



The Contestation of Legal Foundations in the Resolution of Islamic Economic Disputes in Religious Courts

Hasanudin^{1*}, Kamsi², Ahmad Yani Anshori³

Universitas Islam Negeri Sunan Kalijaga, Yogyakarta

Jl. Adisucitop Daerah Istimewa Yogyakarta

Email: ¹hasanudin@uinsaiizu.ac.id, ²kamsi@uin-suka.ac.id, ³drahmad.anshori@uin-suka.ac.id

Submitted	: 05-04-2024	Accepted	: 02-09-2024
Revision	: 25-08-2024	Published	: 19-09-2024

Abstract: Prior to the issuance of Supreme Court Regulation No. 2 of 2008, judges in Sharia economic dispute cases primarily relied on legal sources from *kutub al-turās* (classical fiqh texts), including those pertaining to *fiqh al-qadā'* (jurisprudence on adjudication). However, following the implementation of this regulation, some judges have continued to incorporate the Civil Code in their legal reasoning. This article seeks to examine the legal framework for resolving Sharia economic disputes in Indonesia. The theoretical foundation applied by the author is Lawrence Meir Friedman's legal system theory. This study employs a normative legal approach to explore the legal system governing Sharia economic justice in Indonesia's Religious Courts. It examines decisions from the Religious Courts in Purbalingga, Banyumas, and Purwokerto, focusing on rulings made both before and after the issuance of the Supreme Court Regulation on the Compilation of Sharia Economic Law (KHES), as well as five decisions from 2018-2019. The study's findings reveal that the legal framework for Sharia economic dispute resolution in Indonesia has adequately addressed community needs, with the Religious Courts holding exclusive jurisdiction over these matters. However, there is an ongoing contestation between Islamic legal sources and civil law, which is rooted in Dutch law, in the decisions analyzed. Moreover, the absence of a Compilation of Islamic Economic Procedure Law based on Islamic Law has contributed to the suboptimal implementation of legal substance and culture. As a result, according to Friedman's legal system theory, the legal framework for resolving Islamic economic disputes has not yet functioned effectively from the perspective of Islamic law.

Keywords: Contestation, Legal system, Sharia economic disputes, Religious Courts

Abstrak: Sebelum terbitnya Peraturan Mahkamah Agung No. 2 tahun 2008 sumber hukum yang digunakan hakim pada putusan Sengketa ekonomi Syariah diambil dari *kutub al-turās* termasuk yang berkaitan dengan *fiqh al-qadā'*. Namun, setelah terbitnya PERMA tersebut beberapa putusan hakim masih menggunakan KUH Perdata dalam pertimbangan hukumnya. Artikel ini bertujuan melihat sistem hukum penyelesaian sengketa ekonomi syariah di Indonesia. Terori yang penulis gunakan adalah teori sistem hukum yang digagas oleh Lawrence Meir Friedman. Dengan menggunakan hukum normatif penelitian ini mencoba mengungkap sistem hukum peradilan ekonomi syariah di Peradilan Agama di Indonesia. Putusan Pengadilan Agama di Purbalingga, Banyumas dan Purwokerto yang dipilih dari sebelum dan sesudah terbitnya PERMA tentang KHES serta lima putusan dari tahun 2018-2019 digunakan sebagai bahan kajian. Temuan dari penelitian ini menunjukkan bahwa struktur hukum penyelesaian ekonomi syariah di Indonesia sudah memenuhi kebutuhan masyarakat dengan adanya wewenang absolut bagi Pengadilan Agama dalam menyelesaikan sengketa ekonomi syariah.

Namun, terjadi kontestasi antara sumber hukum Islam dan perdata yang bersumber dari hukum Belanda dalam putusan yang dikaji. Selain itu beberapa faktor seperti belum terbitnya Kompilasi Hukum Acara Ekonomi Syariah yang bersumber dari Hukum Islam membuat substansi dan budaya hukum kurang maksimal penerapannya. Sehingga menurut teori sistem hukum Friedman sistem hukum penyelesaian sengketa ekonomi syariah belum sepenuhnya berjalan dengan baik dari sudut pandang hukum Islam.

Kata Kunci: Kontestasi, Sistem hukum, Sengketa ekonomi syariah, Pengadilan Agama

Introduction

The legal system consists of three interrelated and mutually influential components: legal structure, legal substance, and legal culture.¹ Legal structure refers to institutions responsible for making and enforcing laws. However, Friedman expands this definition to include organizations, administrative procedures, and human resources.² Legal substance is understood as the binding norms and regulations that guide state officials in law enforcement, ensuring legal certainty in actions. Legal culture, on the other hand, pertains to society's attitudes and responses to the law and the prevailing legal system.³

The development of the Sharia economic legal system, which began in the 1990s, necessitates a robust legal foundation. The introduction of the Sharia Banking Law, Law No. 10 of 1998, which amends Law No. 7 of 1992, signifies a critical development in *ijtihad* within the Sharia economic legal framework. The role of the fatwa institution as a guardian of Sharia compliance is also significant. The issuance of numerous fatwas employing new approaches reflects the support of scholars (*fuqaha*) for the evolving economic legal system.⁴ Nonetheless, *ijtihad* in the establishment of the Sharia economic legal system in Indonesia is regarded as having progressed more slowly compared to other Muslim-majority countries.⁵

The expansion of the Sharia economy within Indonesia's legal system is characterized by the advancement of legal substance pertinent to Sharia economics. Efforts to establish legal certainty in this domain are highlighted by the enactment of Law No. 3 of 2006 on Religious Courts, which amended Law No. 7 of 1989 concerning Religious Courts,⁶ followed by the issuance of Supreme Court

¹ Lawrence M. Friedman, *The Legal System: A Social Science Perspective* (New York: Russell Sage Foundation, 1987), 16.

² Ana Fauzia, Fathul Hamdani, and Deva Octavia, "The Revitalization of the Indonesian Legal System in the Order of Realizing the Ideal State Law," *Progressive Law Review* 3, no. 01 (2021): 12–25.

³ Henny Saida Flora, Mac Thi Hoai Thuong, and Ratna Deliana Erawati, "The Orientation and Implications of New Criminal Code: An Analysis of Lawrence Friedman's Legal System," *Jurnal IUS Kajian Hukum Dan Keadilan* 11, no. 1 (2023): 113–25, <https://doi.org/10.29303/ius.v11i1.1169>; Nur Hidayah et al., "Sharia Banking Disputes Settlement: Analysis of Religious Court Decisions in Indonesia," *Al-Risalah: Forum Kajian Hukum Dan Sosial Kemasyarakatan* 23, no. 1 (June 27, 2023): 75–92, <https://doi.org/10.30631/alrisalah.v23i1.1347>.

⁴ Hasanudin, Jaih Mubarak, and Muhammad Al Fayyad Maulana, "Progressiveness of Islamic Economic Law in Indonesia: The Murā'at Al-'Ilal Wa Al-Masālih Approach," *Samarah* 7, no. 2 (2023): 1267–92, <https://doi.org/10.22373/sjhk.v7i2.17601>; "Contemporary Inheritance: The Application of Inheritance Division in Juridical, Psychological, Sociological and Economic Perspective," *MILRev: Metro Islamic Law Review* 2, no. 2 SE-Articles (November 11, 2023): 134–54, <https://doi.org/10.32332/milrev.v2i2.8037>; Eko Budiono et al., "Analyzing the Legal Framework of Substitute Heirs in Islamic Inheritance Cases: DKI Jakarta High Religious Courts Perspective," *Syariah: Jurnal Hukum Dan Pemikiran* 23, no. 2 (April 12, 2024): 281–99, <https://doi.org/10.18592/sjhp.v23i2.12545>; Muhammad Fuad Ridwan; Zain, "Indonesia Sharia Economic Legislation as a Legal Frame Post Reformation," *J. Legal Ethical & Regul. Issues* 24 (2021): 1.

⁵ Elhassan Kotb Abdelrahman Radwan, Nada Omar, and Khaled Hussainey, "Social Responsibility of Islamic Banks in Developing Countries: Empirical Evidence from Egypt," *Journal of Sustainable Finance and Investment* 13, no. 3 (2023): 1334–53, <https://doi.org/10.1080/20430795.2021.1949890>.

⁶ Imam Yazid, "Menikah Untuk Dicerai: Menyorot Hak-Hak Perempuan Pada Isbat Nikah Untuk Cerai Di Pengadilan Agama

Regulation No. 2 of 2008 on the Compilation of Sharia Economic Law (KHES). This regulation serves as a guide for judges in adjudicating Sharia economic disputes in Indonesia.⁷ Although KHES is not formally integrated into the legal order, it functions as part of the living law that judges must consider when resolving disputes. Judges are also required to reference other legal sources related to Sharia economic disputes, such as the *fatwas* of the National Sharia Board of the Indonesian Ulema Council (DSN-MUI).⁸ Additionally, a notable issue remains the absence of a Sharia Economic Procedural Law, which should be an integral component of the legal substance in Indonesia's Sharia economic framework.

