharia economic disputes in religious courts

Public trust closely refers to the community's attitude and response to government activities including its institutions, policies, and officials (Rian Andhika, 2018). This trust is usually influenced by how the government regulates and treats society in lives (Nunkoo et al., 2012). In this regard, the increase of public trust is determined by many aspects such as integrity, competence, reliability, consistency, honesty, and government accountability as the main components of community assessment (Khosravi, 2020; Hong, 2013; Im et al., 2014). Public trust in government is specifically identified by the characteristics, processes, and dimensions to which the public views the government doing the right things in carrying out the duties, being fair and putting the public interest first (Hong, 2013). Public trust can also be influenced by previous public perceptions so that people's experience becomes an important indicator in building trust (Chen et al., 2015). However, lack of trust in government leads to distrust in society. At this point, public trust arises due to a shift in values in the society which come about skepticism and public disappointment towards the authority and poor performance of the government (Foster & Frieden, 2017).

Building public trust between the community and the government has a variety of impacts such as satisfaction, interaction, support, and the community cooperation in voluntary project (Wu et al., 2016; Salim et al., 2017). Generally, high public trust not only encourages a close relationship between society and government but also asks people to be more open and have a clearer understanding. In addition, greater trust can also give rise to many alternatives and motivations for people to be able to follow the institution's decisions well and obediently (Silalahi, 2011). In line with that, in Indonesia, public trust in institutions increases public acceptance towards established policies and regulations so that people tend to be more prepared and open in complying with public policies (Widaningrum, 2017). Public trust is an important thing to always be maintained by the government owing to inappropriate policies and the government's inability to meet community expectations whereby this not only raise distrust in the community but also reduce public support for government activities (Hardin, 2013). Therefore, there are three ways that can increase public confidence: 1) educating and deepening people's understanding, 2) evaluating policies based on people's perceptions and experiences, and 3) implementing policies democratically (Wahyuningsih, 2011).

Legal awareness and enthusiastic bussiness practitioners are a decisive factor to ensure how the religious court works in handling sharia economy dispute where the awareness of sharia economic practitioners remains low to resolve sharia economic disputes so as to require an intersection in which their needs are emphasized to settle disputes with a fast, simple, and low-cost principle and giving a guarantee of privacy among parties. It will, therefore, show a trust towards the religious court among justice seekers in the sharia economy. A total number of cases is so limited. After 16 years, there were 1,641 judges' rulings on Sharia economic disputes compared to the data of family law cases in the religious court which reached at 4,749,428 in 2021 (putusan3.mahkamahagung.go.id). Public knowledge of legal justice in sharia economy and public assistance in the search for justice remains at low level as illustrated in table 2:

Commented [A25]: These should be in literature review.

Tabel 2: Number of Sharia Economic Disputes in Indonesia in 16 years, 2006- 2021

No.	Year	Number of Disputes
1	2006	6

2	2007	4
3	2008	1
4	2009	1
5	2010	3
6	2011	5
7	2012	5
8	2013	6
9	2014	21
10	2015	13
11	2016	87
12	2017	139
13	2018	208
14	2019	270
15	2020	361
16	2021	331
	TOTAL	1.641

Socialization about the resolution of sharia economic dispute is a continuous process that begins especially in Islamic economic practitioners and all parties. The first level religious courts in districts and cities amount to 412 and the religious high court at the province level (Religious Court Magazine, 2021) are 29. These institutions are of important to keep the communication and socialization to the community at the farthest point to obtain justice according sharia in resolving sharia economic disputes. At the same time, this requires to adopt the values of resolving dispute out of court with a fast and efficient principle which do not govern a rigid procedural law with a long term implication.

Community and state life will feel that the law basically conforms to the intrinsic values of Islam. The emergence of legal compliance is just obedience for fear of sanctions if the rule of law is not in accordance with the values in the community (Lathifah, 2020). The resolution of sharia economic disputes to create justice according to sharia is supposed to be implemented due to the fact that the Indonesian population is 85% Muslim. With establishing a special sharia economy court in religious justice, muslims will be closer to their religious law so that this will cause a sense of calm and security. Also, if there is a dispute between customers and banks, this can also be resolved using sharia principles. This is in line with what Gofar stated that the establishment of religious courts to maintain the trust and legal certainty is paramount importance so that implementation of Islamic Law can run effectively and efficiently to prevent and guarantee the rights of Sharia economic practitioners to deal with sharia economic disputes (I. Mukhametzaripov, 2020). Similarly, the following details are based on the results of an interview with the Sharia Supervisory Board BPRS SPM:

In essence, the religious court implements the legislation. In this case, the law plays an important role as a tool of social engineering. Also, the readiness of the judges of the religious court itself has significant function in handling cases of Sharia economic disputes. The Islamic financial institutions have executed the contract with the review of the Sharia supervisory board (DPS) to ensure its validity. Indeed, in the settlement of disputes, the banking parties prefer to settle in amicable agreement to accelerate the settlement and return of losses of Islamic financial

institutions. It is particularly worrying that settlement through the court will ruin the friendship and this is one of the factors where there are only a few cases prosecuted in the religious court (Interview with Mr. Moh Zahid on March 10, 2022).

Legal culture refers to the values, attitudes and ideas in the society where the law must be practiced. In this point, the majority of Indonesian society is Muslim so the sharia economy disputes are ideally resolved through the religious court (Apriyandanu, 2018). The values of Islamic court differ substantively from normative laws which are formulated with an approach of individualism and secularism in which such laws are mostly applied in the Indonesian judiciary that still adopts dutch colonial law. Islamic court is eventually based on Islamic philosophical values (Gofar, 2017) so that this will be accepted by the community, especially business practitioners, just how to pack and socialize with the community to improve literacy on the role of religious court in settling sharia economic disputes.

Commented [A26]: Dutch

The increase of public literacy on the products of Islamic economic institutions is not followed by efforts to heighten the awareness of practitioners and consumers of the Islamic finance industry to resolve disputes to the religious court that will provide justice and legal certainty in accordance with Islamic Law (Osman & Abdillah, 2019). There are usually two channels that are offered to disputing parties in the litigation and non-litigation lines which provide opportunities for them to facilitate resolution outside the religious court such as mediation, arbitrase, collateral confiscation before going to the religious court as the last bastion of the development of sharia economic law in Indonesia. This absolute authority needs to be followed also by the active participation of the government – the supreme court – the stakeholder of Sharia economy to synergize for the enforcement and development of sharia economic law which will later have an impact on the development of the national economy in general because a guarantee of government dispenses justice and apply the principles of legal certainty.

Commented [A27]: References?

A higher level of public trust will encourage a close relationship between the sharia economic practitioners and the religious court. Structured and concrete steps are becoming more frequently required to eliminate the conditions that lead to a low interest in Muslims in utilizing religious court institutions to settle sharia economic disputes with the socialization and involvement of sharia economic practitioners in religious court programs. In this study, there are two important things in the development of the Islamic economic law. *First*, material and formal sources of law in the resolution of sharia economic disputes are actually to ensure justice and legal certainty of sharia economic practitioners. *Second*, socialization is of significant to increase public literacy about the existence of a religious court that has absolute authority to resolve sharia economic disputes, which is able to organize a modern "E-Court" judiciary in the field of Sharia economy that demands justice, guarantee legal certainty, offer fast service and also provide service at low- cost.

F. Conclusion

The lack of public trust in the religious court is basically caused by: (1) Incomplete history, laws and regulations and a disharmony between laws and regulations governing the authority to resolve sharia economic disputes (2) Culture demands in business to resolve disputes with an effective and efficient principle as well

as the lack of supporting facilities and infrastructures and (3) Low level of legal literacy among sharia economic practitioners to resolve sharia disputes in religious courts and the tendency to choose a non-litigation path in resolving sharia economic disputes with the reason of asset security. Rebuilding public trust is imperative for Muslims in raising awareness and confidence in religious court which is a special judicial institution for Muslims in the civil field. There needs synergy between government, supreme court, and sharia economic practitioners to increase public trust in religious courts so that sharia economic law in Indonesia is able to developed and enforced.

In this study, microscopic analysis is ~~much~~ needed to see the anatomy of public perception of religious court in resolving sharia economic disputes in some regions in Indonesia, due to the diversity of cultural characteristics in provinces, regencies and cities. This study is conducted through a macro analysis which is generally based on data on the lack of sharia economic cases decided by the religious court in the last 15 years compared to family law cases. However, the percentage increases significantly.

References:

- Al Hasan, F. A. (2019). The Role of Religious Courts in Supporting the Development of the Islamic Finance Industry in Indonesia. *Al-Ahkam Jurnal Ilmu Syari'ah Dan Hukum*. <https://doi.org/10.22515/al-ahkam.v4i1.1329>
- Amiruddin. (2012). *Pengantar Metode Penelitian Hukum*. Grafindo Persada.
- Apriyandanu, E. (2018). Kedudukan Basyarnas Dalam Penanganan Kepailitan Perbankan Syariah Ditinjau Dari UU No. 21 Tahun 2008 Tentang Perbankan Syariah. *JURNAL USM LAW REVIEW*. <https://doi.org/10.26623/julr.v1i1.2230>
- Azheri, B. (2018). Urgency of the establishment of a special court for the resolution of Sharia economic dispute in the Religious Courts. *Journal of Legal, Ethical and Regulatory Issues*.
- Budiharto, & Sismarwoto, E. (2020). Freedom of contracts and dispute settlement between conventional banking and sharia banking. *International Journal of Economics and Business Administration*. <https://doi.org/10.35808/ijebe/438>
- Chen, J. V., Jubilado, R. J. M., Capistrano, E. P. S., & Yen, D. C. (2015). Factors affecting online tax filing - An application of the IS Success Model and trust theory. *Computers in Human Behavior*. <https://doi.org/10.1016/j.chb.2014.11.017>
- Daulay, H. R. (2021). *Legal Reconstruction Settlement Of Sharia Capital Market Strengthening Regulatory Aspects To Provide Legal Certainty Disputes : 40*, 161–169.
- Faizal, B. T. W. (2021). Menakar Urgensi Pengaturan Pelaksanaan Dan Pembatalan Putusan Badan Arbitrase Syariah Nasional (BASYARNAS). *Ijil*. <https://doi.org/10.35719/ijl.v1i01.73>
- Fitriyanti, F., Yunita, A., & Hamsin, M. K. (2020). Peningkatan Kualitas Kompetensi Arbiter Syari'ah Di Badan Arbitrase Syari'ah Nasional (BASYARNAS) Wilayah Diy. *Panrita Abdi - Jurnal Pengabdian Pada Masyarakat*. <https://doi.org/10.20956/pa.v4i3.7437>

- Foster, C., & Frieden, J. (2017). Crisis of trust: Socio-economic determinants of Europeans' confidence in government. *European Union Politics*. <https://doi.org/10.1177/1465116517723499>
- Gofar, A. (2017). The reform of the procedural religious court law based on islamic law in indonesian legal system. *Sriwijaya Law Review*. <https://doi.org/10.28946/slrev.Vol1.Iss2.37>.pp114-127
- Hardin, R. (2013). Government without trust. *Journal of Trust Research*. <https://doi.org/10.1080/21515581.2013.771502>
- Hariyanto, E. (2014). Penyelesaian Sengketa Ekonomi Syariah di Indonesia. *IQTISHADIA: Jurnal Ekonomi & Perbankan Syariah*, 1(1). <https://doi.org/10.19105/iptishadia.v1i1.365>
- Hariyanto, E. (2016a). *The Characteristic Settlement of The Syariah Banking Dispute In Religious Judiciary*. Universitas 17 Agustus 1945.
- Hariyanto, E. (2016b). The Political Scrimmage of The Religious Court's Law as The Judicial Institution In The Reformation Era in Indonesia. *Al-Ihkam: Jurnal Hukum & Pranata Sosial*, 11(1), 178. <https://doi.org/10.19105/al-ihkam.v11i1.782>
- Hong, H. (2013). Government websites and social media's influence on government-public relationships. *Public Relations Review*. <https://doi.org/10.1016/j.pubrev.2013.07.007>
- Huberman, M. (1990). Linkage Between Researchers and Practitioners: A Qualitative Study. *American Educational Research Journal*. <https://doi.org/10.3102/00028312027002363>
- Hudawati, S. N. (2020). Problematika Hukum Formil Penyelesaian Sengketa Ekonomi Syariah di Pengadilan Agama. *Jurnal Penegakan Hukum Dan Keadilan*. <https://doi.org/10.18196/jphk.1102>
- Idri. (2009). RELIGIOUS COURT IN INDONESIA History and Prospect. *Journal of Indonesian Islam*, 03(02), 297–313.
- Im, T., Cho, W., Porumbescu, G., & Park, J. (2014). Internet, Trust in Government, and Citizen Compliance. *Journal of Public Administration Research and Theory*, 24(3), 741–763. <https://doi.org/10.1093/jopart/mus037>
- Isti'anah, H., & Kusnadi, N. (2019). Existence of Religious Court in Indonesia as the Executor Mortgage Right of Islamic Bank Financing. *International Journal of Multicultural and Multireligious Understanding*.
- Jamal, M., Mahfudz, A. A., Syamsuri, S., & Handayani, R. (2021). Analysis of Alternative Dispute Resolution in non-litigation dispute resolution on Islamic Mortgage: at the Ombudsman Institution Yogyakarta. *TSAQAFAH*, 17(1). <https://doi.org/10.21111/tsaqafah.v17i1.6760>
- Jamaludin, M. J. (2020). Penanganan Sengketa Ekonomi Syariah Perspektif Cita Hukum di Pengadilan Tinggi Agama Semarang. *JURNAL AL-QARDH*. <https://doi.org/10.23971/jaq.v5i1.1882>
- Kamal, H. (2020). Analisis Penyelesaian Sengketa Ekonomi Syariah Pasca Putusan MK No. 93/PUU-X/2012. *Al Mashaadir: Jurnal Ilmu Syariah*.

<https://doi.org/10.52029/jis.v1i1.4>

- Karmawan, K. (2020). Mediation in the Religious Courts of Indonesia. *AHKAM: Jurnal Ilmu Syariah*. <https://doi.org/10.15408/ajis.v20i1.13249>
- Kasim, A. (2021). THE SETTLEMENT OF SHARIA ECONOMIC DISPUTES IN INDONESIAN ISLAMIC CLASSIC TRADITIONS AND POSITIVE LAW. *Tasharruf: Journal Economics and Business of Islam*, 6(1), 54. <https://doi.org/10.30984/tjebi.v6i1.1414>
- Khasanah, K., Adinugraha, H. H., & Mayangsari, P. A. (2021). Online Dispute Resolution (ODR) as an Alternative Resolution of Sharia Economics in Indonesia. *Jhi*, 19, 21–42.
- Khosravi, M. (2020). Perceived Risk of COVID-19 Pandemic: The Role of Public Worry and Trust. *Electronic Journal of General Medicine*, 17(4), em203. <https://doi.org/10.29333/ejgm/7856>
- Lathifah, A. (2020). State Marriage and Civil Marriage: The Role of State Policy on Interreligious Marriage in Central Java. *Al-Ihkam: Jurnal Hukum Dan Pranata Sosial*, 15(1), 1–30. <https://doi.org/10.19105/AL-IHKAM.V15I1.2689>
- Marzuki, M., Yetta, Y., Badollahi, M. T., Ruslan, M., & Hanafi, S. (2021). The Implementation of Underage Marriage Dispensation in Palu Religious Court. *Review of International Geographical Education Online*. <https://doi.org/10.33403/rigeo.800521>
- Masriani, Y. T. (2016). THE POSITION OF NOTARIAL DEED IN THE SHARIA ECONOMIC DISPUTE. *Mimbar Hukum - Fakultas Hukum Universitas Gadjah Mada*. <https://doi.org/10.22146/jmh.15861>
- Masse, R. A., & Rusli, M. (2018). Islamic Banking Dispute Resolution in National Sharia Arbitration Board. *IOP Conference Series: Earth and Environmental Science*, 175(1). <https://doi.org/10.1088/1755-1315/175/1/012169>
- Mawardi, A. I., & Riza, A. K. (2019). Why did Kompilasi Hukum Islam succeed while its counter legal draft failed? A political context and legal arguments of the codification of Islamic Law for religious courts in Indonesia. *Journal of Indonesian Islam*. <https://doi.org/10.15642/JIIS.2019.13.2.421-453>
- Minardi, A. (2020). Two Lane Settlement of Sharia Economic Disputes Between Religious Court and National Sharia Arbitration Agency (BASYARNAS). *Indonesian Journal of Religion and Society*, 1(2), 126–137. <https://doi.org/10.36256/ijrs.v1i2.66>
- Muhaimin, Husni, L., & Wira, L. (2021). Authoritative Institution In Disputes Resolution In The Conversion Of Conventional Bank To Sharia Bank. *Journal of Legal, Ethical and Regulatory Issues*, 24(4), 1–8.
- Mukhametzaripov, I. (2020). Religious Courts in Modern European States. *Sovremennaya Evropa*. <https://doi.org/10.15211/soveurope32020148157>
- Mukhametzaripov, I. A. (2020). Foreign scientific discourse about religious courts in a secular state. *Religiovedenie*. <https://doi.org/10.22250/2072-8662.2020.1.114-122>
- Musjtari, D. N., Riyanto, B., & Setyowati, R. (2019). Reformulation of mediation in

dispute settlement on islamic banking. *Humanities and Social Sciences Reviews*.
<https://doi.org/10.18510/hssr.2019.7424>

MUSRIFAH, M., & KHAIRUNISA, M. (2020). PENYELESAIAN SENGKETA EKONOMI SYARIAH MELALUI ARBITRASE SYARIAH. *Al-Amwal*.
<https://doi.org/10.36341/al-amwal.v9i1.142>

Mustofa, K. N. (2019). Submission of Marital Dispensation for Religious Courts in Central Java: Study of Minimum Pair Age Standards Along With Judge's Attitudes and Wisdomes. *Journal de Jure*, 11(1), 63. <https://doi.org/10.18860/j-fsh.v11i1.6611>

Nunkoo, R., Ramkissoon, H., & Gursoy, D. (2012). Public trust in tourism institutions. *Annals of Tourism Research*, 39(3), 1538–1564.
<https://doi.org/10.1016/j.annals.2012.04.004>

Osman, O., & Abdillah, K. (2019). HUKUM MATERIL PENYELESAIAN SENGKETA EKONOMI SYARIAH (TINJAUAN UNDANG-UNDANG DAN HUKUM ISLAM). *Al Huquq: Journal of Indonesian Islamic Economic Law*, 1(1), 31–52. <https://doi.org/10.19105/AL HUQUQ.V1I1.2646>

Otoritas jasa Keuangan. (2020). *Perkembangan Bank Syariah*.
<https://www.ojk.go.id/id/kanal/syariah/berita-dan-kegiatan/publikasi/Pages/Snapshot-Perbankan-Syariah-Indonesia-Maret-2020.aspx>

Rian Andhika, L. (2018). Meningkatkan Kepercayaan Publik Terhadap Pemerintah Melalui Redesain Proses Kebijakan. *JIP (Jurnal Ilmu Pemerintahan) : Kajian Ilmu Pemerintahan Dan Politik Daerah*. <https://doi.org/10.24905/jip.3.1.2018.24-42>

Ridwan, R., Zain, M. F., & Maula, B. S. (2021). *The Mapping of Sharia Economic Dispute Decisions in Religious Courts*. <https://doi.org/10.4108/eai.18-11-2020.2311813>

Rosidah, Z. N. (2020). Limitation of Application of Sharia Principles in Sharia Economic Dispute Resolution in Religious Courts. *Journal of Morality and Legal Culture*. <https://doi.org/10.20961/jmail.v1i1.44749>

Rosidah, Z. N., & Karjoko, L. (2021). Orientasi Filosofis Hakim Pengadilan Agama Dalam Menyelesaikan Sengketa Ekonomi Syariah. *Jurnal Hukum Ius Quia Iustum*. <https://doi.org/10.20885/iustum.vol28.iss1.art8>

Rosidah, Z. N., & Mahfiana, L. (2020). Efektivitas Penerapan Prinsip-Prinsip Syariah Dalam Penyelesaian Sengketa Ekonomi Syariah di Badan Arbitrase Syariah Nasional (Basyarnas). *TAWAZUN: Journal of Sharia Economic Law*. <https://doi.org/10.21043/tawazun.v3i1.7529>

Sakti, T. I., Kusuma, V., Pratama, A. P., & ... (2021). PUTUSAN SENGKETA EKONOMI SYARIAH PENGADILAN NEGERI PASAMAN BARAT TENTANG PUTUSAN ARBITRASE BPSK KABUPATEN BATUBARA NOMOR *Jurnal*

Salim, M., Peng, X., Almaktary, S., & Karmoshi, S. (2017). The Impact of Citizen Satisfaction with Government Performance on Public Trust in the Government:

- Empirical Evidence from Urban Yemen. *Open Journal of Business and Management*, 05(02), 348–365. <https://doi.org/10.4236/ojbm.2017.52030>
- Samin, S. B. B. (2020). Peran Pengadilan Agama Dalam Praktik Penyelesaian Sengketa Ekonomi Syariah. *Syarikat: Jurnal Rumpun Ekonomi Syariah*.
- Silalahi, U. (2011). Kepercayaan Publik kepada Pemerintah Daerah Pasca Orde Baru. *Ilmu Akuntansi Negara*.
- Siswajanthi, F. (2021). Gugatan Sederhana Dalam Penyelesaian Sengketa Ekonomi Syariah Di Indonesia. *Pakuan Law Review*.
- Subramanian, N. (2017). Islamic Norms, Common Law, and Legal Reasoning: Muslim Personal Law and the Economic Consequences of Divorce in India. *Islamic Law and Society*, 24(3), 254–286. <https://doi.org/10.1163/15685195-00243p03>
- Sufiarina, S. (2014). URGENSI PENGADILAN AGAMA SEBAGAI PENYELESAI SENGKETA EKONOMI SYARIAH. *Jurnal Hukum & Pembangunan*. <https://doi.org/10.21143/jhp.vol44.no2.21>
- Sugiyono. (2009). *Metode Penelitian Kuantitatif, Kualitatif dan R&D*. Alfabeta.
- Sulistiyowati, S. (2015). Penyelesaian Sengketa antara Bank Shari'ah dengan Nasabah Bermasalah melalui Badan Arbitrase Shari'ah Nasional (BASYARNAS) menurut UU No. 30 tahun 1999. *ISLAMICA: Jurnal Studi Keislaman*. <https://doi.org/10.15642/islamica.2014.9.1.193-222>
- Syarif, F. (2019). Perkembangan Hukum Ekonomi Syariah di Indonesia. *Pleno Jure*, 8(2), 1–16. <https://doi.org/10.37541/plenojure.v8i2.38>
- Vinet, L., & Zhedanov, A. (2010). A "missing" family of classical orthogonal polynomials. *Dissertation Abstracts International*. <https://doi.org/10.1088/1751-8113/44/8/085201>
- Wahyudi, F. (2019). THE QUO VADIS OF BANCKRUPTY SETTLEMENT AND PKPU LAWS ON SHARIA BANKING. *Jurnal Hukum Dan Peradilan*. <https://doi.org/10.25216/jhp.8.1.2019.1-20>
- Wahyuningsih, R. D. (2011). Membangun Kepercayaan Publik Melalui Kebijakan Sosial Inklusif. *Jurnal Ilmu Sosial Dan Ilmu Politik*, 15(1), 29–40. <https://doi.org/10.22146/jsp.10923>
- Widaningrum, A. (2017). Public Trust and Regulatory Compliance. *Jurnal Ilmu Sosial Dan Ilmu Politik*. <https://doi.org/10.22146/jsp.28679>
- Wu, Y., Sun, I. Y., & Hu, R. (2016). Public trust in the Chinese police: The impact of ethnicity, class, and Hukou. *Australian and New Zealand Journal of Criminology*. <https://doi.org/10.1177/0004865814554309>
- Yahya, I. (2017). Sengketa Ekonomi Syariah di Indonesia Pasca Putusan Mahkamah Konstitusi Nomor 93/PUU-X/2012. *Al-Manahij: Jurnal Kajian Hukum Islam*. <https://doi.org/10.24090/mnh.v10i1.921>
- Yanti, I., Addiarrahman, & Badaruddin. (2016). Quo Vadis Of Religious Court On The Development Of Sharia Economic Law In Indonesia. *Al-Risalah*, 16(2), 255–267. <https://doi.org/https://dx.doi.org/10.30631/al-risalah.v16i02.311>

Zain, N. H. M., & Rosidah, Z. N. (2018). Streghtening Sharia Arbitration As a Model of Banking Dispute Resolution. *Seajbel.Com*, 17(4), 54–58.

