

The Authority of Religious Courts in Resolving Sharia Economic Disputes in Indonesia

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Article Info	Abstract
Article History Received : 2026-07-02 Revised: 2026-07-14 Published: 2026-07-30 Keywords: <i>Religious Courts, Sharia Economics, Sharia Economic Disputes, Authority, Dispute Resolution.</i>	The development of the sharia economy in Indonesia has increased the need for a dispute resolution system that is able to provide legal certainty in accordance with sharia principles. The expansion of the authority of the Religious Courts through amendments to the Religious Courts Law is an important foundation in resolving sharia economic disputes. This research aims to analyze the legal basis of the authority of the Religious Courts in resolving sharia economic disputes and to examine the effectiveness of the implementation of this authority in providing legal protection for the parties. The research uses normative legal research methods with a legislative approach and a conceptual approach. Legal materials are obtained through literature studies consisting of laws and regulations, books, scientific journals, and other literature related to sharia economics and Religious Courts. All legal materials are analyzed qualitatively using descriptive-analytical methods. The results of the study show that the authority of the Religious Court in resolving sharia economic disputes has provided legal certainty regarding the institution authorized to adjudicate disputes arising from transactions based on sharia principles. However, the effectiveness of its implementation is still influenced by the quality of human resources, the complexity of sharia economic transactions, and the need for institutional capacity building. Therefore, strengthening the competence of judges, optimizing mediation mechanisms, and improving coordination between institutions is an important step in increasing the effectiveness of resolving sharia economic disputes through the Religious Court. Thus, the Religious Court has a strategic role in supporting the development of the sharia economy and providing legal certainty for the community.

I. INTRODUCTION

The development of the Islamic economy in Indonesia has experienced significant growth in the last two decades. The increasing activities of Islamic financial institutions, Islamic banking, Islamic insurance, Islamic financing, and various forms of transactions based on Islamic principles have given birth to increasingly complex legal relationships. Consequently, the potential for disputes in the field of sharia economics is also increasing, so a dispute resolution mechanism is needed that is able to provide legal certainty, justice, and protection to the parties (Mujahidin, 2008).

The strengthening of the sharia economic dispute settlement system gained a clearer foundation after the birth of Law Number 3 of 2006 concerning Amendments to Law Number 7 of 1989 concerning Religious Courts. Through

these changes, the Religious Courts are given the authority to examine, adjudicate, and resolve sharia economic disputes. This authority is an important milestone in the development of sharia economic law in Indonesia because it provides certainty regarding judicial institutions that are authorized to resolve disputes arising from transactions based on sharia principles (Abdurrahman, 2008).

However, in practice, there are still various problems in the settlement of sharia economic disputes, both related to the understanding of sharia principles, the absolute competence of the Religious Court, and the effectiveness of the case settlement mechanism. In addition, the development of alternative dispute resolution institutions such as arbitration and mediation also creates dynamics regarding the choice of

dispute resolution forums for sharia business actors (Emirzon, 2001).

A lot of research has been done on the authority of the Religious Court. Abdul Manan (2007) examines the expansion of the authority of the Religious Courts in resolving sharia economic disputes, while Ahmad Mujahidin (2008) discusses the procedure for resolving sharia economic disputes in Indonesia. However, most of the research still focuses on the normative aspects of the basis of the authority of the Religious Courts and has not comprehensively examined the relationship between the expansion of this authority and the effectiveness of sharia economic dispute resolution in Indonesia. Therefore, this study has a novelty by analyzing the authority of the Religious Court not only from the normative aspect, but also from its implications for the effectiveness of sharia economic dispute resolution.

Based on this background, this study aims to analyze the legal basis of the authority of the Religious Courts in resolving sharia economic disputes and examine the effectiveness of the implementation of this authority in realizing legal certainty for sharia business actors in Indonesia.

II. RESEARCH METHODS

This research is a normative legal research using a statutory *approach* and a conceptual approach. The statutory approach is used to examine various provisions regarding the authority of the Religious Courts in resolving sharia economic disputes, while the conceptual approach is used to analyze the concept of judicial authority, sharia economic principles, and dispute resolution theories based on developed legal doctrines (Marzuki, 2010).