Several judicial decisions in the resolution of Sharia economic disputes incorporate both Islamic legal sources, including the DSN-MUI Fatwa and the Compilation of Sharia Economic Law (KHES). Examples of such decisions include case numbers 02169/pdt.G/2019/PA.Pwt, 1333/Pdt.G/2020/Pa.Btl, and 443/Pdt.G/2022/Pa.Btl. Conversely, some decisions rely on only one source, such as case numbers 0260/Pdt.G/2018/PA.Bms and 426/Pdt.G/2021/PA.JS. This variation should be acknowledged, as the use of multiple legal sources can enhance the flexibility available to judges in interpreting and applying the law.

However, the diversity of legal sources within the Sharia domain can lead to inconsistencies among them. For instance, Article 20, Paragraph 6 of the KHES defines a *murabahah* contract as a mutually beneficial arrangement between *ṣāhib al-māl* (capital owner) and the business operator. In contrast, the DSN-MUI Fatwa designates the Islamic Financial Institution (LKS) as the seller in *murabahah* financing, rather than the capital owner or *ṣāhib al-māl*.⁹ This discrepancy between the KHES and the DSN-MUI Fatwa creates legal uncertainty and may result in improper judicial decisions.¹⁰ For example, in the case numbered 442/Pdt.G/2022/PA.Btl, the judge primarily relied on the KHES and did not fully consider the DSN-MUI Fatwa regarding the *murabahah* contract. Had the judge given greater weight to the Fatwa, some aspects of the decision might have been altered.

Several studies have explored the politics of Islamic economic law in Indonesia. Fariana discusses the role of legal politics as a catalyst in shaping Islamic economic law, noting that its development accelerated during the reform era compared to the New Order period. Fariana argues that legal politics acted as a driving force behind the rapid expansion of Islamic economic law at that time,

Medan Tahun 2015-2017," *Al-Manahij: Jurnal Kajian Hukum Islam* 13, no. 1 (2019): 99-110; Yuli Prasetyo Adhi, Triyono Triyono, and Muhyidin Muhyidin, "Questioning the Customary Inheritance Law After Law No. 3 of 2006 about Religious Jurisdiction," *Indonesian Journal of Advocacy and Legal Services* 3, no. 1 (2021): 111-22, <https://doi.org/10.15294/ijals.v3i1.45728>; Dedi Sunardi, Azri Bhari, and Muhammad Najib Bin Abd Wakil, "Legal Awareness of Micro and Small Enterprise Operators Regarding Halal Certification: A Maslaha Perspective," *Ijtihad : Jurnal Wacana Hukum Islam Dan Kemanusiaan* 24, no. 1 (July 2024): 23-45, <https://doi.org/10.18326/ijtihad.v24i1.23-45>.

⁷ Purnama Hidayah Harahap et al., "Religious Court Decisions Regarding the Revocation of Grant (Hibah) in the Perspective of Islamic Jurisprudence," *Al-Manahij: Jurnal Kajian Hukum Islam*, November 2023, 215-32, <https://doi.org/10.24090/mnh.v17i2.9767>; Ash Habul Kahfi and Edi Rosman, "Epistemology of Sharia Economic Law in Indonesia (Figures, History and Orientation)," *GIC Proceeding* 1 (2023): 363-71, <https://doi.org/10.30983/gic.v1i1.169>. employing the viewpoint of Islamic jurisprudence and the maslaha theory. In this instance, the judicial panel overseeing the dispute related to the cancellation of the grant primarily invoked the provisions outlined in Article 35, Paragraph 1, and Article 36, Paragraph 1 of the Marriage Act (Law Number 1 of 1974

⁸ Case No. 2449/Pdt.G/2018/PA.Pwt refers to Fatwa DSN No. 43/DSN-MUI/VIII/2014. See Ridwan Ridwan, Muhammad Fuad Zain, and Bani Syarif Maula, "The Mapping of Sharia Economic Dispute Decisions in Religious Courts," in *Proceedings of the 2nd Borobudur International Symposium on Humanities and Social Sciences*, 2020, <https://doi.org/10.4108/eai.18-11-2020.2311813>.

⁹ Hasanudin Hasanudin and Ainul Yaqin, "The Transformation of Ijārah: From Fiqh to Syariah Banking Products," *AL-IHKAM: Jurnal Hukum & Pranata Sosial* 14, no. 1 (2019): 71-97, <https://doi.org/10.19105/al-ihkam.v14i1.1893>.

¹⁰ Nashihul Ibad Elhas, "Kompilasi Hukum Ekonomi Syariah (KHES) Dalam Tinjauan Umum Hukum Islam," *Al-Tsaman: Jurnal Ekonomi Dan Keuangan Islam* 2, no. 1 (2020): 62-71.

employing a normative legal research method with statutory and historical approaches.¹¹ Conversely, Didin Solihin presents a different perspective, suggesting that the introduction of various regulations related to Islamic economics shifted the direction of Islamic legal politics in Indonesia.¹² However, Solihin's research primarily outlines the evolution of Islamic economic legal politics without delving deeply into the study of legal politics. Additionally, Khairuddin and Awaliyah's work addresses the institutionalization of Islamic law, revealing that not all Islamic laws are formally codified and that laws are inherently political products. They argue that formalized living laws are also influenced by political interests.¹³

In the context of the legal system, Fauzia argues that to achieve an ideal legal framework, the substance, structure, and culture of the law must be adequately addressed.¹⁴ While Islamic law has been formally applied primarily in the civil domain, Ahmad Yasa contends that it has been extensively implemented within various Islamic social institutions.¹⁵ Kamsi and Lubis support this view, with Kamsi focusing on the formalization of Islamic law in Indonesia, beginning with the establishment of Indonesian fiqh,¹⁶ and Lubis examining the Religious Courts Law and the Compilation of Islamic Law in Indonesia (KHI).¹⁷ Mukhtar, on the other hand, directs his research towards the legal politics involved in the creation of Sharia Regional Regulations. He notes that Sharia Regional Regulations in autonomous regions are often not solely derived from Islamic law but also incorporate elements of the national Criminal Code.¹⁸

This study aims to examine the legal substance pertaining to Sharia economic disputes, emphasizing that for the law to function optimally, its structure, substance, and culture must be effectively integrated and fulfilled.¹⁹ Furthermore, while research on Islamic economic law in Indonesia is extensive, comprehensive studies specifically addressing this area remain limited. This qualitative study utilizes various decisions related to Islamic economic cases, both before and after the issuance of Supreme Court Regulation No. 2 of 2008, as primary study material. The scope of this

¹¹ Andi Fariana, "Legal Politics as a Catalyst in Forming Sharia Economic Legal System in the Indonesia's New Order and Reform Era," *Ijtihad: Jurnal Wacana Hukum Islam Dan Kemanusiaan* 21, no. 2 (2021): 197–211, <https://doi.org/10.18326/ijtihad.v21i2.197-211>.

¹² Dadin Solihin, "Tafsir Normatif Terhadap Perkembangan Politik Hukum Ekonomi Syariah," *Jurnal Pelita Nusa* 1, no. 1 (2023): 1–18, <https://doi.org/10.61612/jpn.v1i1.5>.

¹³ Khairuddin and Idzam Fautanu, "Institutionalization of Islamic Law In Indonesia," *Al-'Adalah* 18, no. 1 (2021): 1–16, <https://doi.org/10.24042/adalah.v18i1.8362>; Ummu Awaliyah et al., "Political Configuration and Legal Products In Indonesia In Terms Of Islamic Constitutional Law," *Al-Risalah: Jurnal Ilmu Syariah Dan Hukum* 21, no. 2 (2021): 117–25. considering that Muslims in Indonesia occupies the majority position (85%

¹⁴ Fauzia, Hamdani, and Octavia, "The Revitalization of the Indonesian Legal System in the Order of Realizing the Ideal State Law."

¹⁵ Ahmad Yasa, "The Development of Indonesian Islamic Law: A Historical Overview," *Journal of Indonesian Islam* 9, no. 1 (2015): 101–22, <https://doi.org/10.15642/JIIS.2015.9.1.101-122>.

¹⁶ Zainul Mun'im et al., "Revisioning Official Islam in Indonesia: The Role of Women Ulama Congress in Reproducing Female Authority in Islamic Law," *Ahkam: Jurnal Ilmu Syariah* 24, no. 1 (2024): 135–52, <https://doi.org/10.15408/ajis.v24i1.34744>. the religious views of the Indonesian Government, known as official Islam, tend to be masculine and patriarchal in determining laws. The masculinity of official Islam can easily be found in some regulations in Indonesia. The establishment of the Indonesian Congress of Women Islamic Scholars (Kongres Ulama Perempuan Indonesia, KUPI

¹⁷ Kamsi, "Politics of Islamic Law in Indonesia: Indonesianization of Islamic Law," *Asy-Syir'ah: Jurnal Ilmu Syari'ah Dan Hukum* 52, no. 1 (2018): 1–29, <https://doi.org/10.14421/ajish.v52i1.304>; Nur Ahmad Fadhil Lubis, "Islamic Legal Literature and Substantive Law in Indonesia," *Studia Islamika* 4, no. 4 (1997).

¹⁸ Mohamad Hidayat Muhtar et al., "The Role and Impact of Local Sharia Regulations in Indonesia's Constitutional Law (a Study of Characteristics Sharia Local Regulations)," *Tsaqafah* 19, no. 1 (2023): 236–63; Fajar Sukma and Zulheldi Zulheldi, "Government Policies in Economic Empowerment of Muslim Communities in the Digital Economy Era," *El-Mashlahah* 11, no. 2 (December 2021): 146–63, <https://doi.org/10.23971/elma.v11i2.3108>.