Zainuddin Ali. (2013). *Metode Penelitian Hukum* (4th ed.). Sinar Grafika.

THE INCREASING OF PUBLIC TRUST TO RELIGIOUS COURT TO HANDLE DISPUTES IN SHARIAH ECONOMY

Abstrak:

Tulisan ini menganalisis bagaimana kepercayaan public kepada Peradilan Agama menjadi kendala utama dalam pemanfaatan layanan Peradilan Agama untuk menyelesaikan sengketa ekonomi syariah. Penelitian didasarkan pada data perkara ekonomi syariah yang telah diputuskan dalam lima belas tahun terakhir dan wawancara dengan sejumlah hakim, advoket, pelaku ekonomi syariah dan para pihak terkait. Hasil penelitian menunjukkan bahwa tiga prakondisi yang menjadi dasar lemahnya public trust terhadap peradilan agama: (1) Sejarah Perjalanan Peradilan Agama dan aturan perundang-undangan yang tidak lengkap untuk mendukung proses peradilan penyelesaian sengketa ekonomi syariah, (2) Tuntutan budaya bisnis dalam penyelesaian sengketa yang cepat efektif dan efisien juga faktor dan kurangnya sarana dan prasana pendukungnya serta (3) Literasi hukum yang rendah di kalangan pelaku ekonomi syariah untuk menyelesaikan sengketa syariah di Peradilan Agama. *Public trust* menjadi sangat krusial bagi umat Islam dalam meningkatkan kesadaran dan kepercayaan pada lembaga peradilan agama. Tulisan ini bersifat makro sehingga dibutuhkan suatu kajian yang bersifat mikroskopis untuk dapat melihat anatomi persepsi public terhadap peradilan agama dalam penyelesaian sengketa ekonomi syariah.

Keywords: *Public Trust; Religious Court; Dispute of Syariah Economy; Law Literacy, Regulations*

Abstract:

This study analyses how public trust is the main obstacle to improving religious court services to resolve sharia economic disputes. The research is based on data on sharia economic cases that have been decided in the last fifteen years and interviews with a number of judges, advocates, practitioners of sharia economy and relevant parties. The research findings showed that there are three key points on which public trust in religious courts remains low: (1) The historical development of religious courts and incompleteness of laws and regulations to support the judicial process in resolving sharia economic disputes, (2) The business demand to deal with disputes effectively and efficiently as well as the factor of the lack of the supporting facilities and infrastructures and (3) lack of legal literacy among Islamic economic practitioners to resolve disputes. Public trusts are crucial for Muslims to raise awareness and belief in the religious court. This macroscopic study requires a microscopic analysis to see the anatomy of public perception of religious courts in solving sharia economic disputes.

Keywords: *Public Trust; Religious Court; Dispute of Syariah Economy; Law Literacy, Regulations*

A. Introduction

The rapid development of Islamic financial institutions is not counterbalanced by the legal readiness, in this case, in a religious court, by

Commented [A1]: This paper aims to explain public trust in religious courts in resolving disputes. There are a few items that still need to be explained in this manuscript:

1. The background has not shown significant research problems, so this research is essential.
2. Reviewers have not seen a significant contribution from this research. The paper only describes other research without giving criticism and suggestions that show contradictions or support from existing research results.
3. No novelty
4. Implications and recommendations have not yet been found in the conclusions.
5. The manuscript has massive grammatical error that urgently to be fixed.

Commented [A2]: The abstract should be around 150-160 words

which this institution is to provide justice and legal certainty in Sharia economic disputes. By 2022 there are 14 Sharia Commercial Banks, 20 Sharia Business units and 163 BPRS with total assets of 443.360 billion (Financial Services Authority, 2022). Almost all of its transaction agreement is based on sharia contracts, possibly causing various Sharia economic disputes. To achieve justice, law enforcement agencies for parties who have a dispute relating to the sharia economy are paramount importance. This is quite different from family law, which is institutionally more established (Hariyanto, 2016a, p. 98). The religious court's significant role is crucial as the shari'ah economic disputes have proliferated since the growing interest of the people in Indonesia – especially the Muslim community – towards Islamic business development.

To date, a study on the authority of the religious court in resolving sharia economic disputes has little attention to the aspects of public opinion, especially sharia economic practitioners deal with sharia economic disputes in the religious court. A few studies tend to look at three things. BASYARNAS (Apriyandanu, 2018; Faizal, 2021; Fitriyanti et al., 2020; Minardi, 2020; Rosidah & Mahfiana, 2020; Sulistyowati, 2015)

On point three, a few studies tend to analyze the religious court's authority to resolve sharia economic disputes from the legal perspective and the position of the religious court in resolving disputes instead of conciliation, banking mediation and arbitration forums conducted by BASYRNAS or OJK. These studies do not look at how public trust is maintained by sharia practitioners who come to religious courts if they experience conflicts and disputes in sharia economy in order to obtain a fair trial under sharia perspective.

It is a known fact that in the last 16 years, religious courts can only produce 1,641 regulations and peace certificates (putusan3.mahkamahagung.go.id) despite the fact that the number of disputes in the Islamic economic industry has increased substantially. Economic disputes continue to increase, and it is estimated that there are 1,200 sharia disputes in 2021, as reported by the Financial Services Authority (OJK). Of course, the number in the field is greater (Mardi: 2020) (<https://www.tribunnews.com>). This issue has emerged as a national issue in various media but has not been carefully researched. The news is reported the following: Kampung kurma, Sharia Investment bodong under the sharia rules (Business Coil;2020), Fraud cases involving sharia-compliant housing (DetikNew.com: 2021) (Kompas.com: 2021); consumer dispute case for financial dominance (Bisnis.com: 2021). This issue was already studied by Hariyanto (2016) (Karmawan, 2020) (Mustofa, 2019). Two main studies were shown in these studies: lack of awareness about the use of religious courts and poor institutional performance of religious courts in handling cases of sharia economic disputes. In line with this, a thorough understanding of why the economic courts are limited to utilize in resolving Islamic economic disputes is very much needed.

This study aims to follow up on previous studies that are still limited and still examine normative aspects. The minor role of religious court institutions can be seen from institutional competence for one thing and the awareness of

Commented [A3]: Be consistent in writing the word sharia/Sharia

Commented [A4]: Unclear

Commented [A5]: Unclear. Revise this sentence

Commented [A6]: Provide more detailed information about this institution.

Commented [A7]: Ungrammatical phrase. Please revise it!

Commented [A8]: Give the abbreviations of these two terms!

Commented [A9]: Wrong citation. Follow the author guidelines.

Commented [A10]: Italic

Commented [A11]: Change to English terms!

Commented [A12]: Wrong citation. Follow the author guidelines.

Commented [A13]: Wrong citation. Follow the author guidelines.

Commented [A14]: Unclear. What previous studies?

Islamic economic practitioners for another thing. These practitioners have difficulty running a business and dealing with legal problems. Various sharia economic disputes require legal authority to settle from the sharia perspective.

Here are three arguments to support this study. *First*, empowering a religious court requires adequate legal in providing an umbrella act for various dispute resolutions. *Second*, the religious court's ability to carry out legal functions is largely determined by the adequacy and quality of human resources and infrastructure to meet the demand for business practitioners to settle disputes effectively. *Third*, the judicial process can run well with an adequate literacy level of Islamic economic practitioners in various aspects of sharia economic law.

Commented [A15]: There

Commented [A16]: This paragraph should be in conclusion. You have not mention your research problems and questions that lead to your research analysis and methods.

B. Method

The lack of enthusiasm in the religious court in dealing with sharia economic disputes is a problem that needs to be solved amidst the growing national sharia economy, considering that its role as a special judiciary has absolute authority. On the ideal and sociological level, the religious court becomes the focus of muslims' hopes to achieve justice and legal certainty in business activities according to sharia. Public trust in business practitioners is crucial for Muslims in raising awareness and fostering a belief in the religious court. Indonesia is the country with the largest Muslim population in the world. It is the center of sharia economy in Southeast Asia, so there needs to be a guarantee of legal protection for justice and legal certainty in settling sharia economy.

The data were obtained from a qualitative research process related to public trust towards the religious court, which is seen from the lack of decisions and peaceful settlement of sharia economic disputes in the last 15 years (putusan3.mahkamahagung.go.id). Secondary data were acquired through media coverage that can be accessed online (Amiruddin, 2012). These data have become evidence that illustrates the lack of public trust in the religious court to handle sharia economic disputes. This study involves sharia economic practitioners and judges involved in the contract process and the settlement of sharia economic disputes.

Respondents in this study include leaders of Islamic economic institutions, sharia cooperatives and judges who were selected randomly based on job diversity in the context of public trust in religious courts to settle sharia economic disputes.

This study is based on complete data, ranging from verdicts in sharia economic disputes, mapping news and reports from secondary sources, conducting interviews, and focus group discussions. Secondary sources are obtained by reading a series of online news and reports, which are further recorded and mapping data collected thematically (Sugiyono, 2009). The offline interviews were conducted with the heads of Islamic economic institutions and judges and maintained health protocols. Some other online interviews were conducted using video calls through the WhatsApp application. FGD was held using Zoom media with the board of the Sharia Economic Community (MES) association, and the administrator of the

Commented [A17]: Unnecessary paragraphs. Consider to omit this

Commented [A18]: How many respondent?

Commented [A19]: How do you connect both literature data and interviews. Please explain the details in this section

Indonesian Sharia Lawyers Association (APSI) to dig up data on how public trust in the religious court handle sharia economic disputes

Data were analyzed using Huberman analysis techniques (1990) to describe the major phases of data analysis: data reduction, data display and verification. Methods for collecting data were carried out by selecting and sorting data by thematic mapping techniques. Furthermore, the data were displayed in tables and narrative quotations while maintaining the originality of the data (Zainuddin Ali, 2013). The use of triangulation of data sources did data verification. Restatement methods and description then analyzed the structured data. Re-statements are done by re-quoting informant statements in the interview excerpts to present a point of view on public trust (Amiruddin, 2012). The description was done by mapping the pattern of the tendency of public distrust of the religious court in resolving sharia economic disputes. All these stages became the basis for the collection of the research findings.

C. Dynamics of Religious Court Authority in Resolving Sharia Economic Disputes in Indonesia

The religious court develops dynamically over time and is influenced by the guidance of religious norms expressed by a particular part of the population, ranging from the need for ethnocultural identification to authority, religious leaders, efficiency and the high cost in the secular court (Mukhametzaripov, 2020; Idri, 2009; Karmawan, 2020). The religious court is a special judicial institution within the framework of a law that is given absolute flexibility to resolve civil disputes among Muslims. It is to ensure the functioning or non-functioning of religious associations normally and to refer to religious norms in the modern era to prevent and guarantee religious believers' rights in resolving sharia economic disputes (Mukhametzaripov, 2020).

The values of Islamic justice are philosophically and substantively different from substantive judicial normative law. In line with that, the religious court tends to be based on the philosophical values of Islam (Gofar, 2017), where the religious court also has authority to resolve disputes in regard to sharia fields, such as divorce and economic disputes (Azheri, 2018). In other words, the religious court can facilitate various kinds of conflict resolution based on religious norms in accordance with the social context of people (Gofar, 2017; Mawardi & Riza, 2019; I. Mukhametzaripov, 2020). Mukhametzaripov (2020) further said that religious court, in certain situations, can also be utilized as an element of religious gathering with inherent functions designed to meet the needs of religious organizations and social groups which are just and humane.

The rapid development of Sharia business activities and Islamic financial institutions has given rise to potential disputes between the parties (Kasim, 2021; Rosidah, 2020; Khasanah et al., 2021). The disputes are supposed to be resolved quickly, correctly, and cheaply so as not to take a lot of energy, time, and thought through the concept of *al-tahkum* and if this cannot be settled, the resolution of sharia economic disputes can use *al-gadha* (Masriani, 2016; Masse & Rusli, 2018; Vinet & Zhedanov, 2010). Therefore, sharia economic disputes must be resolved in

Commented [A20]: Finding and discussion? Please check author guidelines of AHKAM

different ways. Dispute resolution in Islamic Law is known as *sulh* and *tahkim* which discovers ways to reconcile through litigation and nonlitigation (Kasim, 2021).

In *murabahah* contracts, debtors who are in the process of instalment payment agreements and auctions of collateral goods often experience obstacles (Ridwan et al., 2021), such as business disputes in the case of sharia mortgages (KPR) in Yogyakarta (Jamal et al., 2021), and disputes on the capital market (Daulay, 2021). Zain & Rosidah (2018) also said the religious court is essential in resolving sharia business disputes such as bad credit land loans. Although the parties have agreed to resolve disputes through arbitration bodies, they must still get approval from the head of the state religious court. In line with that, economic disputes also arise to apply for contracts in banking, especially in conventional and Islamic banks, where these problems lie in the credit process that obscures the rights and obligations between parties (Budiharto & Sismarwoto, 2020). To settle sharia economic disputes, the authorized institution is the religious court, and for the settlement of non-litigation pathways are resolved through deliberation, mediation, and BASYARNAS (Muhaimin et al., 2021).

The resolution of economic disputes and requires an adequate umbrella act. The weakness of using a religious court lye in the unavailability of sufficient laws and regulations to be used as the basis of a legal ruling. Law No. 3 of 2006 on the religious court in a hierarchical manner, there is still a legal vacuum due to the absent of derivative rules that can ensure the given absolute authority by which this can run as it should be done. The absolute authority of the religious court is outlined in Article 49, letter (i) of the Religious Court Law. It states that the sharia economy is an act or business activity carried out according to the principles of sharia, such as sharia banks, sharia microfinance institutions, sharia insurance, sharia reinsurance, sharia investment funds, sharia bonds and medium-term sharia securities, sharia securities, sharia financing, sharia mortgage, pension funds for sharia financial institution and sharia businesses. The regulations of sharia disputes are illustrated in the following table 1:

Table 1: Legal Norms in Handling Sharia Economic Disputes in Indonesia (The table should be written based on the author guidelines and template)

No.	Regulations	Influences on Handling Sharia Economic Disputes
1	Regulations Number 3 the Year 2006 about Religious Court, article 49 (i)	The first legal source of the absolute authority of religious courts in the sharia economic dispute resolution
2	Regulations Number 21 Year 2008 about Sharia Banking	Giving rise to the dualism of sharia economic dispute resolution through district courts and religious courts
3	Constitutional Court Number 93/PUU/X/2012	The judgement of the Constitutional Court declaring the settlement of sharia disputes is the absolute authority of the Religious Court
4	The Regulation of Supreme Court of the Republic of Indonesia No. 2	A guideline for judges in adjudicating disputes as a material law of sharia

Commented [A21]: These paragraphs seemed a literature review. If you are trying to discuss some findings from other research, please elaborate them with your critics and sharpen with the argumentation either you support or against them.

Commented [A22]: So many grammatical errors.

	of 2008 Compilation of Sharia Economic Law (KHES)	economic law and non-binding to society at large
5	Supreme Court Regulation No. 14 of 2016 concerning Procedures for Settlement of Sharia Economic Cases	A guideline for judges in adjudicating sharia economic disputes, as a formal law (procedural law) for simple cases and non-binding to society at large
6	Supreme Court Regulation Number 1 of 2016 concerning mediation procedure in court	The rule for the implementation of judicial mediation, where all Islamic economic cases must be carried out through peaceful efforts by the mediator and non-binding to society at large
7	Supreme Court Regulation Number 1 of 2019 concerning the administration of cases and proceedings in court electronically	A guideline in conducting trials electronically with E-Court media and non-binding to society at large
8	Supreme Court Regulation Number 4 of 2019 changes to Supreme Court Regulation Number 2 of 2015 regarding resolution procedures against lawsuits	A guideline in carrying out the trial against lawsuits, including sharia disputes where the material claim has a value under 500,000,000 and is non-binding to society at large

The authority of the religious court in resolving disputes in sharia economy should be strengthened by the emergence of laws and regulations at the bottom such as Government Regulations. The regulation provides more technicalities on how Islamic economic practitioners can take advantage of the access to achieve justice in a dispute. Regulatory support of absolute authority in handling Sharia disputes is the Supreme Court of the Republic of Indonesia Regulation No. 2 of 2008 Compilation of Sharia Economic Law (KHES), Supreme Court Regulation No. 14 of 2016 concerning Procedures for Settlement of Sharia Economic Cases. The weakness of PERMA is that it is more binding into (Judges) and quite different from the law that generally binds to all levels of society. An interview with the judge of the Pamekasan Religious Court supported this:

Commented [A23]: What is it?

In addition to Law No.3 of 2006 and article 55 of Law No.21 of 2008, the judges also use another law, law number 21 of 2008, which supports the resolution of Sharia economic disputes through PERMA, which supports this authority. Sharia banking must improve the system and properly implement contract agreements, because the judge only develops the existing theories. The judge uses *ijtihad* to adjudicate when there is no regulation. (Wawancara dengan Ibu Farhanah, 21 September 2021)

Commented [A24]: Write it in English!

The strategy of dispute resolution in Islamic banking law that is not regulated in one specific article, and even the authority of the religious court is only put in the explanation of the article, will become an important lesson in dispute regulation in the future. The need for regulations to increase public trust in the religious court should have complete regulations such as the Sharia Economic Law, as a material law and the procedural law on religious court that regulate the procedures for proceedings in the court in handling sharia economic dispute cases

which is not just a supreme court regulation that is only binding on judges and parties during proceeding. It is necessary to synchronize and interconnect between laws and regulations governing Islamic economic governance until and management in case of dispute. Regulations that ensure the availability of human resources and facilities in religious courts that support the process of the sharia economic dispute in accordance with a fast, simple, low-cost principle through adopting technological developments in electronic courts including e-Courts enforcement, tighten on the trigger so that sharia financial practitioners can trust religious court in resolving Sharia economic disputes, as stated by the members of Regional Executive Board (DPW) the Sharia Economic Community:

Sharia financial practitioners must be absolutely committed to the rules that have been passed by the Legislature and the Government, so that there is no door to negotiate with each other on a dispute that has occurred in sharia finance. If the dispute resolution in the contract needs to be enforced by parties such as binding laws, so it is necessary to have an escort from the Panel of Judges who guards everything about the regulation of Islamic finance. In the realm of laws, judges must be really ready to try sharia economic cases with an understanding of material Law and procedural Law (Wawancara dengan Rudi Haryanto, DPW MES East Java, April 11, 2022).

The religious court has exercised its authority in resolving disputes in the field of family law and Sharia economy in accordance with Law No. 3 of 2006 jo Law No. 50 of 2009 because it already has a long history of handling family law cases. The parties when do contract or agreement are given the freedom to choose which the dispute resolution will be taken, but if they result in failure, they will take the dispute to the religious court. The religious court is a judiciary that has absolute competence in handling sharia disputes stated in the religious court law which is strengthened by the constitutional court decision No. 93 /PUU/X/2012 (Wahyudi, 2019; Yahya, 2017).

The interpretation of article 55 the Islamic Banking Law leads to polemics in the community related to the process of resolving Sharia economic disputes. Of course, this causes a bad response so as to show public distrust in government because it is considered inconsistent in the formulation of sharia economic dispute resolution rules in the religious court law and sharia banking law before reaffirming in the constitutional court judgement. However, this still affects public perception how government legislation makes policies in the Islamic economic Law (Hong, 2013)

The resolution of economic disputes eventually can be done in the religious court, as suggested by law. Therefore, there needs to be a guarantee for the sustainability due to the potential development of sharia economic markets at the national and global levels (Khasanah et al., 2021). Also, constructive steps are supposed to be taken between Islamic economic practitioners, courts and non-litigation institutions such as the Financial Services Authority (OJK), National Sharia Arbitration Agency (BASYARNAS), Sharia Mediator Association, sharia lawyers in the Indonesian Sharia Lawyer Association (APSI) to urge the government to enact a sharia economic law that regulates all aspects of Sharia economy in a codification of law so that inconsistencies and disharmonies can be avoided.

D. Human Resources and Infrastructure Readiness to Create the Principle of Fast, Simple and Low-Cost in Religious Court

Resources are a crucial factor that determines the quality of service in the Religious Court. The weakness of human resources, either quantitatively or qualitatively, will affect the public's perception of the performance of the Religious Court in resolving sharia economic disputes. At least there are three things as the basis of the weakness of human resources. *First*, limited skills (competencies) are a weak point. In this case, this refers to limited judges who have the competence to resolve sharia economic disputes because the number is limited, where the judge who adjudicated must have competency certification as a sharia economic judge (Hariyanto, 2014). The practitioners of Sharia economy are reluctant due to the expectation to handle disputes with principle of simple and fast like an alternative dispute resolution.

Second, one drawback to handle sharia economic disputes is mainly caused by the Religious Court as a judiciary intended for muslim that becomes a reference for the resolution of civil disputes between Muslims. To deal with sharia economic disputes are a new set of things as the enactment of the religious court law in 2006 compared to the authority in the settlement of family law that has existed since hundreds of years ago. Therefore, this will be collective responsibilities in the development of human resource quality (Syarif, 2019; Yanti et al., 2016,).

Third, the Supreme Court's commitment from time to time since the enactment of the religious court law has gone up and down in regard with policies in the development of human resources and infrastructure. In the last ten years this has increased significantly in religious court buildings throughout Indonesia. This is a plus point in handling sharia economic disputes because the building is of significant for sharia cooperative or sharia banking. The Supreme Court's policy stakeholder is the key to changing the character of modern religious courts to always follow the development of dynamic Sharia economic agreements and ability to handle in a fast paced environment, professionalism and accountability (Interview with APSI Chairman Mr. Sulaisi, March 3, 2022)

As a new field in Indonesia, the government and Islamic economic practitioners do not realize that dispute resolution is of important to ensure sustainability and most has not felt the importance with this (Subramanian, 2017). There is a variety of contract. If a person has participated in a contract agreement, he has indirectly bent to Islamic Law so that there is no need to choose the district court as a place to resolve sharia disputes. There is no reason for judges of religious court to reject cases because there is no fundamental law. Therefore, the readiness of human resources such as judges and clerks of court who are expert in the sharia economy becomes an inevitability as stated by religious court judge's interview:

The Supreme Court's efforts in improving the quality of judges are made through the training of sharia economic judges and the policy of the leadership who ask to continue the Master of Sharia Economy. To resolve sharia economic disputes through non-litigation pathways is inevitable because there are regulations providing opportunities in relating to it. The basis for the implementation of sharia economic dispute examination is

PERMA number 2 of 2015 concerning the settlement of simple lawsuits, then PERMA has been updated PERMA number 4 of 2019, so both regulations are clearly seen because not all changes. PERMA number 14 of 2016 then a reference from KHES. The regulation of sharia Financial Services Authority (OJK) and the *fatwa* by DSN MUI can be as a reference, because there is a legal basis. Therefore, judges may not reject cases because there is no fundamental law, and also consideration of the decision of the panel of judges must look at the data and facts that occurred in the trial examination process (Interview with Farhanah, dated September 24, 2021).