Legal materials consist of primary legal materials in the form of laws and regulations, secondary legal materials in the form of books, scientific journals, and research results, and tertiary legal materials in the form of legal dictionaries and encyclopedias. All legal

materials are collected through *library research* and analyzed qualitatively using descriptive-analytical methods to gain an understanding of the authority of the Religious Court in resolving sharia economic disputes.

III. RESULTS AND DISCUSSION

A. The Authority of the Religious Courts in the Settlement of Sharia Economic Disputes

The development of the sharia economy in Indonesia has encouraged the birth of various legal relationships that are sourced from sharia principles, such as sharia banking activities, sharia insurance, sharia financing, sharia pawnshops, and various other forms of muamalah contracts. Along with the increase in economic activity, the potential for disputes between the parties is also increasing. Therefore, a judicial institution that has the competence to resolve disputes based on sharia principles is needed, fairly, effectively, and provides legal certainty (Mujahidin, 2008).

The expansion of the authority of the Religious Courts in resolving sharia economic disputes is one of the important developments in the Indonesian judicial system. Prior to the enactment of Law Number 3 of 2006, the authority of the Religious Court was more limited to marriage, inheritance, wills, grants, waqf, zakat, infaq, and alms. After these changes, the scope of authority of the Religious Court was expanded to include the settlement of sharia economic disputes, thus providing a clearer legal basis for the settlement of disputes arising from transactions based on sharia principles (Manan, 2007).

The granting of this authority shows the state's recognition of the development of the sharia economy as part of the national legal system. The Religious Court no longer only functions as an institution for resolving Islamic family law disputes, but also plays a role in providing legal protection for legal relations in the field of Islamic economics.

Thus, this authority is a form of harmonization between the development of community economic activities and the need for a dispute resolution system in accordance with sharia principles (Mujahidin, 2008).

Normatively, the authority of the Religious Court in the field of sharia economics is an absolute competence, so that any dispute arising from a contract or transaction based on sharia principles is basically the authority of the Religious Court, as long as no other settlement mechanism is determined that is agreed upon by the parties in accordance with the provisions of laws and regulations. The arrangement aims to provide legal certainty regarding dispute resolution forums while avoiding conflicts of authority between judicial environments (Harahap, 2005).

However, the implementation of this authority still faces various challenges. The complexity of sharia economic transactions that continues to grow requires judges not only to understand the civil procedure law, but also to master the principles of fiqh muamalah and various sharia contracts that are the basis of the legal relationship between the parties. Therefore, improving the competence of judges and judicial apparatus is an important factor in realizing professional, quality, and substantive justice-oriented sharia economic dispute resolution (Emirzon, 2001).

Based on the results of the analysis, the expansion of the authority of the Religious Courts through Law Number 3 of 2006 is a strategic step in strengthening the sharia economic dispute resolution system in Indonesia. This authority not only provides certainty regarding the institution authorized to adjudicate sharia economic disputes, but also shows the state's commitment to accommodating sharia-based economic development. However, the effectiveness of its implementation still depends on the quality of human resources, consistency in the application of the law, and the ability of the

Religious Courts to keep up with the development of increasingly complex sharia economic practices.

B. The Effectiveness of Sharia Economic Dispute Resolution through Religious Courts

Granting authority to the Religious Court to resolve sharia economic disputes is an important step in providing legal certainty for business actors who carry out transactions based on sharia principles. The existence of judicial institutions that have special competence in the field of sharia economics is expected to be able to produce decisions that are not only in accordance with the provisions of national law, but also in line with sharia principles that are the basis of the legal relationship between the parties. Therefore, the effectiveness of dispute resolution is not only measured by the ability to resolve cases, but also by the extent to which the verdict is able to realize justice, legal certainty, and benefits for the community (Mujahidin, 2008).