¹⁹ Friedman, *The Legal System: A Social Science Perspective*.

study is confined to decisions from the Purbalingga Religious Court, which is one of the Indonesian courts that handles a significant number of Islamic economic cases.²⁰ This study also includes comparative data from the Religious Courts of Purwokerto and Banyumas. Employing a sociopolitical approach and utilizing Friedman's legal system theory as the primary framework, this research aims to contribute to the existing literature on Islamic economic law in Indonesia.

The Development of Legal Policies in Addressing Economic Disputes in Indonesia

The enactment of Law No. 21 of 2008 concerning Sharia Banking represents a significant milestone in the advancement of the Sharia economy in Indonesia. The promotion and oversight of Sharia banking have been actively pursued by various stakeholders. Additionally, the National Sharia Council of the Indonesian Ulema Council, established in 1997, has also contributed to its development.²¹ The efforts of the Muslim community were subsequently supported by the government through the introduction of several laws related to Sharia economics, including Law No. 19 of 2008 concerning Sharia Securities (SBSN), regulations from Bank Indonesia, and other legislative measures.²²

Government support through legal regulations for addressing Sharia economic disputes is reflected in the enactment of Law No. 3 of 2006, which amends Law No. 7 of 1989 concerning Religious Courts. This amendment authorizes the Religious Courts to adjudicate disputes in the realm of Sharia economics.²³ The implementation of this regulation strengthens the Sharia economic legal system in Indonesia. This aligns with Friedman's legal theory, which posits that a legal system is composed of three interrelated and reinforcing components: legal structure, legal substance, and legal culture.²⁴

The institutional aspect (legal structure) highlights the necessity for appropriate institutions to handle Islamic economic cases. In Indonesia, the resolution of Islamic economic disputes is categorized into litigation and non-litigation methods. Non-litigation dispute resolution can be achieved through the National Sharia Arbitration Board (Basyarnas), which was formerly known as the Indonesian Muamalat Arbitration Board (BAMUI). BAMUI, established by the Indonesian Ulema Council in 1992, was rebranded as Basyarnas in 2022.²⁵ Dispute resolution through non-litigation methods can also be achieved via mediation. This alternative dispute resolution method is outlined in Article 6 of Law No. 30 of 1999 concerning Arbitration and Alternative Dispute Resolution. In this process, a mediator, who is an impartial third party, assists the parties in resolving their disputes. Unlike arbitration, where a binding decision is made, mediation focuses on helping the parties reach

²⁰ Mahkamah Agung Republik Indonesia, "Direktori Putusan," <https://putusan3.mahkamahagung.go.id>, 2023.

²¹ Nur Insani et al., "Empowering Muslim Women: Bridging Islamic Law and Human Rights with Islamic Economics," *De Jure: Jurnal Hukum Dan Syariah* 16, no. 1 (June 2024): 88–117, <https://doi.org/10.18860/j-fsh.v16i1.26159>; Mahmud Yusuf et al., "Islamic Banks: Analysis of the Rules of Fiqh on the Fatwa of the National Sharia Board-Indonesian Ulama Council," *INJUURLENS: International Journal of Law, Environment, and Natural Resources* 3, no. 1 (2023): 21–37.

²² Muhaimin, Muhamamd Sood, and Lalu Hayatul Haq, "Legal Synchronization of Sharia Banking Supervision Arrangements in Indonesia," *Russian Law Journal* 11, no. 3 (2023): 2688–95, <https://doi.org/10.52783/rlj.v11i3.2220>; Abdul Khair, "Dinamika Penataan Regulasi Ekonomi Syariah," *El-Mashlahah* 8, no. 1 (2019): 184–94, <https://doi.org/10.23971/el-mas.v8i2.1322>.bank supervision was under the purview of Bank Indonesia (BI

²³ Abdullah Gofar, "The Reform of the Procedural Religious Court Law Based on Islamic Law in Indonesian Legal System," *Sriwijaya Law Review* 1, no. 2 (2017): 114–27, <https://doi.org/10.28946/slrev.Vol1.Iss2.37.pp114-127>; Hasbi Hasan and Cecep Mustafa, "The Politics of Law of Sharia Economics in Indonesia," *Lex Publica* 9, no. 1 (2022): 30–57, <https://doi.org/10.58829/lp.9.1.2022.30-57>.

²⁴ Friedman, *The Legal System: A Social Science Perspective*.

²⁵ Erie Hariyanto, "Penyelesaian Sengketa Ekonomi Syariah Di Indonesia," *IQTISHADIA Jurnal Ekonomi & Perbankan Syariah* 1, no. 1 (2014): 42–58, <https://doi.org/10.19105/iqtishadia.v1i1.365>.

a mutually acceptable, win-win solution without declaring winners or losers.²⁶ The government accommodated and supported the resolution of disputes by implementing Supreme Court Regulation Number 2 of 2003, which establishes procedures for mediation.²⁷

Law No. 7 of 1989 concerning Religious Courts, which was subsequently amended by Law No. 3 of 2006, introduced significant advancements for the Religious Courts. The jurisdiction of the Religious Courts was expanded from handling only cases related to marriage, inheritance, wills, gifts, endowments, and alms among Muslims to also include Sharia economic disputes.²⁸ This expanded authority is reinforced by Article 55 of Law No. 21 of 2008 concerning Sharia Banking. However, this authority remains contested, as dispute resolution can still be directed to the District Court if the parties involved agree.²⁹ The Constitutional Court Decision No. 93/PPU-X/2012 declared that Article 55, Paragraph (2) of Law No. 21 of 2008 is inconsistent with the higher legal norms, specifically the Constitution, and therefore lacks binding legal force. Consequently, this decision upholds the exclusive authority of the Religious Courts in adjudicating and resolving Sharia economic disputes.³⁰

As an institution responsible for adjudicating Sharia economic disputes, the Religious Court is required to investigate legal sources within Indonesia. While specific legislative sources pertaining to Sharia economics have not yet been established, judges must consider the prevailing living laws within society. These existing legal norms can be utilized by judges as references in resolving Sharia economic cases.³¹

Law No. 21 of 2008 concerning Islamic Banking implicitly acknowledges the delegation of DSN-MUI Fatwas as legal references for Sharia principles. Article 1, Paragraph (12) specifies that “the Sharia principles referred to are Islamic laws applied by Islamic banking and issued by an institution authorized to determine fatwas in the Sharia domain.” The role of the Indonesian Ulema Council (MUI) in defining Sharia principles is further reinforced in Article 26, Paragraphs (1) and (2), which state that the Sharia principles referred to are those issued by the MUI.

The constitutionality of Article 1, Paragraph (12), and Article 26, Paragraphs (1) and (2) was contested before the Constitutional Court, with claims that these provisions introduced legal uncertainty.³² Critics argued that the MUI, not being a state institution, lacks regulatory authority and its status as a community organization could lead to instability and changes in its membership, potentially undermining the reliability of its fatwas. Despite these concerns, the Constitutional Court upheld the role of the MUI as the arbiter of Sharia principles as outlined in the Sharia Banking Law. The Court affirmed that the DSN-MUI Fatwas play a crucial role in defining the Sharia compliance

²⁶ Dispute resolution through Arbitration is in great demand by business actors. Winning and losing and the fracturing of business relationships are the reasons some business actors prefer dispute resolution through the Arbitration body. Nita Triana, “Urgency of Arbitration Clause in Determining the Resolution of Sharia Economic Disputes,” *Ahkam: Jurnal Ilmu Syariah* 18, no. 1 (2018): 1–30.

²⁷ Hariyanto, “Penyelesaian Sengketa Ekonomi Syariah Di Indonesia.”

²⁸ Idri, “Religious Court in Indonesia: History and Prospect,” *Journal of Indonesian Islam* 3, no. 2 (2009): 297–313, <https://doi.org/10.15642/JIIS.2009.3.2.297-313>.

²⁹ Dewan Perwakilan Rakyat Indonesia, “Undang-Undang Nomor 21 Tahun 2008 Tentang Perbankan Syariah” (2008).

³⁰ Erie Hariyanto, “Public Trust in the Religious Court to Handle Dispute of Sharia Economy,” *Ahkam: Jurnal Ilmu Syariah* 22, no. 1 (2022): 185–208, <https://doi.org/10.15408/ajis.v22i1.26216>.

³¹ Marnia Rani Pauzi Muhammad, Farida Arianti, Ahmad Masum, “Actualizing Islamic Economic Law in the Digital Era: A Study of the Application of Khiyar Al-Majlis in Electronic Contracts,” *JURIS: Jurnal Ilmiah Syari’ah* 23, no. 2 (2024): 205–14, <https://doi.org/https://dx.doi.org/10.31958/juris.v23i2.11573>.

³² Putusan Mahkamah Konstitusi, “Putusan Mahkamah Konstitusi Nomor 100/PUU-XX/2022” (2022).

of banking products.³³ Consequently, the Constitutional Court's decision validates the use of MUI Fatwas as a legitimate reference for judges in resolving Sharia economic disputes, integrating it as part of the living laws within society.