In society, sharia economic disputes concern: *First*, disputes between sharia economic institutions and sharia financing with their customers are different from family law in the field of muamalah which is possible to have an agreement with non-Muslim parties; *Second*, sharia economic disputes between sharia financial institutions may arise when sharia financing institutions use equity financing to one customer that allows disputes; *Third*, sharia economic dispute between Muslims concerns the authority of Islamic personalities where the contract agreement is firmly stated that the business activities carried out according to the principles of sharia provisions (Karmawan, 2020). Plurality and variety of parties involved in sharia economy require judges to always update knowledge in the field of Islamic economic law.

Some of the sharia economic disputes are actually resolved by the parties outside the court or non-litigation (Kamal, 2020), but if they get a stuck, they come to a religious court. Also, a certain dispute is resolved by third parties to be more efficient and there is no other dispute afterwards and has legal force protected by the State and the Law through religious court. The active participation of religious court and all components to introduce program to the community is actually important to get closer and the community gain a complete knowledge about the religious court which can not only resolve family disputes but also settle sharia economic disputes, as stated by the Director of Bank Syariah Indonesia Pamekasan:

In the contract, all clauses or articles listed in case of disputes will be resolved in the religious court. the first step in the event of a sharia dispute is done through consensus process and in accordance with the provisions stated in the contract agreement. A dispute can be resolved through negotiation, mediation, arbitration in the future.
(Interview with Mr. Marta, April 13, 2022).

The Supreme Court of the Republic of Indonesia since 2010 has improved the infrastructure of Court facilities (Buildings and infrastructure) that are representative to handle Sharia economic disputes by adopting information technology-based services and developing capacity-building by improving the quality of human resources through judge education in handling family cases and sharia economy where many judges have continued to the master and doctoral levels in Islamic economic Law (Youtube: Amran Suadi, 2021). The Supreme Court makes efforts to increase public trust such as: (1) educating and deepening the public's understanding of religious court institutions, which have implemented IT-based services through E-Court and SIPP and the regulation of the Supreme Court of the Republic of Indonesia Number 14 of 2016 concerning Procedures for Resolving Sharia Economic Cases, with a single judge and

simple procedures; (2) evaluating policies based on people's perceptions and experiences by conducting a series of community literacy surveys on the main duties and functions of the religious court, to further design a model of Sharia economic dispute resolution with simple and fast principle, and (3) implementing policies democratically by always involving the community in decision-making and Islamic economic practitioners in the religious court, especially those related to the socialization of handling sharia economic disputes (Wahyuningsih, 2011).

E. Legal Culture: Trust of Sharia Economic Practitioners in resolving sharia economic disputes in religious courts

Public trust closely refers to the community's attitude and response to government activities including its institutions, policies, and officials (Rian Andhika, 2018). This trust is usually influenced by how the government regulates and treats society in lives (Nunkoo et al., 2012). In this regard, the increase of public trust is determined by many aspects such as integrity, competence, reliability, consistency, honesty, and government accountability as the main components of community assessment (Khosravi, 2020; Hong, 2013; Im et al., 2014). Public trust in government is specifically identified by the characteristics, processes, and dimensions to which the public views the government doing the right things in carrying out the duties, being fair and putting the public interest first (Hong, 2013). Public trust can also be influenced by previous public perceptions so that people's experience becomes an important indicator in building trust (Chen et al., 2015). However, lack of trust in government leads to distrust in society. At this point, public trust arises due to a shift in values in the society which come about skepticism and public disappointment towards the authority and poor performance of the government (Foster & Frieden, 2017).

Building public trust between the community and the government has a variety of impacts such as satisfaction, interaction, support, and the community cooperation in voluntary project (Wu et al., 2016; Salim et al., 2017). Generally, high public trust not only encourages a close relationship between society and government but also asks people to be more open and have a clearer understanding. In addition, greater trust can also give rise to many alternatives and motivations for people to be able to follow the institution's decisions well and obediently (Silalahi, 2011). In line with that, in Indonesia, public trust in institutions increases public acceptance towards established policies and regulations so that people tend to be more prepared and open in complying with public policies (Widaningrum, 2017). Public trust is an important thing to always be maintained by the government owing to inappropriate policies and the government's inability to meet community expectations whereby this not only raise distrust in the community but also reduce public support for government activities (Hardin, 2013). Therefore, there are three ways that can increase public confidence: 1) educating and deepening people's understanding, 2) evaluating policies based on people's perceptions and experiences, and 3) implementing policies democratically (Wahyuningsih, 2011).

Legal awareness and enthusiastic business practitioners are a decisive factor to ensure how the religious court works in handling sharia economy dispute where the awareness of sharia economic practitioners remains low to resolve sharia economic disputes so as to require an intersection in which their needs are emphasized to settle disputes with a fast, simple, and low-cost principle and giving a guarantee of privacy among parties. It will, therefore, show a trust towards the religious court among justice seekers in the sharia economy. A total number of cases is so limited. After 16 years, there were 1,641 judges' rulings on Sharia economic disputes compared to the data of

family law cases in the religious court which reached at 4,749,428 in 2021 (putusan3.mahkamahagung.go.id). Public knowledge of legal justice in sharia economy and public assistance in the search for justice remains at low level as illustrated in table 2:

Commented [A25]: These should be in literature review.

Tabel 2: Number of Sharia Economic Disputes in Indonesia in 16 years, 2006- 2021

No.	Year	Number of Disputes
1	2006	6
2	2007	4
3	2008	1
4	2009	1
5	2010	3
6	2011	5
7	2012	5
8	2013	6
9	2014	21
10	2015	13
11	2016	87
12	2017	139
13	2018	208
14	2019	270
15	2020	361
16	2021	331
	TOTAL	1.641

Socialization about the resolution of sharia economic dispute is a continuous process that begins especially in Islamic economic practitioners and all parties. The first level religious courts in districts and cities amount to 412 and the religious high court at the province level (Religious Court Magazine, 2021) are 29. These institutions are of important to keep the communication and socialization to the community at the farthest point to obtain justice according sharia in resolving sharia economic disputes. At the same time, this requires to adopt the values of resolving dispute out of court with a fast and efficient principle which do not govern a rigid procedural law with a long term implication.

Community and state life will feel that the law basically conforms to the intrinsic values of Islam. The emergence of legal compliance is just obedience for fear of sanctions if the rule of law is not in accordance with the values in the community (Lathifah, 2020). The resolution of sharia economic disputes to create justice according to sharia is supposed to be implemented due to the fact that the Indonesian population is 85% Muslim. With establishing a special sharia economy court in religious justice, muslims will be closer to their religious law so that this will cause a sense of calm and security. Also, if there is a dispute between customers and banks, this can also be resolved using sharia principles. This is in line with what Gofar stated that the establishment of religious courts to maintain the trust and legal certainty is paramount importance so that implementation of Islamic Law can run effectively and efficiently to prevent and guarantee the rights of Sharia economic practitioners to deal with sharia economic disputes (I. Mukhametzaripov, 2020). Similarly, the following details are based on the results of an interview with the Sharia Supervisory Board BPRS SPM:

In essence, the religious court implements the legislation. In this case, the law plays an important role as a tool of social engineering. Also, the readiness of the judges of the religious court itself has significant function in handling cases of Sharia economic disputes. The Islamic financial institutions have executed the contract with the review of the Sharia supervisory board (DPS) to ensure its validity. Indeed, in the settlement of disputes, the banking parties prefer to settle in amicable agreement to accelerate the settlement and return of losses of Islamic financial institutions. It is particularly worrying that settlement through the court will ruin the friendship and this is one of the factors where there are only a few cases prosecuted in the religious court (Interview with Mr. Moh Zahid on March 10, 2022).

Legal culture refers to the values, attitudes and ideas in the society where the law must be practiced. In this point, the majority of Indonesian society is Muslim so the sharia economy disputes are ideally resolved through the religious court (Apriyandanu, 2018). The values of Islamic court differ substantively from normative laws which are formulated with an approach of individualism and secularism in which such laws are mostly applied in the Indonesian judiciary that still adopts **dutch** colonial law. Islamic court is eventually based on Islamic philosophical values (Gofar, 2017) so that this will be accepted by the community, especially business practitioners, just how to pack and socialize with the community to improve literacy on the role of religious court in settling sharia economic disputes.

The increase of public literacy on the products of Islamic economic institutions is not followed by efforts to heighten the awareness of practitioners and consumers of the Islamic finance industry to resolve disputes to the religious court that will provide justice and legal certainty in accordance with Islamic Law (Osman & Abdillah, 2019). There are usually two channels that are offered to disputing parties in the litigation and non-litigation lines which provide opportunities for them to facilitate resolution outside the religious court such as mediation, arbitrase, collateral confiscation before going to the religious court as the last bastion of the development of sharia economic law in Indonesia. This absolute authority needs to be followed also by the active participation of the government – the supreme court – the stakeholder of Sharia economy to synergize for the enforcement and development of sharia economic law which will later have an impact on the development of the national economy in general because a guarantee of government dispenses justice and apply the principles of legal certainty.

A higher level of public trust will encourage a close relationship between the sharia economic practitioners and the religious court. Structured and concrete steps are becoming more frequently required to eliminate the conditions that lead to a low interest in Muslims in utilizing religious court institutions to settle sharia economic disputes with the socialization and involvement of sharia economic practitioners in religious court programs. In this study, there are two important things in the development of the Islamic economic law. *First*, material and formal sources of law in the resolution of sharia economic disputes are actually to ensure justice and legal certainty of sharia economic practitioners. *Second*, socialization is of significant to increase public literacy about the existence of a religious court that has absolute authority to resolve sharia economic disputes, which is able to organize a modern "E-Court" judiciary in the field

Commented [A26]: Dutch, every name of the countries should be capitalized

Commented [A27]: References?, Please support your arguments by citing from the related articles published by high reputed journals

of Sharia economy that demands justice, guarantee legal certainty, offer fast service and also provide service at low- cost.

F. Conclusion

The lack of public trust in the religious court is basically caused by: (1) Incomplete history, laws and regulations and a disharmony between laws and regulations governing the authority to resolve sharia economic disputes (2) Culture demands in business to resolve disputes with an effective and efficient principle as well as the lack of supporting facilities and infrastructures and (3) Low level of legal literacy among sharia economic practitioners to resolve sharia disputes in religious courts and the tendency to choose a non-litigation path in resolving sharia economic disputes with the reason of asset security. Rebuilding public trust is imperative for Muslims in raising awareness and confidence in religious court which is a special judicial institution for Muslims in the civil field. There needs synergy between government, supreme court, and sharia economic practitioners to increase public trust in religious courts so that sharia economic law in Indonesia is able to developed and enforced.

In this study, microscopic analysis is ~~much~~ needed to see the anatomy of public perception of religious court in resolving sharia economic disputes in some regions in Indonesia, due to the diversity of cultural characteristics in provinces, regencies and cities. This study is conducted through a macro analysis which is generally based on data on the lack of sharia economic cases decided by the religious court in the last 15 years compared to family law cases. However, the percentage increases significantly.

References:

- Al Hasan, F. A. (2019). The Role of Religious Courts in Supporting the Development of the Islamic Finance Industry in Indonesia. *Al-Ahkam Jurnal Ilmu Syari'ah Dan Hukum*. <https://doi.org/10.22515/al-ahkam.v4i1.1329>
- Amiruddin. (2012). *Pengantar Metode Penelitian Hukum*. Grafindo Persada.
- Apriyandanu, E. (2018). Kedudukan Basyarnas Dalam Penanganan Kepailitan Perbankan Syariah Ditinjau Dari UU No. 21 Tahun 2008 Tentang Perbankan Syariah. *JURNAL USM LAW REVIEW*. <https://doi.org/10.26623/julr.v1i1.2230>
- Azheri, B. (2018). Urgency of the establishment of a special court for the resolution of Sharia economic dispute in the Religious Courts. *Journal of Legal, Ethical and Regulatory Issues*.
- Budiharto, & Sismarwoto, E. (2020). Freedom of contracts and dispute settlement between conventional banking and sharia banking. *International Journal of Economics and Business Administration*. <https://doi.org/10.35808/ijeba/438>
- Chen, J. V., Jubilado, R. J. M., Capistrano, E. P. S., & Yen, D. C. (2015). Factors affecting online tax filing - An application of the IS Success Model and trust theory. *Computers in Human Behavior*. <https://doi.org/10.1016/j.chb.2014.11.017>
- Daulay, H. R. (2021). *Legal Reconstruction Settlement Of Sharia Capital Market Strengthening Regulatory Aspects To Provide Legal Certainty Disputes* : 40, 161–169.

- Faizal, B. T. W. (2021). Menakar Urgensi Pengaturan Pelaksanaan Dan Pembatalan Putusan Badan Arbitrase Syariah Nasional (BASYARNAS). *Ijil*. <https://doi.org/10.35719/ijl.v1i01.73>
- Fitriyanti, F., Yunita, A., & Hamsin, M. K. (2020). Peningkatan Kualitas Kompetensi Arbiter Syari'ah Di Badan Arbitrase Syari'ah Nasional (BASYARNAS) Wilayah Diy. *Panrita Abdi - Jurnal Pengabdian Pada Masyarakat*. <https://doi.org/10.20956/pa.v4i3.7437>
- Foster, C., & Frieden, J. (2017). Crisis of trust: Socio-economic determinants of Europeans' confidence in government. *European Union Politics*. <https://doi.org/10.1177/1465116517723499>
- Gofar, A. (2017). The reform of the procedural religious court law based on islamic law in indonesian legal system. *Sriwijaya Law Review*. <https://doi.org/10.28946/slrev.Vol1.Iss2.37> pp114-127
- Hardin, R. (2013). Government without trust. *Journal of Trust Research*. <https://doi.org/10.1080/21515581.2013.771502>
- Hariyanto, E. (2014). Penyelesaian Sengketa Ekonomi Syariah di Indonesia. *IQTISHADIA: Jurnal Ekonomi & Perbankan Syariah*, 1(1). <https://doi.org/10.19105/iqtishadia.v1i1.365>
- Hariyanto, E. (2016a). *The Characteristic Settlement of The Syariah Banking Dispute In Religious Judiciary*. Universitas 17 Agustus 1945.
- Hariyanto, E. (2016b). The Political Scrimmage of The Religious Court's Law as The Judicial Institution In The Reformation Era in Indonesia. *Al-Ihkam: Jurnal Hukum & Pranata Sosial*, 11(1), 178. <https://doi.org/10.19105/al-ihkam.v1i1.782>
- Hong, H. (2013). Government websites and social media's influence on government-public relationships. *Public Relations Review*. <https://doi.org/10.1016/j.pubrev.2013.07.007>
- Huberman, M. (1990). Linkage Between Researchers and Practitioners: A Qualitative Study. *American Educational Research Journal*. <https://doi.org/10.3102/00028312027002363>
- Hudawati, S. N. (2020). Problematika Hukum Formil Penyelesaian Sengketa Ekonomi Syariah di Pengadilan Agama. *Jurnal Penegakan Hukum Dan Keadilan*. <https://doi.org/10.18196/jphk.1102>
- Idri. (2009). RELIGIOUS COURT IN INDONESIA History and Prospect. *Journal of Indonesian Islam*, 03(02), 297–313.
- Im, T., Cho, W., Porumbescu, G., & Park, J. (2014). Internet, Trust in Government, and Citizen Compliance. *Journal of Public Administration Research and Theory*, 24(3), 741–763. <https://doi.org/10.1093/jopart/mus037>
- Isti'annah, H., & Kusnadi, N. (2019). Existence of Religious Court in Indonesia as the Executor Mortgage Right of Islamic Bank Financing. *International Journal of Multicultural and Multireligious Understanding*.
- Jamal, M., Mahfudz, A. A., Syamsuri, S., & Handayani, R. (2021). Analysis of Alternative Dispute Resolution in non-litigation dispute resolution on Islamic

- Mortgage: at the Ombudsman Institution Yogyakarta. *TSAQAFAH*, 17(1). <https://doi.org/10.21111/tsaqafah.v17i1.6760>
- Jamaludin, M. J. (2020). Penanganan Sengketa Ekonomi Syariah Perspektif Cita Hukum di Pengadilan Tinggi Agama Semarang. *JURNAL AL-QARDH*. <https://doi.org/10.23971/jaq.v5i1.1882>
- Kamal, H. (2020). Analisis Penyelesaian Sengketa Ekonomi Syariah Pasca Putusan MK No. 93/PUU-X/2012. *Al Mashaadir: Jurnal Ilmu Syariah*. <https://doi.org/10.52029/jis.v1i1.4>
- Karmawan, K. (2020). Mediation in the Religious Courts of Indonesia. *AHKAM: Jurnal Ilmu Syariah*. <https://doi.org/10.15408/ajis.v20i1.13249>
- Kasim, A. (2021). THE SETTLEMENT OF SHARIA ECONOMIC DISPUTES IN INDONESIAN ISLAMIC CLASSIC TRADITIONS AND POSITIVE LAW. *Tasharruf: Journal Economics and Business of Islam*, 6(1), 54. <https://doi.org/10.30984/tjebi.v6i1.1414>
- Khasanah, K., Adinugraha, H. H., & Mayangsari, P. A. (2021). Online Dispute Resolution (ODR) as an Alternative Resolution of Sharia Economics in Indonesia. *Jhi*, 19, 21–42.
- Khosravi, M. (2020). Perceived Risk of COVID-19 Pandemic: The Role of Public Worry and Trust. *Electronic Journal of General Medicine*, 17(4), em203. <https://doi.org/10.29333/ejgm/7856>
- Lathifah, A. (2020). State Marriage and Civil Marriage: The Role of State Policy on Interreligious Marriage in Central Java. *Al-Ihkam: Jurnal Hukum Dan Pranata Sosial*, 15(1), 1–30. <https://doi.org/10.19105/AL-IHKAM.V15I1.2689>
- Marzuki, M., Yetta, Y., Badollahi, M. T., Ruslan, M., & Hanafi, S. (2021). The Implementation of Underage Marriage Dispensation in Palu Religious Court. *Review of International Geographical Education Online*. <https://doi.org/10.33403/rigeo.800521>
- Masriani, Y. T. (2016). THE POSITION OF NOTARIAL DEED IN THE SHARIA ECONOMIC DISPUTE. *Mimbar Hukum - Fakultas Hukum Universitas Gadjah Mada*. <https://doi.org/10.22146/jmh.15861>
- Masse, R. A., & Rusli, M. (2018). Islamic Banking Dispute Resolution in National Sharia Arbitration Board. *IOP Conference Series: Earth and Environmental Science*, 175(1). <https://doi.org/10.1088/1755-1315/175/1/012169>
- Mawardi, A. I., & Riza, A. K. (2019). Why did Kompilasi Hukum Islam succeed while its counter legal draft failed? A political context and legal arguments of the codification of Islamic Law for religious courts in Indonesia. *Journal of Indonesian Islam*. <https://doi.org/10.15642/JIIS.2019.13.2.421-453>
- Minardi, A. (2020). Two Lane Settlement of Sharia Economic Disputes Between Religious Court and National Sharia Arbitration Agency (BASYARNAS). *Indonesian Journal of Religion and Society*, 1(2), 126–137. <https://doi.org/10.36256/ijrs.v1i2.66>
- Muhaimin, Husni, L., & Wira, L. (2021). Authoritative Institution In Disputes Resolution In The Conversion Of Conventional Bank To Sharia Bank. *Journal of*

Legal, Ethical and Regulatory Issues, 24(4), 1–8.