In practice, the settlement of sharia economic disputes in the Religious Court is carried out through the applicable civil procedure law mechanism while still paying attention to the characteristics of the contract and sharia principles that are the basis of the legal relationship between the parties. Before examining the subject matter, the parties are first given the opportunity to pursue a settlement through mediation as a form of implementation of the principle of peaceful dispute resolution. If mediation is unsuccessful, the examination of the case will continue until the verdict is handed down by the panel of judges. This mechanism shows that dispute resolution through the Religious Court is not only oriented towards litigation settlement, but also prioritizes peace efforts as part of Islamic law values (Manan, 2007).

In addition to settlement through court, sharia economic law also recognizes out-of-

court dispute resolution mechanisms, such as sharia arbitration and other alternative forms of dispute resolution based on the agreement of the parties. The existence of this mechanism provides a more flexible choice of dispute resolution forum in accordance with the character of the legal relationship built in the contract. However, if a dispute is submitted to the Religious Court based on the applicable provisions, then the court has the authority to examine and decide the case according to its absolute competence (Emirzon, 2001).

Although normatively the authority of the Religious Court has been clearly regulated, the effectiveness of its implementation still faces several obstacles. One of them is the development of increasingly complex sharia economic transactions that require judges to have an adequate understanding of various types of contracts, the practices of Islamic financial institutions, and the principles of fiqh muamalah. In addition, the increase in the number of sharia economic cases also requires the support of human resources, judicial facilities, and continuous coaching so that the quality of case settlement is maintained (Harahap, 2005).

Based on the results of the analysis, the effectiveness of resolving sharia economic disputes through the Religious Court is influenced by three main factors. First, the clarity of the regulation regarding the absolute competence of the Religious Court so that it does not cause a conflict of authority with other judicial institutions. Second, the capacity of judges in understanding procedural law as well as the principles of sharia economics that are the basis for dispute resolution. Third, optimizing the dispute resolution mechanism, both through mediation and litigation case examination, so that the settlement process can take place quickly, simply, and at low cost. These three aspects are interrelated factors in realizing effective sharia economic dispute resolution.

Thus, the success of resolving sharia economic disputes is not only determined by the existence of normative authority of the Religious Court, but also by the quality of the implementation of this authority in practice. Strengthening the competence of the judicial apparatus, increasing understanding of the development of the sharia economy, and optimizing dispute resolution mechanisms are necessary steps so that the Religious Courts are able to provide decisions that meet the sense of justice, legal certainty, and benefits for justice seekers.

IV. CONCLUSIONS AND SUGGESTIONS

A. Conclusion

Based on the results of the study, it can be concluded that the expansion of the authority of the Religious Court in resolving sharia economic disputes is a form of strengthening the national legal system in accommodating the development of economic activities based on sharia principles. This authority obtained a clear legal basis through amendments to the Religious Courts Law so as to provide certainty regarding the competence of the Religious Courts in examining, adjudicating, and deciding sharia economic disputes. With this authority, dispute resolution is not only oriented towards the application of positive law, but also pays attention to the sharia principles that are the basis of the legal relationship between the parties.

The effectiveness of sharia economic dispute resolution through the Religious Court is influenced by the clarity of the authority arrangement, the competence of judges in understanding sharia economic law, and the optimization of dispute resolution mechanisms through mediation and litigation examination. Although normatively the authority has been well regulated, its implementation still requires improving the quality of human resources, strengthening understanding of sharia

contracts, and developing institutional capacity so that dispute resolution can provide legal certainty, justice, and benefits for the parties. Thus, the Religious Court has a strategic role in supporting the development of the sharia economy in Indonesia through professional dispute resolution and based on sharia principles.

B. Suggestions

The Supreme Court together with the Religious Court needs to continue to improve the competence of judges through education and training that focuses on the development of Islamic economic law, especially regarding the practice of Islamic financial institutions, contemporary contracts, and economic dispute resolution based on sharia principles. In addition, coordination with Islamic financial institutions and Islamic arbitration institutions also needs to be strengthened in order to create uniformity of understanding in dispute resolution.

For academics and researchers, research on the settlement of sharia economic disputes is expected not only to focus on normative aspects, but also to be developed through empirical research on the effectiveness of Religious Court decisions, the implementation of mediation, and the level of compliance of the parties with court decisions. The research will provide a more comprehensive picture of the implementation of the authority of the Religious Court in practice.

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