In response to Law No. 3 of 2006, which granted the Religious Courts the authority to adjudicate Islamic economic cases, the Supreme Court undertook several improvements. These enhancements include: first, upgrading the facilities and infrastructure of the Religious Courts to support optimal judicial services; second, collaborating with universities to enhance the skills of judges and court officials in Islamic economics; third, developing formal and substantive legal frameworks to assist judges in resolving Islamic economic disputes; and fourth, establishing an efficient system and procedures to ensure that Islamic economic cases brought before the Religious Courts are handled cost-effectively, with simplicity and ease.³⁴

The fulfillment of substantive law was a key focus for the Supreme Court at that time. The development of the Compilation of Sharia Economic Law (KHES) was part of the efforts to address the legal substance aspect of the Sharia economic legal system in Indonesia. On October 20, 2006, the Supreme Court established a KHES drafting team led by Prof. Dr. H. Abdul Manan. This team was responsible for gathering and analyzing materials, drafting manuscripts, and conducting studies, discussions, and seminars with Sharia economic experts, scholars, and relevant institutions, subsequently reporting their findings to the Supreme Court. The Supreme Court engaged various stakeholders, including universities, the Indonesian Ulema Council, the National Sharia Arbitration Board, Sharia banking practitioners, and judges from both religious and civil courts. Additionally, the Supreme Court undertook comparative studies with countries such as Malaysia and Pakistan, as well as consulting economic study centers and Sharia banks abroad.³⁵

The Compilation of Sharia Economic Law (KHES) primarily incorporates content from fatwas and fiqh books, which have been adapted into regulatory language to facilitate judicial referencing. Approximately 100 DSN-MUI fatwas have been integrated and compiled into the KHES. In addition to fatwas, the KHES also draws from various classical fiqh texts concerning economic transactions, as well as from the legislation of several Islamic countries or *al-qanun al-madani*.³⁶ The introduction of the Compilation of Sharia Economic Law (KHES) represents a significant advancement for legal practitioners in Indonesia. First, KHES facilitates the work of judges in Religious Courts by providing a unified legal framework, as opposed to the diverse and sometimes conflicting opinions found in

³³ Sri Pujianti, "Fatwa MUI Dalam Perbankan Syariah Sudah Tepat Dan Proporsional," Mahkamah Konstitusi, 2022.

³⁴ Halima Tus Sa'diyah et al., "Sejarah Dan Kedudukan Kompilasi Hukum Ekonomi Syariah Dalam Peraturan Mahkamah Agung Nomor 2 Tahun 2008 Di Indonesia," *Al-Huquq: Journal of Indonesian Islamic Economic Law* 3, no. 1 (2021): 96–118, <https://doi.org/10.19105/alhuquq.v3i1.3460>.

³⁵ A total of 778 articles, or approximately 98.48%, are deemed compliant with sharia, while the remaining 1.52% require revisions. See: Burhanuddin Susanto, Thohir Luth, and Masruchin Rubai, "The Codification of Syar'i Norms in The Compilation of Sharia Economic Law," *Rechtsidee* 4, no. 1 (2017): 1–9; Hasan, "Compilation of Sharia Economic Law and Islamic Law Positivation in Indonesia," *International Journal of Scientific and Research Publications (IJSRP)* 9, no. 8 (2019): 491–95, <https://doi.org/10.29322/ijsrp.9.08.2019.p9273>; Sa'diyah et al., "Sejarah Dan Kedudukan Kompilasi Hukum Ekonomi Syariah Dalam Peraturan Mahkamah Agung Nomor 2 Tahun 2008 Di Indonesia."

³⁶ The fiqh books studied include: *Al-Fiqh al-Islami wa Adillatuhu* by Wahbah al-Zuhaili, *Al-Fiqh al-Islami fi Tsaubih al-Jadid* by Mustafa Ahmad al-Zarqa, *Al-Muamalat al-Madiyah wa al-Adabiyah* by Ali Fikri, *Al-Wasit fi Syarh Al-Qanun al-Madani al-Jadid* by Abd al-Razaq Ahmad al-Sanhuri, *Al-Muqaranat al-Tasyri'iyah baina al-Qawaniin al-Wadh'iyah al-Madaniyah wa al-Tasyri' al-Islami* by Sayyid Abdullah al-Husaini, *Durar al-Hukam: Syarah Majallat al-Ahkam* by Ali Haidar, the Compilation of Fatwas of the National Sharia Council, Bank Indonesia Regulations on Banking, and PSAK (Statement of Financial Accounting Standards) No. 59 dated May 1, 2002, concerning Islamic banking. Sa'diyah et al., "Sejarah Dan Kedudukan Kompilasi Hukum Ekonomi Syariah Dalam Peraturan Mahkamah Agung Nomor 2 Tahun 2008 Di Indonesia."

classical fiqh books, which can complicate judicial decision-making. Second, KHES consolidates and prioritizes the most authoritative opinions among the various classical fiqh perspectives. Third, KHES contributes to the evolution of positive law in Indonesia by integrating Sharia principles into the country's legal system. KHES should be regarded as living law, with effective law being that which aligns with the prevailing legal norms within society.³⁷

One of the Supreme Court's responsibilities concerning legal substance involves the development of Sharia economic procedural law. Currently, economic cases adjudicated in Religious Courts rely on existing civil procedural law, specifically the Herzien Inlandsch Reglement (HIR) as stipulated by Supreme Court Regulation No. 14 of 2016.³⁸ However, it is plausible that procedural law grounded in Islamic principles may differ from civil procedural law. Hudawati identified at least four areas of divergence between Islamic principles and the HIR civil procedural law: the case registration process, the evidence stage, decision-making regarding unlawful acts, and provisions concerning breach of contract.³⁹

Sharia Economic Disputes and Judges' Legal Reasoning

The involvement of society in fostering a legal culture⁴⁰ within the realm of sharia economics began to expand following the Constitutional Court's Decision No. 93/PUU-X/2012, which granted the Religious Courts exclusive authority to adjudicate sharia economic disputes. Since this ruling, the Religious Courts have seen a marked increase in the resolution of sharia economic cases. This is evidenced by the growing number of sharia economic cases submitted to and decided by the Religious Courts each year.⁴¹

The characteristics of sharia economic dispute resolutions vary between courts, shaped by previous rulings. Religious Courts that frequently refer to certain legal sources often create a precedent where judges follow established models and methods for resolving cases. This practice results in each Religious Court's decisions appearing to have a different "template" depending on the court's precedent. While this does not imply that the decisions are legally flawed or unjust, the standardization of decision-making can limit judges' creativity in legal exploration (*ijtihad*). For instance, in the Purbalingga Religious Court's decision No. 1047/Pdt.G/2006/PA.Pbg, the judge referenced Article 125 HIR and *fiqh* provisions from the book *I'ānah al-Ṭālibīn* Vol. 4,⁴² p. 238 on *fiqh*

³⁷ Carlos E. Gallegos Anda, "Good Living as a Living Law," *Australian Journal of Indigenous Education* 47, no. 1 (2018): 30–40, <https://doi.org/10.1017/jie.2017.30>; Nilam Sari, Kamal Fachrurrozi, and Irhas Rizqy, "Analysis of the Effect of the Probability Ratio on Sharia Stock Return (Study on the List of Undelisting Sharia Stocks in the Jakarta Islamic Index December 2014–2018)," *Jurnal Ilmiah Peuradeun* 10, no. 2 (May 2022): 421, <https://doi.org/10.26811/peuradeun.v10i2.721>.

³⁸ Mahkamah Agung Republik Indonesia, "Peraturan Mahkamah Agung No.14 Tahun 2016 Tentang Tata Cara Penyelesaian Perkara Ekonomi Syariah," Mahkamah Agung Republik Indonesia § (2016).

³⁹ Sinta Noer Hudawati, "Problematika Hukum Formil Penyelesaian Sengketa Ekonomi Syariah Di Pengadilan Agama," *Jurnal Penegakan Hukum Dan Keadilan* 1, no. 1 (2020): 17–40, <https://doi.org/10.18196/jphk.1102>.

⁴⁰ Lawrence M Friedman, "Legal Culture and Social Development," *Law and Society Review* 3, no. 1 (1969): 29–44.

⁴¹ Supriyadi Supriyadi et al., "Legal Effectiveness of Halal Product Certification in Improving Business Economics in Indonesia and Malaysia," *Al-Ahkam* 34, no. 1 (April 30, 2024): 193–220, <https://doi.org/10.21580/ahkam.2024.34.1.20546>; Afif Muamar et al., "Family and Creative Economy in Sunan Gunung Djati Religious Tourism Area, Cirebon, Indonesia," *El-Ussrah: Jurnal Hukum Keluarga* 7, no. 1 (June 2024): 1, <https://doi.org/10.22373/ujhk.v7i1.21987>.