Mukhametzaripov, I. (2020). Religious Courts in Modern European States. *Sovremennaya Evropa*. <https://doi.org/10.15211/soveurope32020148157>

Mukhametzaripov, I. A. (2020). Foreign scientific discourse about religious courts in a secular state. *Religiovedenie*. <https://doi.org/10.22250/2072-8662.2020.1.114-122>

Musjtari, D. N., Riyanto, B., & Setyowati, R. (2019). Reformulation of mediation in dispute settlement on islamic banking. *Humanities and Social Sciences Reviews*. <https://doi.org/10.18510/hssr.2019.7424>

MUSRIFAH, M., & KHAIRUNISA, M. (2020). PENYELESAIAN SENGKETA EKONOMI SYARIAH MELALUI ARBITRASE SYARIAH. *Al-Amwal*. <https://doi.org/10.36341/al-amwal.v9i1.142>

Mustofa, K. N. (2019). Submission of Marital Dispensation for Religious Courts in Central Java: Study of Minimum Pair Age Standards Along With Judge's Attitudes and Wisdomes. *Journal de Jure*, 11(1), 63. <https://doi.org/10.18860/j-fsh.v11i1.6611>

Nunkoo, R., Ramkissoon, H., & Gursay, D. (2012). Public trust in tourism institutions. *Annals of Tourism Research*, 39(3), 1538–1564. <https://doi.org/10.1016/j.annals.2012.04.004>

Osman, O., & Abdillah, K. (2019). HUKUM MATERIIL PENYELESAIAN SENGKETA EKONOMI SYARIAH (TINJAUAN UNDANG-UNDANG DAN HUKUM ISLAM). *Al Huquq: Journal of Indonesian Islamic Economic Law*, 1(1), 31–52. <https://doi.org/10.19105/AL HUQUQ.V1I1.2646>

Otoritas jasa Keuangan. (2020). *Perkembangan Bank Syariah*. <https://www.ojk.go.id/id/kanal/syariah/berita-dan-kegiatan/publikasi/Pages/Snapshot-Perbankan-Syariah-Indonesia-Maret-2020.aspx>

Rian Andhika, L. (2018). Meningkatkan Kepercayaan Publik Terhadap Pemerintah Melalui Redesain Proses Kebijakan. *JIP (Jurnal Ilmu Pemerintahan): Kajian Ilmu Pemerintahan Dan Politik Daerah*. <https://doi.org/10.24905/jip.3.1.2018.24-42>

Ridwan, R., Zain, M. F., & Maula, B. S. (2021). *The Mapping of Sharia Economic Dispute Decisions in Religious Courts*. <https://doi.org/10.4108/eai.18-11-2020.2311813>

Rosidah, Z. N. (2020). Limitation of Application of Sharia Principles in Sharia Economic Dispute Resolution in Religious Courts. *Journal of Morality and Legal Culture*. <https://doi.org/10.20961/jmail.v1i1.44749>

Rosidah, Z. N., & Karjoko, L. (2021). Orientasi Filosofis Hakim Pengadilan Agama Dalam Menyelesaikan Sengketa Ekonomi Syariah. *Jurnal Hukum Ius Quia Iustum*. <https://doi.org/10.20885/iustum.vol28.iss1.art8>

Rosidah, Z. N., & Mahfiana, L. (2020). Efektivitas Penerapan Prinsip-Prinsip Syariah Dalam Penyelesaian Sengketa Ekonomi Syariah di Badan Arbitrase Syariah Nasional (Basyarnas). *TAWAZUN: Journal of Sharia Economic Law*. <https://doi.org/10.21043/tawazun.v3i1.7529>

- Sakti, T. I., Kusuma, V., Pratama, A. P., & ... (2021). PUTUSAN SENGKETA EKONOMI SYARIAH PENGADILAN NEGERI PASAMAN BARAT TENTANG PUTUSAN ARBITRASE BPSK KABUPATEN BATUBARA NOMOR *Jurnal*
- Salim, M., Peng, X., Almaktary, S., & Karmoshi, S. (2017). The Impact of Citizen Satisfaction with Government Performance on Public Trust in the Government: Empirical Evidence from Urban Yemen. *Open Journal of Business and Management*, 05(02), 348–365. <https://doi.org/10.4236/ojbm.2017.52030>
- Samin, S. B. B. (2020). Peran Pengadilan Agama Dalam Praktik Penyelesaian Sengketa Ekonomi Syariah. *Syarikat: Jurnal Rumpun Ekonomi Syariah*.
- Silalahi, U. (2011). Kepercayaan Publik kepada Pemerintah Daerah Pasca Orde Baru. *Ilmu Akuntansi Negara*.
- Siswajanthi, F. (2021). Gugatan Sederhana Dalam Penyelesaian Sengketa Ekonomi Syariah Di Indonesia. *Pakuan Law Review*.
- Subramanian, N. (2017). Islamic Norms, Common Law, and Legal Reasoning: Muslim Personal Law and the Economic Consequences of Divorce in India. *Islamic Law and Society*, 24(3), 254–286. <https://doi.org/10.1163/15685195-00243p03>
- Sufiarina, S. (2014). URGENSI PENGADILAN AGAMA SEBAGAI PENYELESAI SENGKETA EKONOMI SYARIAH. *Jurnal Hukum & Pembangunan*. <https://doi.org/10.21143/jhp.vol44.no2.21>
- Sugiyono. (2009). *Metode Penelitian Kuantitatif, Kualitatif dan R&D*. Alfabeta.
- Sulistyowati, S. (2015). Penyelesaian Sengketa antara Bank Shari'ah dengan Nasabah Bermasalah melalui Badan Arbitrase Shari'ah Nasional (BASYARNAS) menurut UU No. 30 tahun 1999. *ISLAMICA: Jurnal Studi Keislaman*. <https://doi.org/10.15642/islamika.2014.9.1.193-222>
- Syarif, F. (2019). Perkembangan Hukum Ekonomi Syariah di Indonesia. *Pleno Jure*, 8(2), 1–16. <https://doi.org/10.37541/plenojure.v8i2.38>
- Vinet, L., & Zhedanov, A. (2010). A "missing" family of classical orthogonal polynomials. *Dissertation Abstracts International*. <https://doi.org/10.1088/1751-8113/44/8/085201>
- Wahyudi, F. (2019). THE QUO VADIS OF BANCKRUPTY SETTLEMENT AND PKPU LAWS ON SHARIA BANKING. *Jurnal Hukum Dan Peradilan*. <https://doi.org/10.25216/jhp.8.1.2019.1-20>
- Wahyuningsih, R. D. (2011). Membangun Kepercayaan Publik Melalui Kebijakan Sosial Inklusif. *Jurnal Ilmu Sosial Dan Ilmu Politik*, 15(1), 29–40. <https://doi.org/10.22146/jsp.10923>
- Widaningrum, A. (2017). Public Trust and Regulatory Compliance. *Jurnal Ilmu Sosial Dan Ilmu Politik*. <https://doi.org/10.22146/jsp.28679>
- Wu, Y., Sun, I. Y., & Hu, R. (2016). Public trust in the Chinese police: The impact of ethnicity, class, and Hukou. *Australian and New Zealand Journal of Criminology*. <https://doi.org/10.1177/0004865814554309>

- Yahya, I. (2017). Sengketa Ekonomi Syariah di Indonesia Pasca Putusan Mahkamah Konstitusi Nomor 93/PUU-X/2012. *Al-Manahij: Jurnal Kajian Hukum Islam*. <https://doi.org/10.24090/mnh.v10i1.921>
- Yanti, I., Addiarrahman, & Badaruddin. (2016). Quo Vadis Of Religious Court On The Development Of Sharia Economic Law In Indonesia. *Al-Risalah*, 16(2), 255–267. <https://doi.org/https://dx.doi.org/10.30631/al-risalah.v16i02.311>
- Zain, N. H. M., & Rosidah, Z. N. (2018). Streghtening Sharia Arbitration As a Model of Banking Dispute Resolution. *Seajbel.Com*, 17(4), 54–58.
- Zainuddin Ali. (2013). *Metode Penelitian Hukum* (4th ed.). Sinar Grafika.

Noted:

1. The essence of the discussion is not the low of public trust in dispute resolution, but the low level of businessman in resolving disputes in the PA. The main factor is a matter of efficiency. The character of the business world is easy, fast, and cheap. Non-litigation meets these prerequisites. It would be better if this article also presents data on the experience of businessman in resolving disputes in PA, so that it is clear what causes the least disputes in PA.
2. So, the issue of public trust is not actually a matter of judges as human resources, or the seriousness of the Supreme Court, but it is rather to a matter of efficiency. Economic agents believe that it is more efficiently resolved non-litigation.
3. The description of the interview should not present suggestions, but rather what happened. When interviewing judges, what happened, what they were experienced, is not suggesting. Islamic bank actors also do not need to suggest, but what they were experienced.
4. Minor Revision

**THE INCREASING OF PUBLIC TRUST TO RELIGIOUS COURT
TO HANDLE DISPUTES IN SHARIAH ECONOMY**

Abstrak:

Peradilan Agama kurang dimanfaatkan dalam pencarian keadilan atas sengketa ekonomi syariah. Pelaku ekonomi syariah kurang antusias dalam memanfaatkan Lembaga peradilan agama dalam memecahkan sengketa ekonomi syariah, sementara umat islam telah terbiasa memanfaatkan peradilan agama untuk memecahkan masalah dalam hukum keluarga seperti perceraian, sengketa kewarisan, permohonan hak asuh anak, wasiat dan hibah. Kecenderungan ini menjadi tanda dari rendahnya kepercayaan publik terhadap peradilan agama. Tulisan ini menganalisis bagaimana kepercayaan public kepada Peradilan Agama menjadi kendala utama dalam pemanfaatan layanan Peradilan Agama untuk

Commented [A1]: This paper aims to explain public trust in religious courts in resolving disputes. There are a few items that still need to be explained in this manuscript:

1. The background has not shown significant research problems, so this research is essential.
2. Reviewers have not seen a significant contribution from this research. The paper only describes other research without giving criticism and suggestions that show contradictions or support from existing research results.
3. No novelty
4. Implications and recommendations have not yet been found in the conclusions.
5. The manuscript has massive grammatical error that urgently to be fixed.

Formatted: Font: 14 pt, Bold, No underline

Commented [IM2]: mulai dengan temuan yang mengagetkan

menyelesaikan sengketa ekonomi syariah. Penelitian didasarkan pada data perkara ekonomi syariah yang telah diputuskan dalam lima belas tahun terakhir dan wawancara dengan sejumlah hakim, advokad, pelaku ekonomi syariah dan para pihak terkait. Hasil penelitian menunjukkan bahwa tiga prakondisi yang menjadi dasar lemahnya public trust terhadap peradilan agama: (1) Sejarah Perjalanan Peradilan Agama dan aturan perundang-undangan yang tidak lengkap untuk mendukung proses peradilan penyelesaian sengketa ekonomi syariah, (2) [Tuntutan budaya bisnis dalam penyelesaian sengketa yang cepat efektif dan efisien juga faktor dan kurangnya sarana dan prasana pendukungnya](#) serta (3) Literasi hukum yang rendah di kalangan pelaku ekonomi syariah untuk menyelesaikan sengketa syariah di Peradilan Agama. *Public trust* menjadi sangat krusial bagi umat Islam dalam meningkatkan kesadaran dan kepercayaan pada lembaga peradilan agama. Tulisan ini bersifat makro sehingga dibutuhkan suatu kajian yang bersifat mikroskopis untuk dapat melihat anatomi persepsi public terhadap peradilan agama dalam penyelesaian sengketa ekonomi syariah.

Keywords: *Public Trust; Religious Court; Dispute of Shariah Economy; Law Literacy, Regulations*

Abstract:

Religious court is not empowered considerably to seek justice in settling sharia economic disputes. [Practitioners of sharia economy lack enthusiasm to demonstrate the importance of](#) religious court in solving sharia economic disputes, while Muslims have often utilized a religious court to solve problems in family law such as divorce, inheritance disputes, applications for child custody, probate and grants. This trend is an indication of a lack of public trust in the religious court. This study aims to analyse how public trust is the main obstacle for improving religious court services to resolve sharia economic disputes. The research is based on data on sharia economic cases that have been decided in the last fifteen years and interviews with a number of judges, advocates, practitioners of sharia economy and relevant parties. The research findings showed that there are three key points on which public trust in religious court remains low: (1) The historical development of religious court and incompleteness of laws and regulations to support the judicial process in resolving sharia economic disputes, (2) [The business demand to deal with disputes effectively and efficiently as well as the factor of the lack of the supporting facilities and infrastructures](#) and (3) lack of legal literacy among Islamic economic practitioners to resolve disputes. Public trusts are of crucial for Muslims to raise awareness and belief in religious court. This is a macroscopic study which also requires a microscopic analysis to see the anatomy of public perception to religious court in solving sharia economic disputes.

Keywords: *Public Trust; Religious Court; Dispute of Shariah Economy; Law Literacy, Regulations*

Commented [IM3]: Abstract or Abstract. The quality of English should be improved, there are a lot of unnecessary sentences

Commented [IM4]: Please explain the method clearly

Commented [IM5]: Masukkan dalam teori

A. Introduction

The rapid development of [Islamic financial institutions] is not counterbalanced by the legal readiness, in this case, in religious court, by which this institution is to provide justice and legal certainty in Sharia economics disputes. By 2022 there are 14 Sharia Commercial Banks, 20 Sharia Business units and 163 BPRS with total assets of 443.360 billion (Financial Services Authority, 2022? referensi). Almost all of its transaction agreement is based on sharia contracts which are possibly causing a variety of Sharia economic disputes. To achieve justice, law enforcement agencies for parties who have a dispute in relating to the shari'ah economy is paramount importance. In this point, this is actually quite different with family law which is institutionally more established (Hariyanto, 2016a, p. 98). The significant role of the religious court is very crucial as the shari'ah economic disputes have proliferated since the growing interest of the people in Indonesia – especially the Muslim community – towards Islamic business development.

To date, a study on the authority of the religious court in resolving sharia economic disputes has a little attention to the aspects of public opinion, especially sharia economic practitioners to deal with sharia economic disputes in the religious court. A few studies tend to look at three things. *First*, there is an absolute authority in the religious court to settle sharia economic disputes and to handle sharia economic disputes, there is still a dualism of the designated litigation institutions namely the district court and religious court (add literatur Review For Novelty this article)

On the point three, a few studies tend to analyse the religious court's authority to resolve sharia economic disputes in the legal perspective and the position of the religious court in resolving disputes instead of conciliation, banking mediation and arbitration forums conducted by BASYRNAS or OJK. These studies do not look at how public trust is maintained by sharia practitioners who come to religious courts if they experience conflicts and disputes in sharia economy in order to obtain a fair trial under sharia perspective.

It is a known fact that in the last 16 years, religious courts can only produce 1,641 regulations and peace certificates (putusan3.mahkamahagung.go.id) even though the number of disputes in the Islamic economic industry has increased substantially. Economic disputes continue to increase and it is estimated that there are 1,200 sharia disputes in 2021 as reported by the Financial Services Authority (OJK). Of course the number in the field is greater (Mardi: 2020) (https://www.tribunnews.com) This issue has been emerged as a national issue in various media, but has not been carefully researched. The news is reported the following: Kampung kurma, Sharia Investment bodong under the sharia rules (Business Coil;2020), Fraud cases involving sharia-compliant housing (DetikNew.com: 2021) (Kompas.com: 2021); consumer dispute case for financial dominance (Bisnis.com: 2021). This issue was already studied by Hariyanto (2016) (Karmawan, 2020) (Mustofa, 2019). In these studies, two main studies were shown: lack of awareness about the use of religious courts and poor institutional performance of religious courts in handling cases of sharia

Formatted: Highlight

Commented [IM6]: Avoid self citation

Commented [IM7]: Please add more references

Commented [IM8]: See the reference, please ensure that the quoted references are relevant with the topic

Formatted: Highlight

Formatted: Font: Italic, Highlight

Commented [IM9]: Check the reference

Formatted: Font: Italic, Highlight

Formatted: Font: Italic, Highlight

Formatted: Highlight

Commented [IM10]: cek jangan terlalu banyak media

Formatted: Highlight

economic disputes. In line with this, a thorough understanding of why the economic courts are limited to utilize in the resolution of Islamic economic disputes is very much needed.

This study aims to follow up previous studies that are still limited and still examine normative aspects. In this study, a special review of preconditions that led to a little interest of **practioners of sharia economy** in convincing religious court institutions to solve sharia economic disputes. **The minor role of religious court institutions can be clearly seen from institutional competence for one thing and the awareness of Islamic economic practitioners for another thing.** These practitioners are those who have difficulty in running a business and deal with legal problems. Various sharia economic disputes require a legal authority to settle in the sharia perspective.

Here are three arguments to support this study. *First*, to empower a religious court requires an adequate legal in providing an umbrella act for the various dispute resolution. *Second*, the ability of the religious court in carrying out legal functions is largely determined by the adequacy and quality of human resources and infrastructure **so as to meet the demand for business practitioners to settle disputes effectively efficiently.** *Third*, the judicial process can run well with an adequate level of literacy of Islamic economic practitioners in various aspects of sharia economic law.

B. Method

The lack of anthusiasim in the religious court in dealing with sharia economic disputes is a problem that needs to be solved amidst the growing national sharia economy, considering that its role as a special judiciary has an absolute authority. In the ideal and sociological level, religious court becomes the focus of muslims' hopes to achieve justice and **legal certainty in business activities** according to sharia. Public trust in **business practitioners** is of crucial for Muslims in raising awareness and foster belief in the religious court. Indonesia is the country with the largest Muslim population in the world and is the center of sharia economy in Southeast Asia, so there needs to be a guarantee of legal protection for justice and legal certainty in settling sharia economy.

The data were obtained from a qualitative research process related to **public trust towards religious court** which is clearly seen from the lack of decisions and peacefull settlement of sharia economic disputes in the last 15 years (putusan3.mahkamahagung.go.id). Secondary data were acquired through media coverage that can be accessed through the internet (Amiruddin, 2012). These data have become evidence that illustrates the lack of public trust in the religious court to handle sharia economic disputes. This study involves sharia economic practitioners and judges who are involved in the contract process and the settlement of sharia economic disputes. R

Respondents in this study include leaders of Islamic economic institutions, sharia cooperatives and judges who were selected randomly on the basis of job diversity in the context of public trust in religious court to settle sharia economic disputes.

Formatted: Highlight

Commented [IM11]: Support it with the reference

This study is based on complete data, ranging from verdicts in sharia economic dispute, mapping news and reports from secondary sources, then conducting a series of interviews, and focus group discussions. Secondary sources are carried out by reading a series of online news and reports, which are further recorded and mapping data collected thematically (Sugiyono, 2009). The offline interviews were conducted with the heads of Islamic economic institutions and judges as well as keep maintaining health protocols. Some of the other online interviews were carried out using video calls through the WhatsApp application. ~~FGD was held using zoom media with the board of the Sharia Economic Community (MES) association, the administrator of the Indonesian Sharia Lawyers Association (APSI) to dig up data on how public trust in the religious court handle sharia economic disputes~~

Formatted: Underline, Strikethrough

Commented [IM12]: The essence of the discussion is not the low of public trust in dispute resolution, but the low level of businessman in resolving disputes in the PA. The main factor is a matter of efficiency. The character of the business world is easy, fast, and cheap. Non-litigation meets these prerequisites. It would be better if this article also presents data on the experience of businessman in resolving disputes in PA, so that it is clear what causes the least disputes in PA.

Data were analysed using Huberman analysis techniques (1990) to describe the major phases of data analysis: data reduction, data display and data verification. Methods for collecting data were carried out through selecting and sorting of data, by thematic mapping techniques. Furthermore, the data were displayed in tables and narrative quotations while maintaining the originality of the data (Zainuddin Ali, 2013). Data verification was done by the use of triangulation of data sources. The structured data were then analyzed by restatement methods, and description. Re-statements are carried out by re-quoting informant statements in the interview excerpts to present a point of view on public trust (Amiruddin, 2012). Description was done by mapping the pattern of the tendency of public distrust to the religious court in the resolution of sharia economic disputes. All these stages became the basis for the collection of the research findings.

C. Dynamics of Religious Court Authority in **Resolving Sharia Economic Disputes in Indonesia**

Formatted: Highlight

The religious court develops dynamically over time and is influenced by the guidance of religious norms expressed by a particular part of the population, ranging from the need for ethnocultural identification to authority, religious leaders, efficiency and the high cost in the secular court (Mukhametzaripov, 2020; Idri, 2009; Karmawan, 2020). Therefore, the existence of religious court is maintained, so that legal trust and certainty can be realized effectively and efficiently in ensuring public confidence for justice seekers (Azheri, 2018; Gofar, 2017; Marzuki et al., 2021). Despite the fact that the power of the religious court significantly weakens, the existence of religious court is still demanded by muslim communities and believers whose initial role is a counseling, reconciliation (Mukhametzaripov, 2020), and mediation processes (Musjtari et al., 2019). ~~The religious court is a special judicial institution within the framework of a law that is given absolute flexibility to resolve civil disputes among Muslims, to ensure the functioning or non-functioning of religious associations normally, and to refer to the thought of religious norms in the modern era to prevent and guarantee the rights of religious believers in the resolution of sharia economic disputes (Mukhametzaripov, 2020).~~

Commented [IM13]: Add the phrase

Commented [IM14]: The authors should not only mention the references, but they should also provide the clear distinctions between the references

The values of Islamic justice are philosophically and substantively different from substantive judicial normative law, where normative law or civil procedures

Commented [IM15]: Add more relevant references

composed with an approach of individualism, secular, the optical properties of the nature legal dispute become a fundamental differentiator over Islamic justice (Gofar, 2017; Isti'adah & Kusnadi, 2019). In line with that, religious court tends to be based on the philosophical values of Islam (Gofar, 2017), where the religious court also has authority in resolving disputes in regard with sharia fields, such as divorce and economic disputes (Azheri, 2018). In other words, the religious court can facilitate various kinds of conflict resolution based on religious norms in accordance with the social context of people (Gofar, 2017; Mawardi & Riza, 2019; I. Mukhametzaripov, 2020). ~~Mukhametzaripov (2020) further said that religious court in certain situations can also be utilized as an element of religious gathering with inherent functions designed to meet the needs for religious organizations and social groups which are just and humane.~~

Commented [IM16]: the issue of public trust is not actually a matter of judges as human resources, or the seriousness of the Supreme Court, but it is rather to a matter of efficiency. Economic agents believe that it is more efficiently resolved non-litigation

The rapid development of Sharia business activities and the development of Islamic financial institutions have given rise to potential disputes between the parties (Kasim, 2021; Rosidah, 2020; Khasanah et al., 2021). In Indonesia, with the passage of the Law of the Republic of Indonesia Number 3 of 2006 concerning religious court is a response to one form of the Indonesian government in response to the increasing cases of sharia economic disputes to date (Al Hasan, 2019). The basic principles in the resolution of Sharia economic disputes must be based on mediation to provide benefits for the parties who get involved in dispute and have to conform to the moral and cultural values of the community. ~~The disputes are supposed to be resolved quickly, correctly, and cheaply so as not to take a lot of energy, time, and thought through the concept of *al tahkum* and if this cannot be settled, the resolution of sharia economic disputes can use *al gadha* (Masriani, 2016; Masse & Rusli, 2018; Vinet & Zhedanov, 2010). Therefore, sharia economic disputes must be resolved in different ways, dispute resolution in Islamic law is known as *sulh* and *tahkim* which discovers ways that reconcile through both litigation and nonlitigation (Kasim, 2021).~~

Commented [IM17]: Add references

~~In *murabahah* contracts, debtors who are in the process of installment payment agreements and auctions of collateral goods, often experience obstacles (Ridwan et al., 2021), such as business disputes in the case of sharia mortgages (KPR) in Yogyakarta (Jamal et al., 2021), and disputes on the capital market (Daulay, 2021). Zain & Rosidah (2018) also said that the religious court has an important role in resolving sharia business disputes such as bad credit land loans. Although the parties have agreed to resolve disputes through arbitration bodies, they must also still get approval from the head of the state religious court. In line with that, economic disputes also arise to apply for contracts in banking, especially in conventional and Islamic banks, where these problems lie in the credit process that obscures the rights and obligations between parties (Budiharto & Sismarwoto, 2020). To settle sharia economic disputes, the authorized institution is the religious court, and for the settlement of non-litigation pathways resolved through deliberation, mediation, and BASYARNAS (Muhaimin et al., 2021).~~

The resolution of economic disputes requires an adequate an umbrella act. The weakness in the use of religious court lies in the unavailability of adequate laws and regulations to be used as the basis of a legal ruling. Law No. 3 of 2006 on religious court in a hierarchical manner, there is still a legal vacuum due to the absence of derivative rules that can ensure the given absolute authority by which

this can run as it should be. ~~The absolute authority of the religious court is outlined in Article 49, letter (i) of the Religious Court Law stating that the sharia economy is an act or business activity~~ which is carried out according to the principles of sharia, such as sharia banks, sharia microfinance institutions, sharia insurance, sharia reinsurance, sharia investment funds, sharia bonds and sharia medium-term securities, sharia securities, sharia financing, sharia mortgage, pension funds for sharia financial institution and sharia bussinesses. The regulations of sharia disputes are illustrated in the following table 1:

Formatted: Strikethrough

Commented [IM18]: sumber tabel

Table 1: Legal Norms in Handling Sharia Economic Disputes in Indonesia

No.	Regulations	Influences on Handling Sharia Economic Disputes
1	Regulations Number 3 Year 2006 about Religious Court, article 49 (i)	The first legal source of absolute authority of religious courts in the sharia economic dispute resolution
2	Regulations Number 21 Year 2008 about Sharia Banking	Giving rise to the dualism of sharia economic dispute resolution through district courts and religious courts
3	Constitutional Court Number 93/PUU/X/2012	The judgement of Constitutional Court declaring the settlement of sharia disputes is the absolute authority of the Religious Court
4	The Regulation of Supreme Court of the Republic of Indonesia No. 2 of 2008 Compilation of Sharia Economic Law (KHES)	A guideline for judges in adjudicating disputes as a material law of sharia economic law and non-binding to society at large
5	Supreme Court Regulation No. 14 of 2016 concerning Procedures for Settlement of Sharia Economic Cases	A guideline for judges in adjudicating sharia economic disputes, as a formal law (procedural law) for simple cases and non-binding to society at large
6	Supreme Court Regulation Number 1 of 2016 concerning mediation procedure in court	The rule for the implementation of judicial mediation, where all Islamic economic cases must be carried out through peaceful efforts by the mediator and non-binding to society at large
7	Supreme Court Regulation Number 1 of 2019 concerning administration of cases and proceedings in court electronically	A guideline in conducting trials electronically with E-Court media and non-binding to society at large
8	Supreme Court Regulation Number 4 of 2019, changes to Supreme Court Regulation	A guideline in carrying out the trial against lawsuits including sharia disputes where the material claim has a value

Commented [IM19]: Please provide the data sources

Commented [IM20]: The table is not written based on the author guidelines and template

Formatted: Underline

Commented [IM21]: Please arrange the data in order

Formatted: Underline

	Number 2 of 2015 regarding resolution procedures against lawsuits	under 500,000,000 and non-binding to society at large
--	---	---

The authority of the religious court in resolving disputes in sharia economy should be strengthened by the emergence of laws and regulations at the bottom such as Government Regulations that provide more technicalities how Islamic economic practitioners can take advantage the access to achieve justice when having dispute. Regulatory support of absolute authority in handling Sharia disputes is the Supreme Court of the Republic of Indonesia Regulation No. 2 of 2008 Compilation of Sharia Economic Law (KHES), Supreme Court Regulation No. 14 of 2016 concerning Procedures for Settlement of Sharia Economic Cases. The weakness of PERMA is more binding into (Judges) and it is quite different with the law that binds in general to all levels of society. This was supported by an interview with the judge of the Pamekasan Religious Court:

In addition to Law No.3 of 2006 and article 55 of Law No.21 of 2008, the judges also use other law, law number 21 of 2008 which supports the resolution of Sharia economic disputes through PERMA which supports this authority. Sharia banking must improve the system and must also properly implement contract agreement, because the judge only develops the existing theories. The judge uses *ijtihad* to adjudicate when there is no regulation. (Wawancara dengan ~~Ibu Farhanah~~, 21 September 2021~~???~~)

The strategy of dispute resolution in the Islamic banking law that is not regulated in one specific article and even the authority of the religious court is only put in the explanation of the article, will become an important lesson in dispute regulation in the future. The need for regulations to increase public trust in the religious court should have complete regulations such as the Sharia Economic Law, as a material law and the procedural law on religious court that regulate the procedures for proceedings in the court in handling sharia economic dispute cases which is not just a supreme court regulation that is only binding on judges and parties during proceeding. It is necessary to synchronize and interconnect between laws and regulations governing Islamic economic governance until and management in case of dispute. Regulations that ensure the availability of human resources and facilities in religious courts that support the process of the sharia economic dispute in accordance with a fast, simple, low-cost principle through adopting technological developments in electronic courts including e-Courts enforcement, tighten on the trigger so that sharia financial practitioners can trust religious court in resolving Sharia economic disputes, as stated by the members of Regional Executive Board (DPW) the Sharia Economic Community:

Sharia financial practitioners must be absolutely committed to the rules that have been passed by the Legislature and the Government, so that there is no door to negotiate with each other on a dispute that has occurred in sharia finance. If the dispute resolution in the contract needs to be enforced by parties such as binding laws, so it is necessary to have an escort from the Panel of Judges who guards everything about the regulation of Islamic

Commented [IM22]: The name of the respondent should not be mentioned clearly, you can use the initial instead.

Formatted: Strikethrough

Commented [e23]: done

Commented [IM24]: Add the references to support your perspectives

finance. In the realm of laws, judges must be really ready to try sharia economic cases with an understanding of material law and procedural law (Rudi Haryanto Interview, DPW MES East Java, April 11, 2022).

Formatted: Strikethrough

The religious court has exercised its authority in resolving disputes in the field of family law and Sharia economy in accordance with Law No. 3 of 2006 jo Law No. 50 of 2009 because it already has a long history of handling family law cases. The parties when do contract or agreement are given the freedom to choose which the dispute resolution will be taken, but if they result in failure, they will take the dispute to the religious court. The religious court is a judiciary that has absolute competence in handling sharia disputes stated in the religious court law which is strengthened by the constitutional court decision No. 93 /PUU/X/2012 (Wahyudi, 2019; Yahya, 2017);

Formatted: Highlight

~~The interpretation of article 55 the Islamic Banking Law leads to polemics in the community related to the process of resolving Sharia economic disputes. Of course, this causes a bad response so as to show public distrust in government because it is considered inconsistent in the formulation of sharia economic dispute resolution rules in the religious court law and sharia banking law before reaffirming in the constitutional court judgement. However, this still affects public perception how government legislation makes policies in the Islamic economic law (Hong, 2013)~~

The resolution of economic disputes eventually can be done in the religious court, as suggested by law. Therefore, there needs to be a guarantee for the sustainability due to the potential development of sharia economic markets at the national and global levels (Khasanah et al., 2021). Also, constructive steps are supposed to be taken between Islamic economic practitioners, courts and non-litigation institutions such as the Financial Services Authority (OJK), National Sharia Arbitration Agency (BASYARNAS), Sharia Mediator Association, sharia lawyers in the Indonesian Sharia Lawyer Association (APSI) to urge the government to enact a sharia economic law that regulates all aspects of Sharia economy in a codification of law so that inconsistencies and disharmonies can be avoided.

D. Human Resources and Infrastructure Readiness to Create the Principle of Fast, Simple and **Low-Cost in Religious Court** to article

Formatted: Highlight

Resources are a crucial factor that determines the quality of service in the Religious Court. The weakness of human resources, either quantitatively or qualitatively, will affect the public's perception of the performance of the Religious Court in resolving sharia economic disputes. At least there are three things as the basis of the weakness of human resources. *First*, limited skills (competencies) are a weak point. In this case, this refers to limited judges who have the competence to resolve sharia economic disputes because the number is limited, where the judge who adjudicated must have competency certification as a sharia economic judge (Haryanto, 2014). The practitioners of Sharia economy are reluctant due to the expectation to handle disputes with principle of simple and fast like an alternative dispute resolution.

Formatted: Highlight

Second, one drawback to handle sharia economic disputes is mainly caused by the Religious Court as a judiciary intended for muslim that becomes a reference for the resolution of civil disputes between Muslims. To deal with sharia economic disputes

Commented [IM25]: References?

are a new set of things as the enactment of the religious court law in 2006 compared to the authority in the settlement of family law that has existed since hundreds of years ago. Therefore, this will be collective responsibilities in the development of human resource quality (Syarif, 2019; Yanti et al., 2016,).

Third, the Supreme Court's commitment from time to time since the enactment of the religious court law has gone up and down in regard with policies in the development of human resources and infrastructure. In the last ten years this has increased significantly in religious court buildings throughout Indonesia. This is a plus point in handling sharia economic disputes because the building is of significant for sharia cooperative or sharia banking. The Supreme Court's policy stakeholder is the key to changing the character of modern religious courts to always follow the development of dynamic Sharia economic agreements and ability to handle in a fast paced environment, professionalism and accountability (Interview with APSI ~~Chairman Mr. Sulaisi~~, March 3, 2022)

Formatted: Strikethrough

~~As a new field in Indonesia, the government and Islamic economic practitioners do not realize that dispute resolution is of important to ensure sustainability and most has not felt the importance with this (Subramanian, 2017).~~ There is a variety of contract. If a person has participated in a contract agreement, he has indirectly bent to Islamic law so that there is no need to choose the district court as a place to resolve sharia disputes. There is no reason for judges of religious court to reject cases because there is no fundamental law. Therefore, the readiness of human resources such as judges and clerks of court who are expert in the sharia economy becomes an inevitability as stated by religious court judge's interview:

Formatted: Strikethrough

The Supreme Court's efforts in improving the quality of judges are made through the training of sharia economic judges and the policy of the leadership who ask to continue the Master of Sharia Economy. To resolve sharia economic disputes through non-litigation pathways is inevitable because there are regulations providing opportunities in relating to it. The basis for the implementation of sharia economic dispute examination is PERMA number 2 of 2015 concerning the settlement of simple lawsuits, then PERMA has been updated PERMA number 4 of 2019, so both regulations are clearly seen because not all changes. PERMA number 14 of 2016 then a reference from KHES. The regulation of sharia Financial Services Authority (OJK) and the *fatwa* by DSN MUI can be as a reference, because there is a legal basis. Therefore, judges may not reject cases because there is no fundamental law, and also consideration of the decision of the panel of judges must look at the data and facts that occurred in the trial examination process (~~Interview with Farhanah, dated September 24, 2021).~~

Formatted: Strikethrough

In society, sharia economic disputes concern: *First*, disputes between sharia economic institutions and sharia financing with their customers are different from family law in the field of muamalah which is possible to have an agreement with non-Muslim parties; *Second*, sharia economic disputes between sharia financial institutions may arise when sharia financing institutions use equity financing to one customer that allows disputes; *Third*, sharia economic dispute between Muslims concerns the

authority of Islamic personalities where the contract agreement is firmly stated that the business activities carried out according to the principles of sharia provisions (Karmawan, 2020). Plurality and variety of parties involved in sharia economy require judges to always update knowledge in the field of Islamic economic law.

Some of the sharia economic disputes are actually resolved by the parties outside the court or non-litigation (Kamal, 2020), but if they get a stuck, they come to a religious court. Also, a certain dispute is resolved by third parties to be more efficient and there is no other dispute afterwards and has legal force protected by the State and the law through religious court. The active participation of religious court and all components to introduce program to the community is actually important to get closer and the community gain a complete knowledge about the religious court which can not only resolve family disputes but also settle sharia economic disputes, as stated by the Director of Bank Syariah Indonesia Pamekasan:

Commented [IM26]: Support them with references

In the contract, all clauses or articles listed in case of disputes will be resolved in the religious court. the first step in the event of a sharia dispute is done through consensus process and in accordance with the provisions stated in the contract agreement. A dispute can be resolved through negotiation, mediation, arbitration in the future.

(Interview with Mr. ~~Marta~~, April 13, 2022).

Formatted: Strikethrough

The Supreme Court of the Republic of Indonesia since 2010 has improved the infrastructure of Court facilities (Buildings and infrastructure) that are representative to handle Sharia economic disputes by adopting information technology-based services and developing capacity-building by improving the quality of human resources through judge education in handling family cases and sharia economy where many judges have continued to the master and doctoral levels in Islamic economic law (Youtube: Amran Suadi, 2021). The Supreme Court makes efforts to increase public trust such as: (1) educating and deepening the public's understanding of religious court institutions, which have implemented IT-based services through E-Court and SIPP and the regulation of the Supreme Court of the Republic of Indonesia Number 14 of 2016 concerning Procedures for Resolving Sharia Economic Cases, with a single judge and simple procedures; (2) evaluating policies based on people's perceptions and experiences by conducting a series of community literacy surveys on the main duties and functions of the religious court, to further design a model of Sharia economic dispute resolution with simple and fast principle, and (3) implementing policies democratically by always involving the community in decision-making and Islamic economic practitioners in the religious court, especially those related to the socialization of handling sharia economic disputes (Wahyuningsih, 2011).

Commented [IM27]: Better to put another relevant reference

E. Legal Culture: Trust of Sharia Economic Practitioners in resolving sharia economic disputes in religious courts

Formatted: Highlight

Public trust closely refers to the community's attitude and response to government activities including its institutions, policies, and officials (Rian Andhika, 2018). This trust is usually influenced by how the government regulates and treats society in lives (Nunkoo et al., 2012). In this regard, the increase of public trust is determined by many aspects such as integrity, competence, reliability, consistency,

honesty, and government accountability as the main components of community assessment (Khosravi, 2020; Hong, 2013; Im et al., 2014). Public trust in government is specifically identified by the characteristics, processes, and dimensions to which the public views the government doing the right things in carrying out the duties, being fair and putting the public interest first (Hong, 2013). Public trust can also be influenced by previous public perceptions so that people's experience becomes an important indicator in building trust (Chen et al., 2015). ~~However, lack of trust in government leads to distrust in society. At this point, public trust arises due to a shift in values in the society which come about skepticism and public disappointment towards the authority and poor performance of the government (Foster & Frieden, 2017).~~

Building public trust between the community and the government has a variety of impacts such as satisfaction, interaction, support, and the community cooperation in voluntary project (Wu et al., 2016; Salim et al., 2017). Generally, high public trust not only encourages a close relationship between society and government but also asks people to be more open and have a clearer understanding. In addition, greater trust can also give rise to many alternatives and motivations for people to be able to follow the institution's decisions well and obediently (Silalahi, 2011). In line with that, in Indonesia, public trust in institutions increases public acceptance towards established policies and regulations so that people tend to be more prepared and open in complying with public policies (Widaningrum, 2017). Public trust is an important thing to always be maintained by the government owing to inappropriate policies and the government's inability to meet community expectations whereby this not only raise distrust in the community but also reduce public support for government activities (Hardin, 2013). Therefore, there are three ways that can increase public confidence: 1) educating and deepening people's understanding, 2) evaluating policies based on people's perceptions and experiences, and 3) implementing policies democratically (Wahyuningsih, 2011).

Legal awareness and enthusiastic bussiness practitioners are a decisive factor to ensure how the religious court works in handling sharia economy dispute where the awareness of sharia economic practitioners remains low to resolve sharia economic disputes so as to require an intersection in which their needs are emphasized to settle disputes with a fast, simple, and low-cost principle and giving a guarantee of privacy among parties. It will, therefore, show a trust towards the religious court among justice seekers in the sharia economy. A total number of cases is so limited. After 16 years, there were 1,641 judges' rulings on Sharia economic disputes compared to the data of family law cases in the religious court which reached at 4,749,428 in 2021 (putusan3.mahkamahagung.go.id). Public knowledge of legal justice in sharia economy and public assistance in the search for justice remains at low level as illustrated in table 2:

Tabel 2: Number of Sharia Economic Disputes in Indonesia in 16 years, 2006- 2021

No.	Year	Number of Disputes
1	2006	6
2	2007	4
3	2008	1
4	2009	1
5	2010	3
6	2011	5
7	2012	5
8	2013	6
9	2014	21

Commented [IM28]: Add more references, up to 3 or 4 references

Commented [IM29]: The table arrangement does not suitable to the template

10	2015	13
11	2016	87
12	2017	139
13	2018	208
14	2019	270
15	2020	361
16	2021	331
	TOTAL	1.641

Socialization about the resolution of sharia economic dispute is a continuous process that begins especially in Islamic economic practitioners and all parties. The first level religious courts in districts and cities amount to 412 and the religious high court at the province level (Religious Court Magazine, 2021) are 29. These institutions are of important to keep the communication and socialization to the community at the farthest point to obtain justice according sharia in resolving sharia economic disputes. At the same time, this requires to adopt the values of resolving dispute out of court with a fast and efficient principle which do not govern a rigid procedural law with a long term implication.

Commented [IM30]: Reference?

Community and state life will feel that the law basically conforms to the intrinsic values of Islam. The emergence of legal compliance is just obedience for fear of sanctions if the rule of law is not in accordance with the values in the community (Lathifah, 2020). The resolution of sharia economic disputes to create justice according to sharia is supposed to be implemented due to the fact that the Indonesian population is 85% Muslim. With establishing a special sharia economy court in religious justice, muslims will be closer to their religious law so that this will cause a sense of calm and security. Also, if there is a dispute between customers and banks, this can also be resolved using sharia principles. This is in line with what Gofar stated that the establishment of religious courts to maintain the trust and legal certainty is paramount importance so that implementation of Islamic law can run effectively and efficiently to prevent and guarantee the rights of Sharia economic practitioners to deal with sharia economic disputes (I. Mukhametzaripov, 2020). Similarly, the following details are based on the results of an interview with the Sharia Supervisory Board BPRS SPM:

Commented [IM31]: Source?

In essence, the religious court implements the legislation. In this case, the Law plays an important role as a tool of social engineering. Also, the readiness of the judges of the religious court itself has significant function in handling cases of Sharia economic disputes. The Islamic financial institutions have executed the contract with the review of the Sharia supervisory board (DPS) to ensure its validity. Indeed, in the settlement of disputes, the banking parties prefer to settle in amicable agreement to accelerate the settlement and return of losses of Islamic financial institutions. It is particularly worrying that settlement through the court will ruin the friendship and this is one of the factors where there are only a few cases prosecuted in the religious court (Interview with Mr. Moh Zahid on March 10, 2022).

Formatted: Strikethrough

~~Legal culture refers to the values, attitudes and ideas in the society where the law must be practiced. In this point, the majority of Indonesian society is Muslim so~~

~~the sharia economy disputes are ideally resolved through the religious court (Apriyandanu, 2018).~~ The values of Islamic court differ substantively from normative laws which are formulated with an approach of individualism and secularism in which such laws are mostly applied in the Indonesian judiciary that still adopts dutch colonial law. Islamic court is eventually based on Islamic philosophical values (Gofar, 2017) so that this will be accepted by the community, especially business practitioners, just how to pack and socialize with the community to improve literacy on the role of religious court in settling sharia economic disputes.

Commented [IM32]: Add more references, especially from recent articles published by high reputed journals

The increase of public literacy on the products of Islamic economic institutions is not followed by efforts to heighten the awareness of practitioners and consumers of the Islamic finance industry to resolve disputes to the religious court that will provide justice and legal certainty in accordance with Islamic law (Osman & Abdillah, 2019). There are usually two channels that are offered to disputing parties in the litigation and non-litigation lines which provide opportunities for them to facilitate resolution outside the religious court such as mediation, arbitrase, collateral confiscation before going to the religious court as the last bastion of the development of sharia economic law in Indonesia. This absolute authority needs to be followed also by the active participation of the government – the supreme court – the stakeholder of Sharia economy to synergize for the enforcement and development of sharia economic law which will later have an impact on the development of the national economy in general because a guarantee of government dispenses justice and apply the principles of legal certainty.

F. Conclusion

Commented [IM33]: Reference?

The lack of public trust in the religious court is basically caused by: (1) Incomplete history, laws and regulations and a disharmony between laws and regulations governing the authority to resolve sharia economic disputes (2) Culture demands in business to resolve disputes with an effective and efficient principle as well as the lack of supporting facilities and infrastructures and (3) Low level of legal literacy among sharia economic practitioners to resolve sharia disputes in religious courts and the tendency to choose a non-litigation path in resolving sharia economic disputes with the reason of asset security. Rebuilding public trust is imperative for Muslims in raising awareness and confidence in religious court which is a special judicial institution for Muslims in the civil field. There needs synergy between government, supreme court, and sharia economic practitioners to increase public trust in religious courts so that sharia economic law in Indonesia is able to developed and enforced.

A higher level of public trust will encourage a close relationship between the sharia economic practitioners and the religious court. Structured and concrete steps are becoming more frequently required to eliminate the conditions that lead to a low interest in Muslims in utilizing religious court institutions to settle sharia economic disputes with the socialization and involvement of sharia economic practitioners in religious court programs. In this study, there are two important things in the development of the Islamic economic law. *First*, material and formal sources of law in the resolution of sharia economic disputes are actually to ensure justice and legal certainty of sharia economic practitioners. *Second*, socialization is of significant to increase public literacy about the existence of a religious court that has absolute authority to resolve sharia economic disputes, which is able to organize a modern "E-Court" judiciary in the field

Commented [IM34]: Add relevant sources

of Sharia economy that demands justice, guarantee legal certainty, offer fast service and also provide service at low- cost.

In this study, microscopic analysis is much needed to see the anatomy of public perception of religious court in resolving sharia economic disputes in some regions in Indonesia, due to the diversity of cultural characteristics in provinces, regencies and cities. This study is conducted through a macro analysis which is generally based on data on the lack of sharia economic cases decided by the religious court in the last 15 years compared to family law cases. However, the percentage increases significantly.

References:

Al Hasan, F. A. (2019). The Role of Religious Courts in Supporting the Development of the Islamic Finance Industry in Indonesia. *Al-Ahkam Jurnal Ilmu Syari'ah Dan Hukum*. <https://doi.org/10.22515/al-ahkam.v4i1.1329>

Amiruddin. (2012). *Pengantar Metode Penelitian Hukum*. Grafindo Persada.

Apriyandanu, E. (2018). Kedudukan Basyarnas Dalam Penanganan Kepailitan Perbankan Syariah Ditinjau Dari UU No. 21 Tahun 2008 Tentang Perbankan Syariah. *JURNAL USM LAW REVIEW*. <https://doi.org/10.26623/julr.v1i1.2230>

Azheri, B. (2018). Urgency of the establishment of a special court for the resolution of Sharia economic dispute in the Religious Courts. *Journal of Legal, Ethical and Regulatory Issues*.

Budiharto, & Sismarwoto, E. (2020). Freedom of contracts and dispute settlement between conventional banking and sharia banking. *International Journal of Economics and Business Administration*. <https://doi.org/10.35808/ijebe/438>

Chen, J. V., Jubilado, R. J. M., Capistrano, E. P. S., & Yen, D. C. (2015). Factors affecting online tax filing - An application of the IS Success Model and trust theory. *Computers in Human Behavior*. <https://doi.org/10.1016/j.chb.2014.11.017>

Daulay, H. R. (2021). *Legal Reconstruction Settlement Of Sharia Capital Market Strengthening Regulatory Aspects To Provide Legal Certainty Disputes : 40*, 161–169.

Faizal, B. T. W. (2021). Menakar Urgensi Pengaturan Pelaksanaan Dan Pembatalan Putusan Badan Arbitrase Syariah Nasional (BASYARNAS). *Ijlil*. <https://doi.org/10.35719/ijl.v1i01.73>

Fitriyanti, F., Yunita, A., & Hamsin, M. K. (2020). Peningkatan Kualitas Kompetensi Arbiter Syari'ah Di Badan Arbitrase Syari'ah Nasional (BASYARNAS) Wilayah Diy. *Panrita Abdi - Jurnal Pengabdian Pada Masyarakat*. <https://doi.org/10.20956/pa.v4i3.7437>

Foster, C., & Frieden, J. (2017). Crisis of trust: Socio-economic determinants of Europeans' confidence in government. *European Union Politics*. <https://doi.org/10.1177/1465116517723499>

Gofar, A. (2017). The reform of the procedural religious court law based on islamic law in indonesian legal system. *Sriwijaya Law Review*. <https://doi.org/10.28946/slrev.Vol1.Iss2.37.pp114-127>

Commented [IM35]: Use zotero or mendeley

Formatted: Font color: Accent 5

Hardin, R. (2013). Government without trust. *Journal of Trust Research*.
<https://doi.org/10.1080/21515581.2013.771502>

Hariyanto, E. (2014). Penyelesaian Sengketa Ekonomi Syariah di Indonesia. *IQTISHADIA: Jurnal Ekonomi & Perbankan Syariah*, 1(1).
<https://doi.org/10.19105/iqtishadia.v1i1.365>

Hariyanto, E. (2016a). *The Characteristic Settlement of The Syariah Banking Dispute In Religious Judiciary*. Universitas 17 Agustus 1945.

Hariyanto, E. (2016b). The Political Scrimmage of The Religious Court's Law as The Judicial Institution In The Reformation Era in Indonesia. *Al-Ihkam: Jurnal Hukum & Pranata Sosial*, 11(1), 178. <https://doi.org/10.19105/al-ihkam.v11i1.782>

Formatted: Font color: Accent 5

Hong, H. (2013). Government websites and social media's influence on government-public relationships. *Public Relations Review*.
<https://doi.org/10.1016/j.pubrev.2013.07.007>

Huberman, M. (1990). Linkage Between Researchers and Practitioners: A Qualitative Study. *American Educational Research Journal*.
<https://doi.org/10.3102/00028312027002363>

Hudawati, S. N. (2020). Problematika Hukum Formil Penyelesaian Sengketa Ekonomi Syariah di Pengadilan Agama. *Jurnal Penegakan Hukum Dan Keadilan*.
<https://doi.org/10.18196/jphk.1102>

Idri. (2009). RELIGIOUS COURT IN INDONESIA History and Prospect. *Journal of Indonesian Islam*, 03(02), 297–313.