⁴² There are several decisions in sharia economic cases in the Religious Courts that use *Kutub al-Turas* in their legal considerations. Some of the cases were published in the Religious Courts in East Java and Medan. Aris Irawan et al., "Perception and Tendency of a Religious Court Judge in Using the Kitab Kuning (Books of Fiqh) in Indonesia," *Tribakti: Jurnal Pemikiran Keislaman* 33, no. 2 (2022): 209–22.

al-qada (procedural law).⁴³ In defining default, the decision also cited expert opinions, such as that of Prof. Subekti, SH. Similarly, the Purbalingga Religious Court's decision No. 1719/Pdt.G/2013/PA.Pbg drew from similar legal sources as the 2006 decision. However, a notable difference is that recent decisions tend to incorporate the Compilation of Sharia Economic Law (KHES) as a significant factor in judicial consideration for resolving sharia economic disputes.⁴⁴

In the case mentioned, the judge employed several legal discovery methods, with the interpretative method being notably prevalent in civil trials. In case No. 1047/Pdt.G/2006/PA.Pbg, the defendant was absent from the proceedings and did not send a representative. The judge, referring to Article 125 HIR and the book *l'ānah al-Ṭālibīn* Vol. 4, p. 238, justified their decision by citing that if the defendant fails to appear due to *tawriyah* (concealment) or *ta'azzuz* (self-righteousness), the judge may rule in favor of the plaintiff, provided the plaintiff presents sufficient evidence.⁴⁵ By citing classical scholarly works, the judge demonstrated the use of legal principles rooted in societal norms, specifically the views and writings of Islamic scholars, which are widely accepted by Indonesia's Muslim community.⁴⁶ The judge determined that the plaintiff had sufficient grounds (*hujjah*), establishing that the defendant breached the contract by misappropriating financing funds for purposes other than those agreed upon. This interpretation was consistent with the opinion of legal expert Prof. Subekti, SH. Furthermore, the judge referenced Wahbah al-Zuhaili's work, *al-fiqh al-Islāmī wa adillatuh* Vol. 4, p. 277, to explain the concept of an agreement not being executed as per the contract, further reinforcing the breach of contract.

The court decision in case number 1047/Pdt.G/2006/PA.Pbg extensively references existing societal laws, particularly those related to *fiqh al-qada* (judicial procedural law). At that time, a compiled version of sharia economic procedural law was not available for judges to reference in court. Additionally, this case was recorded in 2006, the same year when the Religious Court was given the added responsibility of handling sharia economic disputes, and formal legal sources related to sharia economics were also not yet established. In contrast, in decision number 1719/Pdt.G/2013/PA.Pbg, the judge cited many legal principles from the Compilation of Sharia Economic Law (KHES), including Article 21(b) paragraphs 44 and 46 concerning contracts and Article 36 regarding breach of contract, to supplement the HIR provisions on procedural law, along with other relevant legal arguments pertaining to the case.

The Banyumas Religious Court shows distinct differences in the legal sources used for resolving sharia economic disputes, particularly in terms of the dominance of certain sources. From 2018 to 2019, five cases involving breaches of *murabahah* contracts were handled at the Banyumas Religious Court, all of which were settled through mediation. The primary legal reference in these cases

⁴³ In sharia economic cases, defaults are frequently brought forward. The interpretation of judges through *ijtihad*, grounded in Islamic principles, serves as the primary foundation for resolving such cases. Fadli Daud Abdullah, Tajul Arifin, and Abdal, "Analysis of Sociology and Anthropology of Sharia Economic Law On Murabahah Dispute Settlement at The Cirebon Religious Court," *Strata Law Review* 1, no. 2 (2023): 118–27, <https://doi.org/10.59631/slr.v1i2.94>.

⁴⁴ Miftakhul Huda and Hisam Ahyani, "Normative Justice and Implementation Related to Sharia Economic Law Disputes in Realizing Legal Certainty and Justice in Indonesia," *Al-Risalah: Forum Kajian Hukum Dan Sosial Kemasyarakatan* 24, no. 1 (June 29, 2024): 103–19, <https://doi.org/10.30631/alrisalah.v24i1.1467>.

⁴⁵ *Wa al-qadā' alā al-ghāib 'an al-balad wa in kāna fī ghair 'amalīhi aw 'an al-majlis bitawārī aw ta'zīz jā'iz fī ghair 'uqūbatillah in kāna limudda'ī hujjah*. Zain al-din Ahmad ibn Abdul Aziz Al-Malibari, *Fath Al-Mu'in Bī Syarh Qurrah Al-Ain Bī Muhimmah Al-Din* (Bairūt: Dar Ibn Hazm, 1431), 625–26.

⁴⁶ Andi Fariana, "Hukum Islam Sebagai the Living Law Dalam Meminimalisasi Dampak Negatif Pariwisata Di Pulau Lombok Bagian Utara," *Istinbath: Jurnal Hukum Islam IAIN Mataram* 15, no. 2 (2016): 236–54.

was Supreme Court Regulation No. 1 of 2016. Additionally, other legal sources cited included DSN-MUI fatwas, the Qur'an (Surah an-Nisa' verse 29, Surah al-Ma'idah verse 1), and Hadiths related to fairness in buying and selling transactions.⁴⁷ In contrast, the five decisions from the same period at the Purwokerto Religious Court predominantly referenced the Compilation of Sharia Economic Law (KHES) and the Civil Code.⁴⁸

The availability of legal sources containing sharia principles is crucial for judges in Religious Courts. Commonly referenced sources include the Qur'an (Surah an-Nisa verse 29, Surah al-Maidah verse 1) and Hadiths related to fairness in buying and selling transactions. However, these sources remain general in nature, requiring judicial interpretation to apply them to specific cases. The presence of the Compilation of Sharia Economic Law (KHES) provides significant assistance, even though it is not legally binding as it is based only on a Supreme Court Regulation, which is not part of Indonesia's formal legal system. Similarly, DSN-MUI fatwas, while not binding, serve as an important legal reference for sharia principles.⁴⁹

Legal Substance in Sharia Dispute Resolution

Legal certainty is a fundamental aspect of the legal system in any nation. This principle is essential to ensure the proper functioning of the legal framework and to uphold the rule of law within a country.⁵⁰ The laws present in society must ensure legal certainty to provide protection for its members. Legal certainty is a legal concept and a general principle that reflects these philosophical perspectives and translates them into the legal domain.⁵¹ Moreover, legal certainty must be attained to establish an appropriate legal substance. In achieving this, the role of judges in the decision-making process is essential and cannot be overlooked.⁵²

Judges are mandated to investigate the legal values present in society, as outlined in Law No. 4 of 2004 concerning Judicial Power. The term "investigate" implies that the law exists and that judges must actively seek it out. This process of discovering the law is inherently linked to the judge's reasoning. In such cases, it is essential for the judge to possess a thorough understanding of the legal foundations that ensure legal certainty, as well as sufficient tools to aid in the legal discovery process. This practice is referred to as *ijtihad* in Islamic legal studies. *Ijtihad* involves the full utilization of an individual's abilities to uncover legal principles not explicitly found in the texts, based on detailed or *tafsīlī* legal foundations.⁵³

⁴⁷ The five decisions in sharia economic cases are as follows: 0260/Pdt.G/2018/PA.Bms, 0317/Pdt.G/2018/PA.Bms, 1794/Pdt.G/2018/PA.Bms, 0861/Pdt.G/2018/PA.Bms, 0323/Pdt.G/2018/PA.Bms.

⁴⁸ The five decisions are as follows: 0217/Pdt.G/2018/PA.Pwt, 02169/Pdt.G/2019/PA.Pwt, 0276/Pdt.G/2018/PA.Pwt, 0398/Pdt.G/2018/PA.Pwt, 0531/Pdt.G/2018/PA.Pwt

⁴⁹ Agus Riwanto and Sukarni Suryaningsih, "Realizing Welfare State and Social Justice: A Perspective on Islamic Law," *Volkgeist: Jurnal Ilmu Hukum Dan Konstitusi* 5, no. 1 (2022): 41–51, <https://doi.org/10.24090/volkgeist.v5i1.6430>.

⁵⁰ Justice, legal certainty, and legal expediency hold equal and balanced importance. When there is an imbalance between these elements, it is the responsibility of the judge to restore and maintain that equilibrium. See Asep Saepudin Jahar, Raju Moh Hazmi, and Nurul Adhha, "Construction of Justice, Certainty, and Legal Use in the Decision of the Supreme Court Number 46 P/HUM/2018.," *Jurnal Cita Hukum* 9, no. 1 (2021): 159–78, <https://doi.org/10.15408/jch.v9i1.11583>.

⁵¹ H. Z. Ogneviuk, "Anthropological Approaches in Legal Certainty Research," *Anthropological Measurements of Philosophical Research* 0, no. 14 (2018): 62–72, <https://doi.org/10.15802/ampr.v0i14.150573>.

⁵² Hisam Ahyani, Memet Slamet, and Tobroni, "Building the Values of Rahmatan Lil 'Alamin for Indonesian Economic Development at 4.0 Era from the Perspective of Philosophy and Islamic Economic Law," *AL-IHKAM: Jurnal Hukum & Pranata Sosial* 16, no. 1 (June 27, 2021): 121–51, <https://doi.org/10.19105/al-lhkam.v16i1.4550>.

⁵³ Abd al-Wahhab Khallaf, *Usul Al-Fiqh Al-Islami* (Kairo: Maktabah al-Da'wah, 1431), 216.