Im, T., Cho, W., Porumbescu, G., & Park, J. (2014). Internet, Trust in Government, and Citizen Compliance. *Journal of Public Administration Research and Theory*, 24(3), 741–763. <https://doi.org/10.1093/jopart/mus037>

Isti'annah, H., & Kusnadi, N. (2019). Existence of Religious Court in Indonesia as the Executor Mortgage Right of Islamic Bank Financing. *International Journal of Multicultural and Multireligious Understanding*.

Jamal, M., Mahfudz, A. A., Syamsuri, S., & Handayani, R. (2021). Analysis of Alternative Dispute Resolution in non-litigation dispute resolution on Islamic Mortgage: at the Ombudsman Institution Yogyakarta. *TSAQAFAH*, 17(1).
<https://doi.org/10.21111/tsaqafah.v17i1.6760>

Jamaludin, M. J. (2020). Penanganan Sengketa Ekonomi Syariah Perspektif Cita Hukum di Pengadilan Tinggi Agama Semarang. *JURNAL AL-QARDH*.
<https://doi.org/10.23971/jaq.v5i1.1882>

Kamal, H. (2020). Analisis Penyelesaian Sengketa Ekonomi Syariah Pasca Putusan MK No. 93/PUU-X/2012. *Al Mashaadir: Jurnal Ilmu Syariah*.
<https://doi.org/10.52029/jis.v1i1.4>

Karmawan, K. (2020). Mediation in the Religious Courts of Indonesia. *AHKAM: Jurnal Ilmu Syariah*. <https://doi.org/10.15408/ajis.v20i1.13249>

Kasim, A. (2021). THE SETTLEMENT OF SHARIA ECONOMIC DISPUTES IN INDONESIAN ISLAMIC CLASSIC TRADITIONS AND POSITIVE LAW. *Tasharruf: Journal Economics and Business of Islam*, 6(1), 54.

<https://doi.org/10.30984/tjebi.v6i1.1414>

- Khasanah, K., Adinugraha, H. H., & Mayangsari, P. A. (2021). Online Dispute Resolution (ODR) as an Alternative Resolution of Sharia Economics in Indonesia. *Jhi*, 19, 21–42.
- Khosravi, M. (2020). Perceived Risk of COVID-19 Pandemic: The Role of Public Worry and Trust. *Electronic Journal of General Medicine*, 17(4), em203. <https://doi.org/10.29333/ejgm/7856>
- Lathifah, A. (2020). State Marriage and Civil Marriage: The Role of State Policy on Interreligious Marriage in Central Java. *Al-Ihkam: Jurnal Hukum Dan Pranata Sosial*, 15(1), 1–30. <https://doi.org/10.19105/AL-IHKAM.V15I1.2689>
- Marzuki, M., Yetta, Y., Badollahi, M. T., Ruslan, M., & Hanafi, S. (2021). The Implementation of Underage Marriage Dispensation in Palu Religious Court. *Review of International Geographical Education Online*. <https://doi.org/10.33403/rigeo.800521>
- Masriani, Y. T. (2016). THE POSITION OF NOTARIAL DEED IN THE SHARIA ECONOMIC DISPUTE. *Mimbar Hukum - Fakultas Hukum Universitas Gadjah Mada*. <https://doi.org/10.22146/jmh.15861>
- Masse, R. A., & Rusli, M. (2018). Islamic Banking Dispute Resolution in National Sharia Arbitration Board. *IOP Conference Series: Earth and Environmental Science*, 175(1). <https://doi.org/10.1088/1755-1315/175/1/012169>
- Mawardi, A. I., & Riza, A. K. (2019). Why did Kompilasi Hukum Islam succeed while its counter legal draft failed? A political context and legal arguments of the codification of Islamic law for religious courts in Indonesia. *Journal of Indonesian Islam*. <https://doi.org/10.15642/JIIS.2019.13.2.421-453>
- Minardi, A. (2020). Two Lane Settlement of Sharia Economic Disputes Between Religious Court and National Sharia Arbitration Agency (BASYARNAS). *Indonesian Journal of Religion and Society*, 1(2), 126–137. <https://doi.org/10.36256/ijrs.v1i2.66>
- Muhaimin, Husni, L., & Wira, L. (2021). Authoritative Institution In Disputes Resolution In The Conversion Of Conventional Bank To Sharia Bank. *Journal of Legal, Ethical and Regulatory Issues*, 24(4), 1–8.
- Mukhametzaripov, I. (2020). Religious Courts in Modern European States. *Sovremennaya Evropa*. <https://doi.org/10.15211/soveurope32020148157>
- Mukhametzaripov, I. A. (2020). Foreign scientific discourse about religious courts in a secular state. *Religiovedenie*. <https://doi.org/10.22250/2072-8662.2020.1.114-122>
- Musjtari, D. N., Riyanto, B., & Setyowati, R. (2019). Reformulation of mediation in dispute settlement on islamic banking. *Humanities and Social Sciences Reviews*. <https://doi.org/10.18510/hssr.2019.7424>
- MUSRIFAH, M., & KHAIRUNISA, M. (2020). PENYELESAIAN SENGKETA EKONOMI SYARIAH MELALUI ARBITRASE SYARIAH. *Al-Amwal*. <https://doi.org/10.36341/al-amwal.v9i1.142>
- Mustofa, K. N. (2019). Submission of Marital Dispensation for Religious Courts in

Central Java: Study of Minimum Pair Age Standards Along With Judge's Attitudes and Wisdomes. *Journal de Jure*, 11(1), 63. <https://doi.org/10.18860/j-fsh.v11i1.6611>

Nunkoo, R., Ramkissoon, H., & Gursoy, D. (2012). Public trust in tourism institutions. *Annals of Tourism Research*, 39(3), 1538–1564. <https://doi.org/10.1016/j.annals.2012.04.004>

Osman, O., & Abdillah, K. (2019). HUKUM MATERIIL PENYELESAIAN SENGKETA EKONOMI SYARIAH (TINJAUAN UNDANG-UNDANG DAN HUKUM ISLAM). *Al Huquq: Journal of Indonesian Islamic Economic Law*, 1(1), 31–52. https://doi.org/10.19105/AL_HUQUQ.V1I1.2646

Otoritas jasa Keuangan. (2020). *Perkembangan Bank Syariah*. <https://www.ojk.go.id/id/kanal/syariah/berita-dan-kegiatan/publikasi/Pages/Snapshot-Perbankan-Syariah-Indonesia-Maret-2020.aspx>

Rian Andhika, L. (2018). Meningkatkan Kepercayaan Publik Terhadap Pemerintah Melalui Redesain Proses Kebijakan. *JIP (Jurnal Ilmu Pemerintahan): Kajian Ilmu Pemerintahan Dan Politik Daerah*. <https://doi.org/10.24905/jip.3.1.2018.24-42>

Ridwan, R., Zain, M. F., & Maula, B. S. (2021). *The Mapping of Sharia Economic Dispute Decisions in Religious Courts*. <https://doi.org/10.4108/eai.18-11-2020.2311813>

Rosidah, Z. N. (2020). Limitation of Application of Sharia Principles in Sharia Economic Dispute Resolution in Religious Courts. *Journal of Morality and Legal Culture*. <https://doi.org/10.20961/jmail.v1i1.44749>

Rosidah, Z. N., & Karjoko, L. (2021). Orientasi Filosofis Hakim Pengadilan Agama Dalam Menyelesaikan Sengketa Ekonomi Syariah. *Jurnal Hukum Ius Quia Iustum*. <https://doi.org/10.20885/iustum.vol28.iss1.art8>

Rosidah, Z. N., & Mahfiana, L. (2020). Efektivitas Penerapan Prinsip-Prinsip Syariah Dalam Penyelesaian Sengketa Ekonomi Syariah di Badan Arbitrase Syariah Nasional (Basyarnas). *TAWAZUN: Journal of Sharia Economic Law*. <https://doi.org/10.21043/tawazun.v3i1.7529>

Sakti, T. I., Kusuma, V., Pratama, A. P., & ... (2021). PUTUSAN SENGKETA EKONOMI SYARIAH PENGADILAN NEGERI PASAMAN BARAT TENTANG PUTUSAN ARBITRASE BPSK KABUPATEN BATUBARA NOMOR *Jurnal*

Salim, M., Peng, X., Almakary, S., & Karmoshi, S. (2017). The Impact of Citizen Satisfaction with Government Performance on Public Trust in the Government: Empirical Evidence from Urban Yemen. *Open Journal of Business and Management*, 05(02), 348–365. <https://doi.org/10.4236/ojbm.2017.52030>

Samin, S. B. B. (2020). Peran Pengadilan Agama Dalam Praktik Penyelesaian Sengketa Ekonomi Syariah. *Syarikat: Jurnal Rumpun Ekonomi Syariah*.

Silalahi, U. (2011). Kepercayaan Publik kepada Pemerintah Daerah Pasca Orde Baru. *Ilmu Akuntansi Negara*.

- Siswajanthry, F. (2021). Gugatan Sederhana Dalam Penyelesaian Sengketa Ekonomi Syariah Di Indonesia. *Pakuan Law Review*.
- Subramanian, N. (2017). Islamic Norms, Common Law, and Legal Reasoning: Muslim Personal Law and the Economic Consequences of Divorce in India. *Islamic Law and Society*, 24(3), 254–286. <https://doi.org/10.1163/15685195-00243p03>
- Sufiarina, S. (2014). URGENSI PENGADILAN AGAMA SEBAGAI PENYELESAI SENKETA EKONOMI SYARIAH. *Jurnal Hukum & Pembangunan*. <https://doi.org/10.21143/jhp.vol44.no2.21>
- Sugiyono. (2009). *Metode Penelitian Kuantitatif, Kualitatif dan R&D*. Alfabeta.
- Sulistiyowati, S. (2015). Penyelesaian Sengketa antara Bank Shari'ah dengan Nasabah Bermasalah melalui Badan Arbitrase Shari'ah Nasional (BASARNAS) menurut UU No. 30 tahun 1999. *ISLAMICA: Jurnal Studi Keislaman*. <https://doi.org/10.15642/islamica.2014.9.1.193-222>
- Syarif, F. (2019). Perkembangan Hukum Ekonomi Syariah di Indonesia. *Pleno Jure*, 8(2), 1–16. <https://doi.org/10.37541/plenojure.v8i2.38>
- Vinet, L., & Zhedanov, A. (2010). A “missing” family of classical orthogonal polynomials. *Dissertation Abstracts International*. <https://doi.org/10.1088/1751-8113/44/8/085201>
- ~~Wahyudi, F. (2019). THE QUO VADIS OF BANCKRUPTY SETTLEMENT AND PKPU LAWS ON SHARIA BANKING. *Jurnal Hukum Dan Peradilan*. <https://doi.org/10.25216/jhp.8.1.2019.1.20>~~
- Wahyuningsih, R. D. (2011). Membangun Kepercayaan Publik Melalui Kebijakan Sosial Inklusif. *Jurnal Ilmu Sosial Dan Ilmu Politik*, 15(1), 29–40. <https://doi.org/10.22146/jsp.10923>
- Widaningrum, A. (2017). Public Trust and Regulatory Compliance. *Jurnal Ilmu Sosial Dan Ilmu Politik*. <https://doi.org/10.22146/jsp.28679>
- Wu, Y., Sun, I. Y., & Hu, R. (2016). Public trust in the Chinese police: The impact of ethnicity, class, and Hukou. *Australian and New Zealand Journal of Criminology*. <https://doi.org/10.1177/0004865814554309>
- Yahya, I. (2017). Sengketa Ekonomi Syariah di Indonesia Pasca Putusan Mahkamah Konstitusi Nomor 93/PUU-X/2012. *Al-Manahij: Jurnal Kajian Hukum Islam*. <https://doi.org/10.24090/mnh.v10i1.921>
- ~~Yanti, I., Addiarrahman, & Badaruddin. (2016). Quo Vadis Of Religious Court On The Development Of Sharia Economic Law In Indonesia. *Al-Risalah*, 16(2), 255–267. <https://doi.org/https://dx.doi.org/10.30631/al-risalah.v16i02.311> ??~~
- Zain, N. H. M., & Rosidah, Z. N. (2018). Streghtening Sharia Arbitration As a Model of Banking Dispute Resolution. *Seajbel.Com*, 17(4), 54–58.
- Zainuddin Ali. (2013). *Metode Penelitian Hukum* (4th ed.). Sinar Grafika.

REVIEW FORM AHKAM 2022

TITLE : PUBLIC UNTRUST IN THE RELIGIOUS COURT TO HANDLE DISPUTE SHARIAH ECONOMY

REVIEW POINT	COMMENTS	ASSESMENT
TECHNICAL WRITING 1. Articles must be in accordance with the journal's style and template		Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
2. Article length must be between 6500-7000 words in total	Tolong kurangi	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
3. The similarity must be under 20 % by Turnitin Plagiarism Checker		Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
TITLE Title reflects the essence of the article's content, including method and novelty.	Title is ok, but it isn't fully reflected at the content	1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input checked="" type="checkbox"/> 5 <input type="checkbox"/>
ABSTRACT Abstract contains problems of research, method, and result in 150-200 words	Terlalu panjang. Tolong refer ke template jurnal.	1 <input checked="" type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input checked="" type="checkbox"/> 5 <input type="checkbox"/>
KEYWORD It consists of 3-5 important keywords	Clear	1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5 <input checked="" type="checkbox"/>
INTRODUCTION Introduction must contain a (shortly and consecutively) general background, a literature review (state of the art) as the basic of the	General backround terlalu panjang, novelty dan previous research belum diulas. Perlu referensi dari surat kabar tentang kegiatan zakat perusahaan di Indonsia dalam artikel ini.	1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input checked="" type="checkbox"/> 5 <input type="checkbox"/>


brand-new research question, statements of the brand-new scientific article, main research problems, hypothesis, and purpose(s) of the article.		
ORIGINALITY Originality of the subject matter would be of interest islamic law, and is intended to communicate original research and current issues on the subject. This journal warmly welcomes contributions from scholars of related disciplines Islamic Economic Law	Perlu ditekankan lebih gamblang, meski sudah ada indikasi ke sana tentang Islamic Economic Law	1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input checked="" type="checkbox"/> 4 <input type="checkbox"/> 5 <input type="checkbox"/>
RESEARCH METHOD It should contain enough information to enable the readers to understand methods used in obtaining and analyzing the data.	Cukup jelas, tinggal jumlah informan, bekgond masing2 dan alasan pemilihan.	1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input checked="" type="checkbox"/> 5 <input type="checkbox"/>
DISCUSSION AND RESULT It should be presented continuously starting from main result until supporting results and equipped with a discussion whether the findings are subjected to suitable analysis, conclusions, and implications.	Subtitle dalam bagian ini tidak sinkron dengan rumusan masalah yang disebutkan sebelumnya. Beberapa asumsi memerlukan referensi/contoh/bukti.	1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input checked="" type="checkbox"/> 4 <input type="checkbox"/> 5 <input type="checkbox"/>
CONCLUSION Conclusion is the	clear	1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input checked="" type="checkbox"/> 4 <input type="checkbox"/> 5 <input type="checkbox"/>

answer of the hypothesis and research questions. It should not contain only the repetition of the results and discussions.		
REFERENCES References must be up to date (in the last 5 to 10 years) with at least 30 references (40% from primary sources/journal) and accessible by everyone. Bibliography should use Mendeley reference manager	Clear its ok	1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5 <input checked="" type="checkbox"/>
LANGUAGE ASPECT The article's content must be grammatically correct in English or Arabic style	Plis proof read for good and standard English article academic	1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input checked="" type="checkbox"/> 4 <input type="checkbox"/> 5 <input type="checkbox"/>
Additional comment for the author; Is the article qualified for publication?	Add your data, deepen your analysis, and enrich your references.	1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input checked="" type="checkbox"/> 4 <input type="checkbox"/> 5 <input type="checkbox"/>

Please indicate your suggestion whether this article is qualified for AHKAM JOURNAL: **ACCEPTED/REVISIONS REQUIRED (MINOR REVISION)/DECLINED**

Mei 06, 2021
Reviewer

≡



ahkam

✕



≡

▼

?

⚙

⋮



Tulis

4 dari banyak

Mail

Kotak Masuk

Berbintang

Chat

Ditunda

Penting

Spaces

Terkirim

Draf

Kategori

Meet

Selengkapnya

Editor Decision

Eksternal

Kotak Masuk x



Jurnal AHKAM FSH <jurnal.ahkam@uinjkt.ac.id>

Min, 19 Jun 12.37

kepada saya

Inggris

Indonesia

Terjemahkan pesan

Nonaktifkan untuk: Inggris

Dear Author(s),

Erie Hariyanto**Institut Agama Islam Negeri Madura**

Greetings from the Editorial Team of **AHKAM : Jurnal Ilmu Syariah** Research Publication! Thank you very much for presenting your paper for the evaluation of **AHKAM : Jurnal Ilmu Syariah's** Review Board.

Here by we confirm the provisional acceptance of your paper titled **"Public Trust in The Religious Court to Handle Dispute of Shariah Economy"** to be published in our Journal - **AHKAM: Jurnal Ilmu Syariah** – (SCOPUS Indexed). Now your manuscript has been accepted for publication and it will be proceeding to copy-editing and production.

1. Copyright Transfer Form | **Please filled and signed properly. It is available at this email.**

2. Proof of Registration | Scanned | Online Received Email

Article Processing Charge (APC)

APC UIN Jakarta **IDR 2.000.000,00**

APC Indonesian Author **IDR 3.000.000,00**

APC Foreign Author **USD 300,00**

Online Bank Transfer/ Direct Deposit to Bank Account

Bank Name : **Bank Syariah Indonesia**

Bank Account Number : **969577736**

Account Name : **DIANA MUTIA HABIBATY**

INFORMATION FOR AUTHOR(S)- please read very carefully

1. Author(s) be sure that:

a. The final paper is prepared as per the journal template.

b. The contents of the paper are fine and satisfactory. Author(s) can make any rectification/ updating in the final paper but after the final submission to the journal, rectification is not possible.

TRANSFER OF COPYRIGHT AGREEMENT

To,

The Editor in Chief
AHKAM : Jurnal Ilmu Syariah

Title of Paper : **Public Trust In The Religious Court to Handle Dispute of Shariah Economy**
First Author Name : Erie Hariyanto
Institution : IAIN Madura
Mobile Phone : +62817311445
Province/State : East Java
Country : Indonesia
Email : erie@iainmadura.ac.id

The copyright of above article is transferred to “AHKAM : Jurnal Ilmu Syariah”. The copyright transfer covers the exclusive right to reproduce and distribute the contribution, including reprints, translation, photographic reproduction, microform, electronic form, or any other reproduction of similar nature.

The Author may not his/her contribution anywhere else without the prior written permission of the publisher unless it has been changed substantially. The Author warrants that his/her contribution is original, except for such excerpts from copyrighted works as may be included with the permission of the copyright holder and author thereof, that it contains no libelous statements, and does not infringe on any copyright, trademark, patent, statutory right, or property right of others.

The Author signs for and accepts responsibility for releasing this material on behalf of any and all co-authors. In return for these rights:

1. All proprietary rights other than copyrights, such as patent rights.
2. The right to use all or part of this article, including tables and figures in future works of their own, provided that the proper acknowledgment is made to the Publisher as copyright holder.
3. The right to make copies of this article for his/her own use, but not for sale.
4. It is responsibility of each author to ensure that paper submitted to AHKAM: Jurnal Ilmu Syariah are written ethical standards in mind, concerning plagiarism. Please note that all submission are thoroughly checked for plagiarism. If an attempt at plagiarism is found in a published paper, the authors will be asked to issue a written apology to the authors of the original material. Any paper which shows obvious signs of plagiarism will be automatically rejected and its authors may be banned for duration of 10 years from publishing in AHKAM: Jurnal Ilmu Syariah. The authors will receive proper notification if such a situation arises.
5. This paper has not been published in the same form elsewhere
6. It will not be submitted anywhere else for publication prior to acceptance/rejection by this journal.

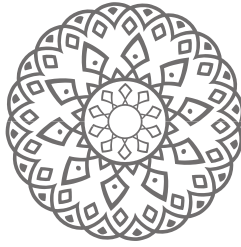
The undersigned represents that he/she has the power and authority to make and execute this assignment. The undersigned agrees to indemnify and hold harmless the AHKAM: Jurnal Ilmu Syariah from any damage or expense that may arise in the event of breach of any the warranties set forth above.

Date : 10 Juni 2022.....



Erie Hariyanto

First Author Signature



PUBLIC TRUST IN THE RELIGIOUS COURT TO HANDLE DISPUTE OF SHARIA ECONOMY

Erie Hariyanto

Abstrak: Peradilan Agama kurang dimanfaatkan untuk pencarian keadilan dalam sengketa ekonomi syariah. Mereka hanya memanfaatkan Peradilan Agama untuk memecahkan masalah dalam hukum keluarga seperti perceraian, sengketa kewarisan, permohonan hak asuh anak, wasiat dan hibah. Kecenderungan ini menjadi tanda dari rendahnya kepercayaan publik terhadap Peradilan Agama. Tulisan ini menganalisis bagaimana kepercayaan publik kepada Peradilan Agama menjadi kendala utama dalam pemanfaatan pelayanan untuk menyelesaikan sengketa ekonomi syariah. Fokus penelitian ini pada data perkara ekonomi syariah yang diputuskan pada lima belas tahun terakhir dan wawancara dengan sejumlah hakim, pengacara, dan pelaku ekonomi syariah. Hasil penelitian menunjukkan bahwa tiga prasyarat yang menjadi dasar lemahnya kepercayaan publik terhadap Peradilan Agama: (1) sejarah perjalanan Peradilan Agama dan aturan perundang-undangan yang tidak lengkap untuk mendukung proses peradilan penyelesaian sengketa ekonomi syariah; (2) tuntutan budaya bisnis dalam penyelesaian sengketa yang cepat efektif dan efisien serta kurangnya sarana dan prasana pendukungnya serta; (3) literasi hukum yang rendah di kalangan pelaku ekonomi syariah untuk menyelesaikan sengketa syariah di Peradilan Agama. Kepercayaan publik menjadi sangat krusial bagi umat Islam dalam meningkatkan kesadaran dan kepercayaan pada lembaga Peradilan Agama. Tulisan ini bersifat umum sehingga dibutuhkan suatu kajian yang bersifat khusus untuk dapat melihat anatomi persepsi publik terhadap Peradilan Agama dalam penyelesaian sengketa ekonomi syariah.

Kata kunci: kepercayaan publik; Peradilan Agama; sengketa ekonomi syariah; literasi hukum, regulasi

Abstract: Religious court is not empowered to seek justice in settling sharia economic disputes. Practitioners of sharia economy lack the enthusiasm to demonstrate the importance of a religious court in solving sharia economic disputes. At the same time, Muslims have often utilized a religious court to solve problems in family law such as divorce, inheritance disputes, applications for child custody, probate, and grants. This trend indicates a lack of public trust in the religious court. This study analyzes how public trust is the main obstacle to improving religious court services to resolve sharia economic disputes. The research is based on sharia economic cases that have been decided in the last fifteen years and interviews with some judges, advocates, and practitioners of sharia economy. The research findings showed that there are three key points on which public trust in religious courts remains low: (1) The historical development of religious courts and the incompleteness of laws and regulations to support the judicial process in resolving sharia economic disputes, (2) The business demand to deal with disputes effectively and efficiently as well as the factor of the lack of the supporting facilities and infrastructures; and (3) lack of legal literacy among Islamic economic practitioners to resolve disputes. Public trusts are crucial for Muslims to raise awareness and belief in the religious court. This macroscopic study requires microscopic analysis to see the anatomy of public perception of religious courts in solving sharia economic disputes.

Keywords: public trust; religious court; dispute of sharia economy; law literacy, regulations

Introduction

The rapid development of Islamic financial institutions is not counterbalanced by the legal readiness, in this case, in a religious court, by which this institution is to provide justice and legal certainty in sharia economic disputes. The Financial Services Authority recorded that by 2022 there will be 14 sharia commercial banks, 20 sharia business units, and 163 sharia rural banks (*Bank Perkreditan Rakyat Syariah*/BPRS) with total assets of IDR 443.360 billion. Almost all of its transaction agreement is based on sharia contracts, possibly causing various Sharia economic disputes. To achieve justice, law enforcement agencies for parties with a dispute relating to the shariah economy are paramount. This is quite different from family law which is institutionally more established (Hariyanto, 2016: 98). The religious court significant role is crucial as the shariah economic disputes have proliferated since the growing interest of the people in Indonesia – especially the Muslim community – in Islamic business development.

To date, a study on the authority of the religious court in resolving sharia economic disputes has little attention to the aspects of public opinion, especially sharia economic practitioners to deal with sharia economic disputes in the religious court. A few studies tend to look at three things. *First*, there is an absolute authority in the religious court to settle and handle sharia economic disputes. There is still a dualism between the designated litigation institutions, including the district court and religious court (Jamaludin, 2020; Kamal, 2020; Musrifah & Khairunisa, 2020; Samin, 2020; Sufiarina, 2014; Yahya, 2017). *Second*, a study on the judge's consideration and *ijtihad* in deciding on legal disputes concerning sharia economic cases as an absolute authority (Hudawati, 2020; Osman & Abdillah, 2019; Rosidah & Karjoko, 2021; Sakti et al., 2021; Siswajanthi, 2021). *Third*, study on settling Islamic economic disputes through alternative resolution: mediation and arbitration through National Sharia Arbitration Board (*Badan Arbitrase Syariah Nasional*/BASYARNAS) and its correlation with the religious court (Apriyandanu, 2018; Faizal, 2021; Fitriyanti et al., 2020; Minardi, 2020; Rosidah & Mahfiana, 2020; Sulistyowati, 2015)

On point three, a few studies tend to analyze the religious court's authority to resolve sharia economic disputes from the legal perspective and the position of the religious court in resolving disputes instead of

conciliation, banking mediation and arbitration forums conducted by BASYRNAS or Otoritas Jasa Keuangan/OJK. These studies do not look at how public trust is maintained by sharia practitioners who come to religious courts if they experience conflicts and disputes in sharia economy in order to obtain a fair trial under sharia perspective.

It is a known fact that in the last 16 years, religious courts can only produce 1,641 regulations and peace certificates (putusan3.mahkamahagung.go.id) despite the fact that the number of disputes in the Islamic economic industry has increased substantially. Economic disputes continue to increase, and it is estimated that there were 1,200 sharia disputes in 2021. As the Financial Services Authority (OJK) reported, this number in the field is more significant (Mardi: 2020). This issue has emerged as a national issue in various media but has not been carefully researched. The news is reported the following: Kampung Kurma, illegal sharia investment under the sharia rules (Business Coil; 2020), Fraud cases involving sharia-compliant housing (DetikNew.com, 2021; Kompas.com, 2021); consumer dispute case for financial dominance (Bisnis.com, 2021). This issue was already studied by Hariyanto (2016), Karmawan (2020), and Mustofa (2019). These two main studies showed that lack of awareness about the use of religious courts and poor institutional performance of religious courts in handling cases of sharia economic disputes. In line with this, a thorough understanding of why the economic courts are limited to utilize in resolving Islamic economic disputes is very much needed.

This study aims to follow up on previous studies that are still limited and still examine normative aspects. In this study, a particular review of preconditions led to a bit of interest of practitioners of sharia economy in convincing religious court institutions to solve sharia economic disputes. The minor role of religious court institutions can be seen from institutional competence for one thing and the awareness of Islamic economic practitioners for another. These practitioners have difficulty running a business and dealing with legal problems. Various sharia economic disputes require a legal authority to settle from the sharia perspective.

Here are three arguments to support this study. *First*, empowering a religious court requires an adequate legal in providing an umbrella act for the various dispute resolution. *Second*, the religious court's ability to carry out legal functions is largely determined by the adequacy and

quality of human resources and infrastructure to meet the demand for business practitioners to settle disputes effectively. *Third*, the judicial process can run well with an adequate literacy level of Islamic economic practitioners in various aspects of sharia economic law.

Research Method

The lack of enthusiasm in the religious court in dealing with sharia economic disputes is a problem considering that its role as a special judiciary has absolute authority. At the ideal and sociological level, the religious court becomes the focus of Muslims' hopes to achieve justice and legal certainty in business activities according to sharia. Public trust in business practitioners is crucial for Muslims in raising awareness and fostering belief in the religious court. Indonesia is the country with the largest Muslim population in the world. It is the center of sharia economy in Southeast Asia, so there needs to be a guarantee of legal protection for justice and legal certainty in settling sharia economy.

The data were obtained from a qualitative research process related to public trust toward religious court, which is seen from the lack of decisions and peaceful settlement of sharia economic disputes in the last 15 years (putusan3.mahkamahagung.go.id). Secondary data were acquired through media coverage accessed through the internet (Amiruddin, 2012). These data have become evidence that illustrates the lack of public trust in the religious court to handle sharia economic disputes. This study involves sharia economic practitioners and judges involved in the contract process and the settlement of sharia economic disputes. Respondents in this study include leaders of Islamic economic institutions, sharia cooperatives, and judges selected randomly based on job diversity in the context of public trust in religious courts to settle sharia economic disputes.

This study is based on complete data, ranging from verdicts in sharia economic dispute, mapping news and reports from secondary sources, conducting interviews, and Focused Group Discussions (FGD). Secondary sources are obtained by reading online information and reports, which are further recorded and mapping data collected thematically (Sugiyono, 2009). The offline interviews were conducted with the heads of Islamic economic institutions and judges, as well as maintaining health protocols. Some of the other online interviews were conducted using video calls through the WhatsApp application. FGD

was held using zoom media with the board of the Sharia Economic Community (MES) association, the administrator of the Indonesian Sharia Lawyers Association (APSI), to dig up data on how public trust in the religious court handles sharia economic disputes.

Data were analyzed using Huberman's techniques (1990) to describe the significant phases of data analysis: data reduction, data display and data verification. The data collection used a selection and sorting of data by thematic mapping techniques. Furthermore, the data were displayed in tables and narrative quotations while maintaining the originality of the data (Ali, 2013). Data verification was done by using triangulation. Restatement methods and description to analyze the structured data. Restatements are performed by re-quoting informant statements in the interview excerpts to present a point of view on public trust (Ali, 2012). The description was done by mapping the pattern of public distrust of the religious court in resolving sharia economic disputes. All these stages became the basis for the collection of the research findings.

Dynamics of Religious Court Authority in Resolving Sharia Economic Disputes in Indonesia

The religious court develops dynamically over time and is influenced by the guidance of religious norms expressed by a particular part of the population, ranging from the need for ethnocultural identification to authority, religious leaders, efficiency and the high cost in the secular court (Mukhametzaripov, 2020; Idri, 2009; Karmawan, 2020). Therefore, the religious court is maintained so that legal trust and certainty can be realized effectively and efficiently in ensuring public confidence for justice seekers (Azheri, 2018; Gofar, 2017; Marzuki et al., 2021). Although the power of the religious court significantly weakens, the existence of a religious court is still demanded by Muslim communities and believers whose initial role is counselling, reconciliation (Mukhametzaripov, 2020), and mediation processes (Musjtari et al., 2019). The religious court is a special judicial institution within the framework of a law that is given absolute flexibility to resolve civil disputes among Muslims. It ensures the functioning or non-functioning of religious associations normally. It refers to the thought of religious norms in the modern era to prevent and guarantee the rights of religious believers in the resolution of sharia economic disputes (Mukhametzaripov, 2020).

The values of Islamic justice are philosophically and substantively different from substantive judicial normative law. The normative law or civil procedures composed with an approach of individualism, secular, and the optical properties of the nature of legal dispute becomes a fundamental differentiator over Islamic justice (Gofar, 2017; Isti'annah & Kusnadi, 2019). In line with that, the religious court tends to be based on the philosophical values of Islam (Gofar, 2017), where the religious court also has authority in resolving disputes regarding sharia fields, such as divorce and economic disputes (Azheri, 2018). In other words, the religious court can facilitate conflict resolution based on religious norms in accordance with people's social context (Gofar, 2017; Mawardi & Riza, 2019; Mukhametzaripov, 2020). Mukhametzaripov (2020) further said that religious courts in certain situations could also be utilized as an element of religious gathering with inherent functions designed to meet the needs of religious organizations and social groups which are just and humane.

The rapid development of sharia business activities and the development of Islamic financial institutions have given rise to potential disputes between the parties (Kasim, 2021; Rosidah, 2020; Khasanah et al., 2021). In Indonesia, the passage of the Law of the Republic of Indonesia No.3/2006 concerning religious courts is a response to one form of the Indonesian government in response to the increasing cases of sharia economic disputes to date (Al Hasan, 2019). The basic principles in resolving sharia economic disputes must be based on mediation to provide benefits for the parties involved in a dispute and have to conform to the moral and cultural values of the community. The disputes are supposed to be resolved quickly, correctly, and cheaply so as not to take a lot of energy, time, and thought through the concept of *al-tahkīm*, and if this cannot be settled, the resolution of sharia economic disputes can use *al-qadā* (Masriani, 2016; Masse & Rusli, 2018; Vinet & Zhedanov, 2010). Therefore, sharia economic disputes must be resolved in different ways. Dispute resolution in Islamic law is known as *sulh* and *tahkīm* which discovers ways to reconcile through litigation and nonlitigation (Kasim, 2021).

In *murābahah* contracts, debtors who are in the process of instalment payment agreements and auctions of collateral goods often experience obstacles (Ridwan et al., 2021), such as business disputes in

the case of sharia mortgages (KPR) in Yogyakarta (Jamal et al., 2021), and disputes on the capital market (Daulay, 2021). Zain & Rosidah (2018) also said that the religious court is important in resolving sharia business disputes such as bad credit land loans. Although the parties have agreed to resolve disputes through arbitration bodies, they must still get approval from the head of the state religious court. In line with that, economic disputes also arise to applying for contracts in banking, especially in conventional and Islamic banks, where these problems lie in the credit process that obscures the rights and obligations between parties (Budiharto & Sismarwoto, 2020). The authorized institution is the religious court to settle sharia economic disputes and for the settlement of nonlitigation pathways resolved through deliberation and mediation through BASYARNAS (Muhaimin et al., 2021).

The resolution of economic disputes requires good legal protection. The decreasing religious court exertion lies in the unavailability of adequate laws and regulations to be used as the basis of a legal ruling. Law No. 3/2006 on the religious court in a hierarchical manner, there is still a legal vacuum due to the absence of derivative rules that can ensure the given absolute authority by which this can run as it should be. The absolute authority of the religious court is outlined in Article 49, letter (i) of the Religious Court Law, stating that a sharia economy is an act or business activity that is carried out according to the principles of sharia, such as banks, microfinance institutions, insurance, reinsurance, investment funds, bonds and medium-term securities, securities, and so on. The regulations of sharia disputes are illustrated in the following table 1:

Table 1. Legal Norms in Handling Sharia Economic Disputes in Indonesia

No.	Regulations	Influences on Handling Sharia Economic Disputes
1	Regulations No.3/2006 on Religious Court, article 49 (i)	The first legal source of the absolute authority of religious courts in the sharia economic dispute resolution
2	Regulations No. 21/2008 on Sharia Banking	Giving rise to the dualism of sharia economic dispute resolution through district courts and religious courts

No.	Regulations	Influences on Handling Sharia Economic Disputes
3	Constitutional Court No.93/PUU/X/2012	The judgement of the Constitutional Court declaring the settlement of sharia disputes is the absolute authority of the Religious Court
4	The Regulation of Supreme Court of the Republic of Indonesia No. 2/2008 on Compilation of Sharia Economic Law (KHES)	A guideline for judges in adjudicating disputes as a material law of sharia economic law and non-binding to society at large
5	Supreme Court Regulation No. 14/2016 on Procedures for Settlement of Sharia Economic Cases	A guideline for judges in adjudicating sharia economic disputes, as a formal law (procedural law) for simple cases and non-binding to society at large
6	Supreme Court Regulation No. 1/2016 on Mediation Procedure in Court	The rule for the implementation of judicial mediation, where all Islamic economic cases must be carried out through peaceful efforts by the mediator and non-binding to society at large
7	Supreme Court Regulation No. 1/2019 on the administration of cases and proceedings in court electronically	A guideline in conducting trials electronically with E-Court media and non-binding to society at large
8	Supreme Court Regulation No. 4/2019, changes to Supreme Court Regulation No. 2/2015 regarding Resolution Procedures against Lawsuits	A guideline in carrying out the trial against lawsuits, including sharia disputes where the material claim has a value under IDR 500,000,000 and is non-binding to society at large

The authority of the religious court in resolving disputes in sharia economy should be strengthened by the emergence of laws and regulations at the bottom. For example, Government Regulations provide more technicalities on how Islamic economic practitioners can take advantage of the access to achieve justice when having a dispute.

Regulatory support of absolute authority in handling sharia disputes is the Supreme Court of the Republic of Indonesia Regulation No. 2/2008 Compilation of Sharia Economic Law (KHES), Supreme Court Regulation No. 14/2016 on Procedures for Settlement of Sharia Economic Cases. The weakness of supreme court rules (*Peraturan Mahkamah Agung/PERMA*) is more binding on (judges), and it is significantly different from the law that generally binds to all levels of society. This was supported by an interview with the judge of the Pamekasan Religious Court:

In addition to Law No.3/2006 and Article 55 of Law No.21/2008. the judges also use another law, Law No. 21/2008, which supports the resolution of sharia economic disputes through PERMA, which supports this authority. Sharia banking must improve the system and properly implement contract agreements, because the judge only develops the existing theories. The judge uses *ijtihad* to adjudicate when there is no regulation (interview with FH, 2021).

The strategy of dispute resolution in the Islamic banking law that is not regulated in one specific article and even the authority of the religious court is only put in the explanation of the article will become an essential lesson in dispute regulation in the future. The need for regulations to increase public trust in the religious court should have complete regulations such as the Sharia Economic Law. It is a material law and the procedural law of a religious court that regulates the procedures for proceedings in the court in handling sharia economic dispute cases. It is not just a supreme court regulation that is only binding on judges and parties during the proceeding. In case of dispute, it is necessary to synchronize and interconnect between laws and regulations governing Islamic economic governance and management. Regulations that ensure the availability of human resources and facilities in religious courts that support the process of the sharia economic dispute in accordance with a fast, simple, low-cost principle through adopting technological developments in electronic courts, including e-Courts enforcement, tighten the trigger so that sharia financial practitioners can trust religious court in resolving sharia economic disputes, as stated by the members of Regional Executive Board (*Dewan Pimpinan Wilayah/DPW*) the Sharia Economic Community:

Sharia financial practitioners must commit to the rules that the legislature and government have passed. So, there is no chance to negotiate on a dispute that has occurred in sharia finance. Suppose the dispute resolution in the contract needs to be enforced by parties, such as binding laws. In that case, it is necessary to have an escort from the Panel of Judges who guards everything about the regulation of Islamic finance. In the realm of laws, judges must be ready to try sharia economic cases with an understanding of material law and procedural law (R.H, 2022).

The religious court has exercised its authority in resolving disputes in the field of family law and sharia economy in accordance with Law No. 3/2006 jo Law No. 50/2009 because it already has a long history of handling family law cases. When doing a contract or agreement, the parties are given the freedom to choose which dispute resolution will be taken, but if they fail, they will take the dispute to the religious court. The religious court is a judiciary with absolute competence in handling sharia disputes stated in the religious court law, strengthened by the constitutional court decision No. 93/PUU/X/2012 (Wahyudi, 2019; Yahya, 2017).

The interpretation of article 55 of the Islamic Banking Law leads to polemics in the community related to resolving sharia economic disputes. Of course, this causes a bad response to show public distrust in government because it is considered inconsistent in the formulation of sharia economic dispute resolution rules in the religious court law and sharia banking law before reaffirming in the constitutional court judgement. However, this still affects the public perception of how government legislation makes policies in the Islamic economic law (Hong, 2013)

Eventually, the resolution of economic disputes can be made in the religious court, as suggested by law. Therefore, there needs to be a sustainable guarantee due to the potential development of sharia economic markets at the national and global levels (Khasanah et al., 2021). The constructive steps are supposed to be taken among Islamic economic practitioners, courts and nonlitigation institutions such as OJK, BASYARNAS, Sharia Mediator Association, and sharia lawyers in the Indonesian Sharia Lawyer Association (*Asosiasi Pengacara Syariah Indonesia/APSI*). These urge the government to enact a sharia economic law in regulating all aspects of the sharia economy in a codification of law. Thus, inconsistencies and disharmonies can be avoided.

Human Resources and Infrastructure of Religious Court

Resources are a crucial factor determining the quality of service in the Religious Court. The weakness of human resources affects the public's perception of the performance of the Religious Court in resolving sharia economic disputes. At least there are three things as the basis of the weakness of human resources. *First*, limited skills (competencies) are a weak point. In this case, this refers to a few judges who have the competence to resolve sharia economic disputes. The adjudicated judge must have competency certification as a sharia economic judge (Hariyanto, 2014). The practitioners of sharia economy are reluctant due to the expectation to handle disputes with the principle of simple and fast like an alternative dispute resolution.

Second, one drawback to handling sharia economic disputes is mainly caused by the Religious Court as a judiciary intended for Muslims that becomes a reference for resolving civil disputes between Muslims. To deal with sharia economic disputes is a new set of things as the enactment of the religious court law in 2006 compared to the authority in settlement of family law that has existed hundreds of years ago. Therefore, these will be collective responsibilities in developing human resource quality (Syarif, 2019; Yanti et al., 2016.).

Third, the Supreme Court's commitment from time to time since the enactment of the religious court law has gone up and down regarding policies in the development of human resources and infrastructure. It has increased significantly in religious court buildings throughout Indonesia in the last ten years. This is a plus point in handling sharia economic disputes because the building is significant for sharia cooperatives or banking.

The Supreme Court's policy stakeholder is the key to changing modern religious courts' character. It should always follow the development of dynamic sharia economic agreements and the ability to handle a fast-paced environment with professionalism and accountability (S.L., 2022).

As a new field in Indonesia, the government and Islamic economic practitioners do not realize that dispute resolution is essential to ensure sustainability, and most have not felt the importance (Subramanian, 2017). There is a variety of contracts. If a person has participated in a contract agreement, he has indirectly bent to Islamic law, so there is no need to choose the district court as a place to resolve sharia disputes.

There is no reason for religious court judges to reject cases because there is no fundamental law. Therefore, the readiness of human resources such as judges and clerks of court who are experts in the sharia economy becomes a certainty, as stated by a religious court judge's interview:

The Supreme Court's efforts in improving the quality of judges are made through the training of sharia economic judges and the policy of the leadership who asked to continue the Master of Sharia Economy. Resolving sharia economic disputes through nonlitigation pathways is inevitable because there are regulations providing opportunities to relate to it. The basis for implementing sharia economic dispute examination is PERMA No.2/2015 concerning settling simple lawsuits. PERMA has been updated PERMA No. 4/2019, so both regulations are seen because not all changes. PERMA No.4/2016, then a reference from KHES. The regulation of sharia OJK and the fatwa by DSN MUI can be used as a reference because there is a legal basis. Therefore, judges may not reject cases because there is no fundamental law. Also, consideration of the decision of the panel of judges must look at the data and facts that occurred during the trial examination process (F.H, 2021).

In society, sharia economic disputes concern: *First*, disputes between sharia economic institutions and sharia financing with their customers are different from family law in the field of *mu'amalah*, which is possible to have an agreement with non-Muslim parties; *Second*, sharia economic disputes between sharia financial institutions may arise when sharia financing institutions use equity financing to one customer that allows disputes; *Third*, sharia economic dispute between Muslims concerns the authority of Islamic personalities where the contract agreement is firmly stated that the business activities carried out according to the principles of sharia provisions (Karmawan, 2020). Plurality and a variety of parties involved in the sharia economy require judges always to update their knowledge in Islamic economic law.

Some of the sharia economic disputes are resolved by the parties outside the court or nonlitigation (Kamal, 2020), but if they get stuck, they come to a religious court. Also, a dispute is resolved by third parties to be more efficient, and there is no other dispute afterwards and has legal force protected by the State and the law through religious court. Promoting religious courts in the community is essential to provide complete information about the institution's role. One of them is that the institution can also resolve sharia economic disputes. As stated by the Director of Indonesian Shariah Bank Indonesia of Pamekasan:

In the contract, all clauses or articles listed in case of disputes will be resolved in the religious court. The first step in the event of a sharia dispute is done through a consensus process and in accordance with the provisions stated in the contract agreement. A dispute can be resolved through negotiation, mediation, and arbitration in the future (M.M, 2022).

The Supreme Court of Indonesia 2010 has improved the infrastructure of Court facilities. For instance, some infrastructures represent of handling sharia economic disputes by adopting information technology-based services. Moreover, Supreme Court also develop capacity-building to improve the quality of human resources, including educating some judges in handling family cases and sharia economy. There are many judges who have continued to the master and doctoral levels in Islamic economic law (Suadi, 2021). The Supreme Court makes efforts to increase public trust, such as: (1) educating and deepening the public's understanding of religious court institutions, which have implemented IT-based services through E-Court and SIPP and the regulation of the Supreme Court of the Republic of Indonesia No.14/2016 on Procedures for Resolving Sharia Economic Cases, with a single judge and simple procedures; (2) evaluating policies based on people's perceptions and experiences by conducting a series of community literacy surveys on the main duties and functions of the religious court, to design further a model of sharia economic dispute resolution with simple and fast principle, and (3) implementing policies democratically by always involving the community in decision-making and Islamic economic practitioners in the religious court, especially those related to the socialization of handling sharia economic disputes (Wahyuningsih, 2011).

Trust Towards Religious Court in Resolving Sharia Economic Disputes

Public trust closely refers to the community's attitude and response to government activities, institutions, policies, and officials (Rian Andhika, 2018). This trust is usually influenced by how the government regulates and treats society in its lives (Nunkoo et al., 2012). In this regard, the increase of public trust is determined by many aspects such as integrity, competence, reliability, consistency, honesty, and

government accountability as the main components of community assessment (Khosravi, 2020; Hong, 2013; Im et al., 2014). Public trust in government is specifically identified by the characteristics, processes, and dimensions to which the public views the government as doing the right things in its duties, being fair and putting the public interest first (Hong, 2013). Previous public perceptions can also influence public trust, so people's experience becomes an essential indicator in building trust (Chen et al., 2015). However, a lack of trust in government leads to distrust in society. At this point, public trust arises due to a shift in values in the society, which come about scepticism and public disappointment towards the authority and the government's poor performance (Foster & Frieden, 2017).