Judges in countries with a civil law system are considered discoverers of law. In the process of adjudicating cases, they must rely on both written and unwritten laws. The role of judges in discovering the law, or *ijtihad*, becomes particularly significant when legal provisions are not yet established. It is essential for judges to maintain independence in their decision-making to preserve the authority of the judiciary.⁵⁴ In civil law systems, such as Indonesia's, judges have the discretion to interpret written laws,⁵⁵ which allows them to identify new legal principles.⁵⁶ These judicial decisions can then serve as references for other cases, creating a body of precedent or jurisprudence.⁵⁷ The role of judges in interpreting both codified and living law has been a part of Indonesia's legal tradition since the Dutch colonial era,⁵⁸ which facilitated the unification of written law and provided judges with the opportunity to develop new legal doctrines.⁵⁹

The role of judges in discovering the law is integral to achieving an ideal legal system. Such a system must encompass a comprehensive legal structure, substantive legal principles, and a well-established legal culture.⁶⁰ The legal structure encompasses the number of judges, court jurisdictions, and various judicial frameworks within a country. The substance of law pertains to the rules and regulations governing the functioning of these institutions. In contrast, legal culture is closely tied to societal adherence to the law, influencing how frequently and effectively individuals seek justice through the courts.⁶¹

Regarding legal substance, the Indonesian government's support for the development of sharia economics is evident through several key policies. Law No. 10 of 1998, which amended Law No. 7 of 1992 concerning Banking, marked the initial governmental focus on sharia economics. This was followed by Law No. 3 of 2006, which amended Law No. 7 of 1989 concerning Religious Courts, expanding their jurisdiction to include the resolution of sharia economic disputes. Further refinement of sharia banking regulations was achieved with the issuance of Law No. 21 of 2008.

In response to the mandate for the Religious Courts, the Supreme Court issued Supreme Court Regulation No. 2 of 2008, which introduced the Compilation of Sharia Economic Law (KHES) as a guideline for judges in handling sharia economic disputes. Although KHES primarily draws from the DSN-MUI fatwas, its introduction was crucial due to the limited background in sharia economic law among judges at the time. This was subsequently followed by Supreme Court Regulation No. 2 of 2015 on Procedures for Settling Small Claims and Supreme Court Regulation No. 14 of 2016 on Procedures for Settling Sharia Economic Disputes.

⁵⁴ Yayan Sopyan, "Contempt of Court in Indonesia: The Meaning, Root of Problems and Its Alternative Solutions," *Jurnal Dinamika Hukum* 20, no. 1 (2021): 82, <https://doi.org/10.20884/1.jdh.2020.20.1.2731>; Asyharul Muala, "Repositioning of Islamic Economics in the Era of Globalization from the Maqasid Syari'ah Perspective," *J. Islamic L.* 1 (2020): 45.

⁵⁵ As a state governed by law (*rechtstaat*), Indonesia upholds the rule of law in maintaining social control and ensuring legal certainty for its citizens. This is reflected in the judiciary's freedom, allowing judges to explore and interpret laws within the legal framework, as well as to interpret legal principles beyond existing statutes. Zaid Afif, "Konsep Negara Hukum Rule of Law Dalam Sistem Ketatanegaraan Indonesia," *Jurnal Pionir* 2, no. 5 (2018): 55–60.

⁵⁶ Stephen E. Sachs, "Finding Law," *California Law Review* 107, no. 2 (2019): 527–82, <https://doi.org/10.15779/Z38JQ0SV7H>.

⁵⁷ Joseph Dainow, "The Civil Law and the Common Law: Some Points of Comparison," *The American Journal of Comparative Law* 15, no. 3 (1966): 419, <https://doi.org/10.2307/838275>.

⁵⁸ Robert Cribb, "Legal Pluralism and Criminal Law in the Dutch Colonial Order," *Indonesia*, no. 90 (2010): 47–66.

⁵⁹ Ratno Lukito, "Law and Politics in Post Independence Indonesia: A Case Study of Religious and Adat Courts," *Studia Islamica: Indonesian Journal for Islamic Studies* 6, no. 2 (1999): 63–86, <https://doi.org/10.1355/9789812305206-005>; Choky Ramadhan, "Konvergensi Civil Law Dan Common Law Di Indonesia Dalam Penemuan Dan Pembentukan Hukum," *Mimbar Hukum-Fakultas Hukum Universitas Gadjah Mada* 30, no. 2 (2018): 213–29.

⁶⁰ Friedman, *The Legal System: A Social Science Perspective*.

⁶¹ Friedman.

Religious Courts, as part of the legal structure for enforcing Islamic law, including sharia economics in Indonesia, play a crucial role. This complex legal structure and its jurisdiction are expected to ensure the enforcement of Islamic law within the Religious Courts. Sharia economic dispute rulings in the Purbalingga and Banyumas Religious Courts exhibit distinct characteristics,⁶² divided into three groups: decisions from the Purbalingga Religious Court before 2008 and the decisions of the Banyumas Religious Court as a unified group. In the Purbalingga Religious Court, judicial decisions adapted to changes in the internal legal culture, especially regarding the use of formal legal sources.⁶³ Before 2008, legal sources primarily included codified classical jurist opinions, known as *kutub al-turās*, such as procedural law from the *I'ānah al-Tālibīn* and legal sources from *al-Fiqh al-Islāmī wa Adillatuh*. The introduction of KHES marked a shift in the internal legal culture toward greater legal uniformity.⁶⁴ However, this change may slightly reduce judges' creativity and their role in shaping judge-made law, as Islamic references are increasingly viewed as more mainstream and widely accepted.

The opinions of classical jurists on the texts of the Qur'an and Hadith, as found in *kutub al-turās*, remain essential, especially considering that KHES, while serving as a guideline for sharia principles, is viewed as insufficient in covering all aspects of sharia economics.⁶⁵ Unlike the Purbalingga Religious Court, several decisions from the Banyumas Religious Court did not even reference KHES in their rulings. In five decisions from the Banyumas Religious Court, the DSN-MUI fatwas, along with the Qur'an (Surah an-Nisa verse 29 and Surah al-Maidah verse 1),⁶⁶ were used as primary references for sharia principles. However, during the same period, legal sources in other rulings were dominated by KHES and the Civil Code.⁶⁷ Despite the expectation that sharia-based cases should prioritize Islamic legal sources, the Civil Code remained a preferred reference in these decisions.

Conclusion

The Islamic economic justice system in Indonesia comprises three key components: legal structure, legal substance, and legal culture. From the perspective of legal structure, enforcement has been bolstered by the Religious Courts, which have exclusive authority to resolve Islamic economic disputes following the issuance of Law No. 3 of 2006, further strengthened by Constitutional Court Decision No. 93/PPU-X/2012. Additionally, the presence of the National Sharia Arbitration Board (BASYARNAS) offers an alternative avenue for dispute resolution. In terms of legal culture, public interest in using these dispute resolution services has increased. However, the internal legal culture has not fully met expectations. Judges have not consistently relied on Islamic literature as living

⁶² The economic dispute decisions from the Purbalingga Sharia Religious Court analyzed in this article include one issued prior to the enactment of Supreme Court Regulation No. 2 of 2008, with case number 1047/Pdt.G/2006/PA.Pbg, and one issued after the regulation, with case number 1719/Pdt.G/2013/PA.Pbg. In contrast, the decisions from the Banyumas Religious Court include case numbers 0260/Pdt.G/2018/PA.Bms, 0317/Pdt.G/2018/PA.Bms, 1794/Pdt.G/2018/PA.Bms, 0861/Pdt.G/2018/PA.Bms, and 0323/Pdt.G/2018/PA.Bms.

⁶³ Dian Latifiani, "Human Attitude and Technology: Analyzing a Legal Culture on Electronic Court System in Indonesia (Case of Religious Court)," *Journal of Indonesian Legal Studies* 6, no. 1 (2021): 157–84, <https://doi.org/10.15294/jils.v6i1.44450>.

⁶⁴ Raihan Azzahra and Farid Sufian Shuaib, "Religious Courts in Indonesia and Malaysia: History, Structure, and Jurisdiction," *Indonesian Comparative Law Review* 4, no. 2 (2022): 115–30, <https://doi.org/10.18196/iclr.v4i2.15911>.

⁶⁵ Irawan et al., "Perception and Tendency of a Religious Court Judge in Using the Kitab Kuning (Books of Fiqh) in Indonesia."

⁶⁶ The five decisions in sharia economic cases are as follows: 0260/Pdt.G/2018/PA.Bms, 0317/Pdt.G/2018/PA.Bms, 1794/Pdt.G/2018/PA.Bms, 0861/Pdt.G/2018/PA.Bms, and 0323/Pdt.G/2018/PA.Bms.

⁶⁷ The five decisions are as follows: 0217/Pdt.G/2018/PA.Pwt, 02169/Pdt.G/2019/PA.Pwt, 0276/Pdt.G/2018/PA.Pwt, 0398/Pdt.G/2018/PA.Pwt, 0531/Pdt.G/2018/PA.Pwt.

law, with some continuing to apply the Civil Code in cases that should instead prioritize Islamic legal sources. This reliance on non-Islamic legal sources is partly due to the procedural law still being based on colonial-era legislation. The contestation between Islamic law and non-Islamic legal sources in certain cases has led to rulings that are sometimes viewed as misaligned with Islamic principles.

Acknowledgement

It is acknowledged that the publication of this paper is funded by a collaboration between the Indonesia Rise Scholarship (BIB) of the Ministry of Religious Affairs of the Republic of Indonesia and the Indonesian Endowment Fund for Education (LPDP) of the Ministry of Finance of the Republic of Indonesia.

References

- Adhi, Yuli Prasetyo, Triyono Triyono, and Muhyidin Muhyidin. "Questioning the Customary Inheritance Law After Law No. 3 of 2006 about Religious Jurisdiction." *Indonesian Journal of Advocacy and Legal Services* 3, no. 1 (2021): 111–22. <https://doi.org/10.15294/ijals.v3i1.45728>.
- Afif, Zaid. "Konsep Negara Hukum Rule of Law Dalam Sistem Ketatanegaraan Indonesia." *Jurnal Pionir* 2, no. 5 (2018): 55–60.
- Al-Malibari, Zain al-din Ahmad ibn Abdul Aziz. *Fatḥ Al-Muʿīn Bī Syarḥ Qurrah Al-Aīn Bi Muḥimmah Al-Dīn*. Bairūt: Dar Ibn Hazm, 1431.
- Anda, Carlos E. Gallegos. "Good Living as a Living Law." *Australian Journal of Indigenous Education* 47, no. 1 (2018): 30–40. <https://doi.org/10.1017/jie.2017.30>.
- Awaliah, Ummu, Muh. Saleh Ridwan, Rahmiati, and Kusnadi Umar. "Political Configuration and Legal Products In Indonesia In Terms Of Islamic Constitutional Law." *Al-Risalah: Jurnal Ilmu Syariah Dan Hukum* 21, no. 2 (2021): 117–25.
- Azzahra, Raihan, and Farid Sufian Shuaib. "Religious Courts in Indonesia and Malaysia: History, Structure, and Jurisdiction." *Indonesian Comparative Law Review* 4, no. 2 (2022): 115–30. <https://doi.org/10.18196/iclr.v4i2.15911>.
- Budiono, Eko, Oyo Sunaryo Mukhlis, Mustofa Mustofa, Ending Solehudin, and Ahmad Hasan Ridwan. "Analyzing the Legal Framework of Substitute Heirs in Islamic Inheritance Cases: DKI Jakarta High Religious Courts Perspective." *Syariah: Jurnal Hukum Dan Pemikiran* 23, no. 2 (April 12, 2024): 281–99. <https://doi.org/10.18592/sjhp.v23i2.12545>.
- "Contemporary Inheritance: The Application of Inheritance Division in Juridical, Psychological, Sociological and Economic Perspective." *MILRev : Metro Islamic Law Review* 2, no. 2 SE-Articles (November 11, 2023): 134–54. <https://doi.org/10.32332/milrev.v2i2.8037>.
- Cribb, Robert. "Legal Pluralism and Criminal Law in the Dutch Colonial Order." *Indonesia*, no. 90 (2010): 47–66.
- Dainow, Joseph. "The Civil Law and the Common Law: Some Points of Comparison." *The American Journal of Comparative Law* 15, no. 3 (1966): 419. <https://doi.org/10.2307/838275>.
- Dewan Perwakilan Rakyat Indonesia. Undang-undang Nomor 21 Tahun 2008 Tentang Perbankan Syariah (2008).

- Elhas, Nashihul Ibad. "Kompilasi Hukum Ekonomi Syariah (KHES) Dalam Tinjauan Umum Hukum Islam." *Al-Tsamam: Jurnal Ekonomi Dan Keuangan Islam* 2, no. 1 (2020): 62–71.
- Fadli Daud Abdullah, Tajul Arifin, and Abdal. "Analysis of Sociology and Anthropology of Sharia Economic Law On Murabahah Dispute Settlement at The Cirebon Religious Court." *Strata Law Review* 1, no. 2 (2023): 118–27. <https://doi.org/10.59631/slr.v1i2.94>.
- Fariana, Andi. "Hukum Islam Sebagai the Living Law Dalam Meminimalisasi Dampak Negatif Pariwisata Di Pulau Lombok Bagian Utara." *Istinbath: Jurnal Hukum Islam IAIN Mataram* 15, no. 2 (2016): 236–54.
- . "Legal Politics as a Catalyst in Forming Sharia Economic Legal System in the Indonesia's New Order and Reform Era." *Ijtihad: Jurnal Wacana Hukum Islam Dan Kemanusiaan* 21, no. 2 (2021): 197–211. <https://doi.org/10.18326/ijtihad.v21i2.197-211>.
- Fauzia, Ana, Fathul Hamdani, and Deva Octavia. "The Revitalization of the Indonesian Legal System in the Order of Realizing the Ideal State Law." *Progressive Law Review* 3, no. 01 (2021): 12–25.
- Flora, Henny Saida, Mac Thi Hoai Thuong, and Ratna Deliana Erawati. "The Orientation and Implications of New Criminal Code: An Analysis of Lawrence Friedman's Legal System." *Jurnal IUS Kajian Hukum Dan Keadilan* 11, no. 1 (2023): 113–25. <https://doi.org/10.29303/ius.v11i1.1169>.
- Friedman, Lawrence M. *The Legal System: A Social Science Perspective*. New York: Russell Sage Foundation, 1987.
- Friedman, Lawrence M. "Legal Culture and Social Development." *Law and Society Review* 3, no. 1 (1969): 29–44.
- Gofar, Abdullah. "The Reform of the Procedural Religious Court Law Based on Islamic Law in Indonesian Legal System." *Sriwijaya Law Review* 1, no. 2 (2017): 114–27. <https://doi.org/10.28946/slrev.Vol1.Iss2.37.pp114-127>.
- Habul Kahfi, Ash, and Edi Rosman. "Epistimology of Sharia Economic Law in Indonesia (Figures, History and Orientation)." *GIC Proceeding* 1 (2023): 363–71. <https://doi.org/10.30983/gic.v1i1.169>.
- Harahap, Purnama Hidayah, Asmuni, Akmaluddin Syahputra, Ahmad Rezy Meidina, and Anwar Zein. "Religious Court Decisions Regarding the Revocation of Grant (Hibah) in the Perspective of Islamic Jurisprudence." *Al-Manahij: Jurnal Kajian Hukum Islam*, November 2023, 215–32. <https://doi.org/10.24090/mnh.v17i2.9767>.
- Hariyanto, Erie. "Penyelesaian Sengketa Ekonomi Syariah Di Indonesia." *IQTISHADIA Jurnal Ekonomi & Perbankan Syariah* 1, no. 1 (2014): 42–58. <https://doi.org/10.19105/iqtishadia.v1i1.365>.
- . "Public Trust in the Religious Court to Handle Dispute of Sharia Economy." *Ahkam: Jurnal Ilmu Syariah* 22, no. 1 (2022): 185–208. <https://doi.org/10.15408/ajis.v22i1.26216>.
- Hasan. "Compilation of Sharia Economic Law and Islamic Law Positivation in Indonesia." *International Journal of Scientific and Research Publications (IJSRP)* 9, no. 8 (2019): 491–95. <https://doi.org/10.29322/ijsrp.9.08.2019.p9273>.
- Hasan, Hasbi, and Cecep Mustafa. "The Politics of Law of Sharia Economics in Indonesia." *Lex Publica* 9, no. 1 (2022): 30–57. <https://doi.org/10.58829/lp.9.1.2022.30-57>.

- Hasanudin, Hasanudin, and Ainul Yaqin. “The Transformation of Ijârah: From Fiqh to Syariah Banking Products.” *AL-IHKAM: Jurnal Hukum & Pranata Sosial* 14, no. 1 (2019): 71–97. <https://doi.org/10.19105/al-ihkam.v14i1.1893>.
- Hasanudin, Jaih Mubarak, and Muhammad Al Fayyad Maulana. “Progressiveness of Islamic Economic Law in Indonesia: The Murā‘at Al-‘Ilal Wa Al-Masālih Approach.” *Samarah* 7, no. 2 (2023): 1267–92. <https://doi.org/10.22373/sjhc.v7i2.17601>.
- Hidayah, Nur, Abdul Azis, Tira Mutiara, and Diah Larasati. “Sharia Banking Disputes Settlement: Analysis of Religious Court Decisions in Indonesia.” *Al-Risalah: Forum Kajian Hukum Dan Sosial Kemasyarakatan* 23, no. 1 (June 27, 2023): 75–92. <https://doi.org/10.30631/alrisalah.v23i1.1347>.
- Hisam Ahyani, Memet Slamet, and Tobroni. “Building the Values of Rahmatan Lil ‘Alamin for Indonesian Economic Development at 4.0 Era from the Perspective of Philosophy and Islamic Economic Law.” *AL-IHKAM: Jurnal Hukum & Pranata Sosial* 16, no. 1 (June 27, 2021): 121–51. <https://doi.org/10.19105/al-lhkam.v16i1.4550>.
- Huda, Miftakhul, and Hisam Ahyani. “Normative Justice and Implementation Related to Sharia Economic Law Disputes in Realizing Legal Certainty and Justice in Indonesia.” *Al-Risalah: Forum Kajian Hukum Dan Sosial Kemasyarakatan* 24, no. 1 (June 29, 2024): 103–19. <https://doi.org/10.30631/alrisalah.v24i1.1467>.
- Hudawati, Sinta Noer. “Problematika Hukum Formil Penyelesaian Sengketa Ekonomi Syariah Di Pengadilan Agama.” *Jurnal Penegakan Hukum Dan Keadilan* 1, no. 1 (2020): 17–40. <https://doi.org/10.18196/jphk.1102>.
- Idri. “Religious Court in Indonesia: History and Prospect.” *Journal of Indonesian Islam* 3, no. 2 (2009): 297–313. <https://doi.org/10.15642/JIIS.2009.3.2.297-313>.
- Insani, Nur, Zumiyati Sanu Ibrahim, Suud Sarim Karimullah, Yavuz Gönan, and Sulastri Sulastri. “Empowering Muslim Women: Bridging Islamic Law and Human Rights with Islamic Economics.” *De Jure: Jurnal Hukum Dan Syar’iah* 16, no. 1 (June 2024): 88–117. <https://doi.org/10.18860/j-fsh.v16i1.26159>.
- Irawan, Aris, Fitri Wahyuni, Reza Hanifa, Asneliwarni, and Rias Wita Suryani. “Perception and Tendency of a Religious Court Judge in Using the Kitab Kuning (Books of Fiqh) in Indonesia.” *Tribakti: Jurnal Pemikiran Keislaman* 33, no. 2 (2022): 209–22.
- Jahar, Asep Saepudin, Raju Moh Hazmi, and Nurul Adhha. “Construction of Justice, Certainty, and Legal Use in the Decision of the Supreme Court Number 46 P/HUM/2018.” *Jurnal Cita Hukum* 9, no. 1 (2021): 159–78. <https://doi.org/10.15408/jch.v9i1.11583>.
- Kamsi. “Politics of Islamic Law in Indonesia: Indonesianization of Islamic Law.” *Asy-Syir’ah: Jurnal Ilmu Syari’ah Dan Hukum* 52, no. 1 (2018): 1–29. <https://doi.org/10.14421/ajish.v52i1.304>.
- Khair, Abdul. “Dinamika Penataan Regulasi Ekonomi Syarian.” *El-Mashlahah* 8, no. 1 (2019): 184–94. <https://doi.org/10.23971/el-mas.v8i2.1322>.
- Khairuddin, and Idzam Fautanu. “Institutionalization of Islamic Law In Indonesia.” *Al-‘Adalah* 18, no. 1 (2021): 1–16. <https://doi.org/10.24042/adalah.v18i1.8362>.
- Khallaf, Abd al-Wahhab. *Usul Al-Fiqh Al-Islami*. Kairo: Maktabah al-Da’wah, 1431.