Building public trust between the community and the government has a variety of impacts, such as satisfaction, interaction, support, and community cooperation in a voluntary project (Wu et al., 2016; Salim et al., 2017). Generally, high public trust encourages a close relationship between society and government and asks people to be more open and have a clearer understanding. In addition, greater trust can give rise to many alternatives and motivations for people to follow the institution's decisions well and obediently (Silalahi, 2011). In line with that, in Indonesia, public trust in institutions increases public acceptance of established policies and regulations, making people more prepared and open to complying with public policies (Widaningrum, 2017). Public trust is an important thing always to be maintained by the government owing to inappropriate policies and the government's inability to meet community expectations. This raises distrust in the community and reduces public support for government activities (Hardin, 2013). Therefore, three ways can increase public confidence: 1) educating and deepening people's understanding, 2) evaluating policies based on people's perceptions and experiences, and 3) implementing policies democratically (Wahyuningsih, 2011).

Legal awareness and enthusiastic business practitioners are decisive factors in ensuring how the religious court handles sharia economy disputes. The awareness of sharia economic practitioners remains low to resolve sharia financial disputes to require an intersection in which their needs are emphasized to settle disputes with a fast, simple, and low-cost principle and guarantee privacy among parties. It will, therefore,

show trust towards the religious court among justice seekers in the sharia economy. The total number of cases is so limited. After 16 years, there were 1,641 judges' rulings on sharia economic disputes compared to the data of family law cases in the religious court, which reached 4,749,428 cases in 2021 (putusan3.mahkamahagung.go.id). Public knowledge of legal justice in sharia economy and public assistance in the search for justice remains at a low level, as illustrated in table 2:

Tabel 2. Number of Sharia Economic Disputes in Indonesia in 16 years, 2006- 2021

No.	Year	Number of Disputes
1	2006	6
2	2007	4
3	2008	1
4	2009	1
5	2010	3
6	2011	5
7	2012	5
8	2013	6
9	2014	21
10	2015	13
11	2016	87
12	2017	139
13	2018	208
14	2019	270
15	2020	361
16	2021	331
TOTAL		1.641

There are around 412 first-level religious courts in districts and cities and 29 religious high courts in the province (Religious Court Magazine, 2021). These institutions are essential to keep the communication and socialization to the community at the farthest point to obtain justice according to sharia in resolving sharia economic disputes. At the same time, this requires adopting the values of resolving disputes out of court

with a fast and efficient principle that does not govern a rigid procedural law with a long-term implication.

Community and state life will feel that the law conforms to the intrinsic values of Islam. The emergence of legal compliance is just obedience for fear of sanctions if the rule of law is not in accordance with the values in the community (Lathifah, 2020). The resolution of sharia economic disputes to create justice according to sharia is supposed to be implemented because the Indonesian population is 85% Muslim. By establishing a special sharia economy court in religious justice, Muslims will be closer to their religious law, and this will cause a sense of calm and security. Also, if there is a dispute between customers and banks, this can be resolved using sharia principles. This is in line with Gofar's statement in Mukhametzaripov (2020), establishing religious courts to maintain trust and legal certainty. It is paramount to implement Islamic law that can run effectively and efficiently to prevent and guarantee the rights of sharia economic practitioners to deal with sharia economic disputes. Similarly, the following details are based on the results of an interview with the Sharia Supervisory Board BPRS SPM:

In essence, the religious court implements the legislation. In this case, the law plays an important role as a social engineering tool. Also, the readiness of the religious court judges has a significant function in handling cases of sharia economic disputes. The Islamic financial institutions have executed the contract by reviewing the Sharia Supervisory Board (DPS) to ensure its validity. Indeed, in settling disputes, the banking parties prefer to settle in an amicable agreement to accelerate the settlement and return of losses of Islamic financial institutions. It is particularly worrying that settlement through the court will ruin the friendship, which is one of the factors where there are only a few cases prosecuted in the religious court (M.Z., 2022).

Legal culture refers to the values, attitudes and ideas in the society where the law must be practised. At this point, most Indonesian society is Muslim, so the sharia economic disputes are ideally resolved through the religious court (Apriyandanu, 2018). The values of the Islamic court differ substantively from normative laws formulated with an approach of individualism and secularism in which such laws are mostly applied in the Indonesian judiciary that still adopts Dutch colonial law. Islamic court is eventually based on Islamic philosophical values (Gofar, 2017) so that this will be accepted by the community, especially business

practitioners, just how to pack and socialize with the community to improve literacy on the role of the religious court in settling sharia economic disputes.

The increase of public literacy on the products of Islamic economic institutions is not followed by efforts to heighten the awareness of practitioners and consumers of the Islamic finance industry to resolve disputes to the religious court that will provide justice and legal certainty in accordance with Islamic law (Osman & Abdillah, 2019).

Two channels are offered to disputing parties in the litigation and non-litigation lines. These provide opportunities for them to facilitate resolution outside the religious court, such as mediation, arbitration, and collateral confiscation before going to the religious court as the last bastion of the development of sharia economic law in Indonesia. This absolute authority needs to follow the active participation of the government – the supreme court. The stakeholders of the sharia economy also need to synergize the enforcement and development of sharia economic law, which will later impact the national economy's development in general because a guarantee of government dispenses justice and apply the principles of legal certainty.

A higher public trust will encourage a close relationship between the sharia economic practitioners and the religious court. Structured and concrete steps are becoming more frequently required to eliminate the conditions that lead to a low interest in Muslims in utilizing religious court institutions to settle sharia economic disputes with the socialization and involvement of sharia economic practitioners in religious court programs. In this study, there are two essential things in developing Islamic economic law. *First*, material and formal sources of law in resolving sharia economic disputes are to ensure justice and legal certainty of sharia economic practitioners. *Second*, socialization is significant in increasing public literacy about the existence of a religious court that has absolute authority to resolve sharia economic disputes. The institution can organize a modern "E-Court" judiciary in the field sharia economy field that demands justice, guarantees legal certainty, offers fast service and provides a low-cost.

Conclusion

The lack of public trust in the religious court is caused by: (1) incomplete history, laws and regulations and disharmony between laws and regulations governing the authority to resolve sharia economic disputes; (2) cultural demands in business to resolve disputes with an effective and efficient principle as well as the lack of supporting facilities and infrastructures; and (3) low level of legal literacy among sharia economic practitioners to resolve sharia disputes in religious courts and the tendency to choose a nonlitigation path in resolving sharia economic disputes with the reason of asset security. Rebuilding public trust is imperative for Muslims in raising awareness and confidence in a religious court, a particular judicial institution for Muslims in the civil field. There needs to be synergy between government, supreme court, and sharia economic practitioners to increase public trust in religious courts so that sharia economic law in Indonesia can be developed and enforced.

In this study, microscopic analysis is much needed to see the anatomy of public perception of religious courts in resolving sharia economic disputes in some regions in Indonesia due to the diversity of cultural characteristics in provinces, regencies and cities. This study is conducted through a macro analysis which is generally based on data on the lack of sharia economic cases decided by the religious court in the last 15 years compared to family law cases. However, the percentage increases significantly.

References

- Al Hasan, F. A. (2019). The Role of Religious Courts in Supporting the Development of the Islamic Finance Industry in Indonesia. *Al-Ahkam Jurnal Ilmu Syari'ah dan Hukum*. <https://doi.org/10.22515/al-ahkam.v4i1.1329>
- Amiruddin. (2012). *Pengantar Metode Penelitian Hukum*. Grafindo Persada.
- Apriyandanu, E. (2018). Kedudukan Basyarnas Dalam Penanganan Kepailitan Perbankan Syariah Ditinjau Dari UU No. 21 Tahun 2008 Tentang Perbankan Syariah. *Jurnal USM Law Review*. <https://doi.org/10.26623/julr.v1i1.2230>
- Azheri, B. (2018). Urgency of the establishment of a special court for the resolution of shari'a economic dispute in the Religious Courts. *Journal of Legal, Ethical and Regulatory Issues*.
- Budiharto, & Sismarwoto, E. (2020). Freedom of contracts and dispute settlement between conventional banking and shari'a banking. *International Journal of Economics and Business Administration*. <https://doi.org/10.35808/ijeba/438>

- Chen, J. V., Jubilado, R. J. M., Capistrano, E. P. S., & Yen, D. C. (2015). Factors affecting online tax filing - An application of the IS Success Model and trust theory. *Computers in Human Behavior*. <https://doi.org/10.1016/j.chb.2014.11.017>
- Daulay, H. R. (2021). *Legal Reconstruction Settlement of Shari'a Capital Market Strengthening Regulatory Aspects to Provide Legal Certainty Disputes* : 40, 161–169.
- Faizal, B. T. W. (2021). Menakar Urgensi Pengaturan Pelaksanaan Dan Pembatalan Putusan Badan Arbitrase Syariah Nasional (BASYARNAS). *Ijlil*. <https://doi.org/10.35719/ijl.v1i01.73>
- Fitriyanti, F., Yunita, A., & Hamsin, M. K. (2020). Peningkatan Kualitas Kompetensi Arbiter Syari'ah Di Badan Arbitrase Syari'ah Nasional (BASYARNAS) Wilayah Diy. *Panrita Abdi - Jurnal Pengabdian Pada Masyarakat*. <https://doi.org/10.20956/pa.v4i3.7437>
- Foster, C., & Frieden, J. (2017). Crisis of trust: Socio-economic determinants of Europeans' confidence in government. *European Union Politics*. <https://doi.org/10.1177/1465116517723499>
- Gofar, A. (2017). The reform of the procedural religious court law based on islamic law in indonesia legal system. *Sriwijaya Law Review*. <https://doi.org/10.28946/slrev.Vol1.Iss2.37.pp114-127>
- Hardin, R. (2013). Government without trust. *Journal of Trust Research*. <https://doi.org/10.1080/21515581.2013.771502>
- Hariyanto, E. (2014). Penyelesaian Sengketa Ekonomi Syariah di Indonesia. *IQTISHADIA: Jurnal Ekonomi & Perbankan Syariah*, 1(1). <https://doi.org/10.19105/iqtishadia.v1i1.365>
- Hariyanto, E. (2016a). *The Characteristic Settlement of The Syariah Banking Dispute In Religious Judiciary*. Universitas 17 Agustus 1945.
- Hariyanto, E. (2016b). The Political Scrimmage of The Religious Court's Law as The Judicial Institution In The Reformation Era in Indonesia. *Al-Ihkam: Jurnal Hukum & Pranata Sosial*, 11 (1), 178. <https://doi.org/10.19105/al-ihkam.v1i1.782>
- Hong, H. (2013). Government websites and social media's influence on government-public relationships. *Public Relations Review*. <https://doi.org/10.1016/j.pubrev.2013.07.007>
- Huberman, M. (1990). Linkage Between Researchers and Practitioners: A Qualitative Study. *American Educational Research Journal*. <https://doi.org/10.3102/00028312027002363>
- Hudawati, S. N. (2020). Problematika Hukum Formil Penyelesaian Sengketa Ekonomi Syariah di Pengadilan Agama. *Jurnal Penegakan Hukum dan Keadilan*. <https://doi.org/10.18196/jphk.1102>
- Idri. (2009). Religious Court In IndonesiaA History and Prospect. *Journal of Indonesian Islam*, 03(02), 297–313.

- Im, T., Cho, W., Porumbescu, G., & Park, J. (2014). Internet, Trust in Government, and Citizen Compliance. *Journal of Public Administration Research and Theory*, 24(3), 741–763. <https://doi.org/10.1093/jopart/mus037>
- Isti'annah, H., & Kusnadi, N. (2019). Existence of Religious Court in Indonesia as the Executor Mortgage Right of Islamic Bank Financing. *International Journal of Multicultural and Multireligious Understanding*.
- Jamal, M., Mahfudz, A. A., Syamsuri, S., & Handayani, R. (2021). Analysis of Alternative Dispute Resolution in nonlitigation dispute resolution on Islamic Mortgage: at the Ombudsman Institution Yogyakarta. *Tsaqafah*, 17(1). <https://doi.org/10.21111/tsaqafah.v17i1.6760>
- Jamaludin, M. J. (2020). Penanganan Sengketa Ekonomi Syariah Perspektif Cita Hukum di Pengadilan Tinggi Agama Semarang. *Jurnal Al-Qardh*. <https://doi.org/10.23971/jaq.v5i1.1882>
- Kamal, H. (2020). Analisis Penyelesaian Sengketa Ekonomi Syariah Pasca Putusan MK No. 93/PUU-X/2012. *Al Mashaadir : Jurnal Ilmu Syariah*. <https://doi.org/10.52029/jis.v1i1.4>
- Karmawan, K. (2020). Mediation in the Religious Courts of Indonesia. *Ahkam: Jurnal Ilmu Syariah*. <https://doi.org/10.15408/ajis.v20i1.13249>
- Kasim, A. (2021). The Settlement Of Shari'a Economic Disputes In Indonesian Islamic Classic Traditions And Positive Law. *Tasharruf: Journal Economics and Business of Islam*, 6(1), 54. <https://doi.org/10.30984/tjebi.v6i1.1414>
- Khasanah, K., Adinugraha, H. H., & Mayangsari, P. A. (2021). Online Dispute Resolution (ODR) as an Alternative Resolution of Shari'a Economics in Indonesia. *Jhi*, 19, 21–42.
- Khosravi, M. (2020). Perceived Risk of COVID-19 Pandemic: The Role of Public Worry and Trust. *Electronic Journal of General Medicine*, 17(4), em203. <https://doi.org/10.29333/ejgm/7856>
- Lathifah, A. (2020). State Marriage and Civil Marriage: The Role of State Policy on Interreligious Marriage in Central Java. *Al-Ihkam: Jurnal Hukum dan Pranata Sosial*, 15(1), 1–30. <https://doi.org/10.19105/Al-Ihkam.V15I1.2689>
- Marzuki, M., Yetta, Y., Badollahi, M. T., Ruslan, M., & Hanafi, S. (2021). The Implementation of Underage Marriage Dispensation in Palu Religious Court. *Review of International Geographical Education Online*. <https://doi.org/10.33403/Rigeo.800521>
- Masriani, Y. T. (2016). The Position Of Notarial Deed In The Shari'a Economic Dispute. *Mimbar Hukum-Fakultas Hukum Universitas Gadjah Mada*. <https://doi.org/10.22146/jmh.15861>
- Masse, R. A., & Rusli, M. (2018). Islamic Banking Dispute Resolution in National Shari'a Arbitration Board. *IOP Conference Series: Earth and Environmental Science*, 175(1). <https://doi.org/10.1088/1755-1315/175/1/012169>
- Mawardi, A. I., & Riza, A. K. (2019). Why did Kompilasi Hukum Islam Succeed while its Counter Legal Draft Failed? A political context and legal arguments

- of the codification of Islamic law for religious courts in Indonesia. *Journal of Indonesian Islam*. <https://doi.org/10.15642/JIIS.2019.13.2.421-453>
- Minardi, A. (2020). Two Lane Settlement of Shari'a Economic Disputes Between Religious Court and National Shari'a Arbitration Agency (BASYARNAS). *Indonesian Journal of Religion and Society*, 1 (2), 126–137. <https://doi.org/10.36256/ijrs.v1i2.66>
- Muhaimin, Husni, L., & Wira, L. (2021). Authoritative Institution In Disputes Resolution In The Conversion Of Conventional Bank To Shari'a Bank. *Journal of Legal, Ethical and Regulatory Issues*, 24(4), 1–8.
- Mukhametzaripov, I. (2020). Religious Courts in Modern European States. *Sovremennaya Evropa*. <https://doi.org/10.15211/soveurope32020148157>
- Mukhametzaripov, I. A. (2020). Foreign scientific discourse about religious courts in a secular state. *Religiovedenie*. <https://doi.org/10.22250/2072-8662.2020.1.114-122>
- Musjtari, D. N., Riyanto, B., & Setyowati, R. (2019). Reformulation of mediation in dispute settlement on islamic banking. *Humanities and Social Sciences Reviews*. <https://doi.org/10.18510/hssr.2019.7424>
- Musrifah, M., & Khairunisa, M. (2020). Penyelesaian Sengketa Ekonomi Syariah Melalui Arbitrase Syariah. *Al-Amwal*. <https://doi.org/10.36341/al-amwal.v9i1.142>
- Mustofa, K. N. (2019). Submission of Marital Dispensation for Religious Courts in Central Java: Study of Minimum Pair Age Standards Along With Judge's Attitudes and Wisdomes. *Journal de Jure*, 11(1), 63. <https://doi.org/10.18860/j-fsh.v1i1.6611>
- Nunkoo, R., Ramkissoon, H., & Gursoy, D. (2012). Public trust in tourism institutions. *Annals of Tourism Research*, 39(3), 1538–1564. <https://doi.org/10.1016/j.annals.2012.04.004>
- Osman, O., & Abdillah, K. (2019). Hukum Materiil Penyelesaian Sengketa Ekonomi Syariah (Tinjauan Undang-Undang Dan Hukum Islam). *Al Huquq: Journal of Indonesian Islamic Economic Law*, 1(1), 31–52. <https://doi.org/10.19105/Al-Huquq.V1I1.2646>
- Otoritas jasa Keuangan. (2020). *Perkembangan Bank Syariah*. <https://www.ojk.go.id/id/kanal/syariah/berita-dan-kegiatan/publikasi/Pages/Snapshot-Perbankan-Syariah-Indonesia-Maret-2020.aspx>
- Rian Andhika, L. (2018). Meningkatkan Kepercayaan Publik Terhadap Pemerintah Melalui Redesain Proses Kebijakan. *JIP (Jurnal Ilmu Pemerintahan) : Kajian Ilmu Pemerintahan dan Politik Daerah*. <https://doi.org/10.24905/jip.3.1.2018.24-42>
- Ridwan, R., Zain, M. F., & Maula, B. S. (2021). *The Mapping of Shari'a Economic Dispute Decisions in Religious Courts*. <https://doi.org/10.4108/cai.18-11-2020.2311813>
- Rosidah, Z. N. (2020). Limitation of Application of Shari'a Principles in Shari'a Economic Dispute Resolution in Religious Courts. *Journal of Morality and Legal Culture*. <https://doi.org/10.20961/jmail.v1i1.44749>

- Rosidah, Z. N., & Karjoko, L. (2021). Orientasi Filosofis Hakim Pengadilan Agama Dalam Menyelesaikan Sengketa Ekonomi Syariah. *Jurnal Hukum Ius Quia Iustum*. <https://doi.org/10.20885/iustum.vol28.iss1.art8>
- Rosidah, Z. N., & Mahfiana, L. (2020). Efektivitas Penerapan Prinsip-Prinsip Syariah Dalam Penyelesaian Sengketa Ekonomi Syariah di Badan Arbitrase Syariah Nasional (Basyarnas). *Tawazun : Journal of Shari'a Economic Law*. <https://doi.org/10.21043/tawazun.v3i1.7529>
- Sakti, T. I., Kusuma, V., Pratama, A. P., & Lasa R. M. (2021). Putusan Sengketa Ekonomi Syariah Pengadilan Negeri Pasaman Barat Tentang Putusan Arbitrase Bpsk Kabupaten Batubara Nomor 1409/ARB/BPSK-BB/IX/2016 (Studi Perkara Nomor 622 K/Pdt.Sus-BPSK/2017; 55/Pdt.Sus-BPSK/2016/PN Psb). *Jurnal Ikamakum*, 1(1), 182--187.
- Salim, M., Peng, X., Almaktry, S., & Karmoshi, S. (2017). The Impact of Citizen Satisfaction with Government Performance on Public Trust in the Government: Empirical Evidence from Urban Yemen. *Open Journal of Business and Management*, 05(02), 348–365. <https://doi.org/10.4236/ojbm.2017.52030>
- Samin, S. B. B. (2020). Peran Pengadilan Agama dalam Praktik Penyelesaian Sengketa Ekonomi Syariah. *Syarikat: Jurnal Rumpun Ekonomi Syariah*.
- Silalahi, U. (2011). Kepercayaan Publik kepada Pemerintah Daerah Pasca Orde Baru. *Ilmu Akuntansi Negara*.
- Siswajanthry, F. (2021). Gugatan Sederhana dalam Penyelesaian Sengketa Ekonomi Syariah Di Indonesia. *Pakuan Law Review*.
- Subramanian, N. (2017). Islamic Norms, Common Law, and Legal Reasoning: Muslim Personal Law and the Economic Consequences of Divorce in India. *Islamic Law and Society*, 24(3), 254–286. <https://doi.org/10.1163/15685195-00243p03>
- Sufiarina, S. (2014). Urgensi Pengadilan Agama Sebagai Penyelesai Sengketa Ekonomi Syariah. *Jurnal Hukum & Pembangunan*. <https://doi.org/10.21143/jhp.vol44.no2.21>
- Sugiyono. (2009). *Metode Penelitian Kuantitatif, Kualitatif dan R&D*. Alfabeta.
- Sulistiyowati, S. (2015). Penyelesaian Sengketa antara Bank Shari'ah dengan Nasabah Bermasalah melalui Badan Arbitrase Shari'ah Nasional (BASYARNAS) menurut UU No. 30 tahun 1999. *ISLAMICA: Jurnal Studi Keislaman*. <https://doi.org/10.15642/islamica.2014.9.1.193-222>
- Syarif, F. (2019). Perkembangan Hukum Ekonomi Syariah di Indonesia. *Pleno Jure*, 8(2), 1–16. <https://doi.org/10.37541/plenojure.v8i2.38>
- Vinet, L., & Zhedanov, A. (2010). A "missing" Family of Classical Orthogonal polynomials. *Dissertation Abstracts International*. <https://doi.org/10.1088/1751-8113/44/8/085201>
- Wahyudi, F. (2019). The Quo Vadis of Bankruptcy Settlement And PKPU Laws On Shari'a Banking. *Jurnal Hukum dan Peradilan*. <https://doi.org/10.25216/jhp.8.1.2019.1-20>

- Wahyuningsih, R. D. (2011). Membangun Kepercayaan Publik Melalui Kebijakan Sosial Inklusif. *Jurnal Ilmu Sosial dan Ilmu Politik*, 15(1), 29–40. <https://doi.org/10.22146/jsp.10923>
- Widaningrum, A. (2017). Public Trust and Regulatory Compliance. *Jurnal Ilmu Sosial Dan Ilmu Politik*. <https://doi.org/10.22146/jsp.28679>
- Wu, Y., Sun, I. Y., & Hu, R. (2016). Public trust in the Chinese police: The impact of ethnicity, class, and Hukou. *Australian and New Zealand Journal of Criminology*. <https://doi.org/10.1177/0004865814554309>
- Yahya, I. (2017). Sengketa Ekonomi Syariah di Indonesia Pasca Putusan Mahkamah Konstitusi Nomor 93/PUU-X/2012. *Al-Manahij: Jurnal Kajian Hukum Islam*. <https://doi.org/10.24090/mnh.v10i1.921>
- Yanti, I., Addiarrahman, & Badaruddin. (2016). Quo Vadis Of Religious Court On The Development Of Shari'a Economic Law In Indonesia. *Al-Risalah*, 16(2), 255–267. <https://doi.org/https://dx.doi.org/10.30631/al-risalah.v16i02.311>
- Zain, N. H. M., & Rosidah, Z. N. (2018). Streghtening Shari'a Arbitration As a Model of Banking Dispute Resolution. *Seajbel.Com*, 17(4), 54–58.
- Zainuddin Ali. (2013). *Metode Penelitian Hukum* (4th ed.). Sinar Grafika.

Eric Hariyanto

Faculty of Sharia State Institute for Islamic Studies Madura

E-mail: eric@iainmadura.ac.id