- Kotb Abdelrahman Radwan, Elhassan, Nada Omar, and Khaled Hussainey. "Social Responsibility of Islamic Banks in Developing Countries: Empirical Evidence from Egypt." *Journal of Sustainable Finance and Investment* 13, no. 3 (2023): 1334–53. <https://doi.org/10.1080/20430795.2021.1949890>.
- Latifiani, Dian. "Human Attitude and Technology: Analyzing a Legal Culture on Electronic Court System in Indonesia (Case of Religious Court)." *Journal of Indonesian Legal Studies* 6, no. 1 (2021): 157–84. <https://doi.org/10.15294/jils.v6i1.44450>.
- Lubis, Nur Ahmad Fadhil. "Islamic Legal Literature and Substantive Law in Indonesia." *Studia Islamika* 4, no. 4 (1997).
- Lukito, Ratno. "Law and Politics in Post Independence Indonesia: A Case Study of Religious and Adat Courts." *Studia Islamica: Indonesian Journal for Islamic Studies* 6, no. 2 (1999): 63–86. <https://doi.org/10.1355/9789812305206-005>.
- Mahkamah Agung Republik Indonesia. "Direktori Putusan." <https://putusan3.mahkamahagung.go.id>, 2023.
- . Peraturan Mahkamah Agung No.14 tahun 2016 tentang Tata Cara Penyelesaian Perkara Ekonomi Syariah, Mahkamah Agung Republik Indonesia § (2016).
- Muala, Asyharul. "Repositioning of Islamic Economics in the Era of Globalization from the Maqasid Syari'ah Perspective." *J. Islamic L.* 1 (2020): 45.
- Muamar, Afif, Syamsul Rijal, Moh. Maburri Faozi, Mahfudin Mahfudin, and Tohayudin Tohayudin. "Family and Creative Economy in Sunan Gunung Djati Religious Tourism Area, Cirebon, Indonesia." *El-Usrah: Jurnal Hukum Keluarga* 7, no. 1 (June 2024): 1. <https://doi.org/10.22373/ujhk.v7i1.21987>.
- Muhaimin, Muhamamd Sood, and Lalu Hayatul Haq. "Legal Synchronization of Sharia Banking Supervision Arrangements in Indonesia." *Russian Law Journal* 11, no. 3 (2023): 2688–95. <https://doi.org/10.52783/rlj.v11i3.2220>.
- Muhtar, Mohamad Hidayat, Nur Mohamad Kasim, Irma Suryani, and Mohamad Kasim. "The Role and Impact of Local Sharia Regulations in Indonesia's Constitutional Law (a Study of Characteristics Sharia Local Regulations)." *Tsaqafah* 19, no. 1 (2023): 236–63.
- Mun'im, Zainul, Muhamad Nasrudin, Suaidi Suaidi, and Hasanudin Hasanudin. "Revisioning Official Islam in Indonesia: The Role of Women Ulama Congress in Reproducing Female Authority in Islamic Law." *Ahkam : Jurnal Ilmu Syariah* 24, no. 1 (2024): 135–52. <https://doi.org/10.15408/ajis.v24i1.34744>.
- Nita Triana. "Urgency of Arbitration Clause in Determining the Resolution of Sharia Economic Disputes." *Ahkam : Jurnal Ilmu Syariah* 18, no. 1 (2018): 1–30.
- Ogneviuk, H. Z. "Anthropological Approaches in Legal Certainty Research." *Anthropological Measurements of Philosophical Research* 0, no. 14 (2018): 62–72. <https://doi.org/10.15802/ampr.v0i14.150573>.
- Pauzi Muhammad, Farida Arianti, Ahmad Masum, Marnia Rani. "Actualizing Islamic Economic Law in the Digital Era: A Study of the Application of Khiyar Al-Majlis in Electronic Contracts." *JURIS: Jurnal Ilmiah Syari'ah* 23, no. 2 (2024): 205–14. <https://doi.org/https://dx.doi.org/10.31958/juris.v23i2.11573>.

- Pujianti, Sri. “Fatwa MUI Dalam Perbankan Syariah Sudah Tepat Dan Proporsional.” Mahkamah Konstitusi, 2022.
- Putusan Mahkamah Konstitusi. Putusan Mahkamah Konstitusi Nomor 100/PUU-XX/2022 (2022).
- Ramadhan, Choky. “Konvergensi Civil Law Dan Common Law Di Indonesia Dalam Penemuan Dan Pembentukan Hukum.” *Mimbar Hukum-Fakultas Hukum Universitas Gadjah Mada* 30, no. 2 (2018): 213–29.
- Ridwan; Zain, Muhammad Fuad. “Indonesia Sharia Economic Legislation as a Legal Frame Post Reformation.” *J. Legal Ethical & Regul. Issues* 24 (2021): 1.
- Ridwan, Ridwan, Muhammad Fuad Zain, and Bani Syarif Maula. “The Mapping of Sharia Economic Dispute Decisions in Religious Courts.” In *Proceedings of the 2nd Borobudur International Symposium on Humanities and Social Sciences*, 2020. <https://doi.org/10.4108/eai.18-11-2020.2311813>.
- Riwanto, Agus, and Sukarni Suryaningsih. “Realizing Welfare State and Social Justice: A Perspective on Islamic Law.” *Volksgeist: Jurnal Ilmu Hukum Dan Konstitusi* 5, no. 1 (2022): 41–51. <https://doi.org/10.24090/volksgeist.v5i1.6430>.
- Sa’diyah, Halima Tus, Sitti Lailatul Hasanah, Abdul Mukti Thabrani, and Erie Hariyanto. “Sejarah Dan Kedudukan Kompilasi Hukum Ekonomi Syariah Dalam Peraturan Mahkamah Agung Nomor 2 Tahun 2008 Di Indonesia.” *Al-Huquq: Journal of Indonesian Islamic Economic Law* 3, no. 1 (2021): 96–118. <https://doi.org/10.19105/alhuquq.v3i1.3460>.
- Sachs, Stephen E. “Finding Law.” *California Law Review* 107, no. 2 (2019): 527–82. <https://doi.org/10.15779/Z38JQ0SV7H>.
- Sari, Nilam, Kamal Fachrurrozi, and Irhas Rizqy. “Analysis of the Effect of the Probability Ratio on Sharia Stock Return (Study on the List of Undelisting Sharia Stocks in the Jakarta Islamic Index December 2014–2018).” *Jurnal Ilmiah Peuradeun* 10, no. 2 (May 2022): 421. <https://doi.org/10.26811/peuradeun.v10i2.721>.
- Solihin, Dadin. “Tafsir Normatif Terhadap Perkembangan Politik Hukum Ekonomi Syariah.” *Jurnal Pelita Nusa* 1, no. 1 (2023): 1–18. <https://doi.org/10.61612/jpn.v1i1.5>.
- Sopyan, Yayan. “Contempt of Court in Indonesia: The Meaning, Root of Problems and Its Alternative Solutions.” *Jurnal Dinamika Hukum* 20, no. 1 (2021): 82. <https://doi.org/10.20884/1.jdh.2020.20.1.2731>.
- Sukma, Fajar, and Zulheldi Zulheldi. “Government Policies in Economic Empowerment of Muslim Communities in the Digital Economy Era.” *El-Mashlahah* 11, no. 2 (December 2021): 146–63. <https://doi.org/10.23971/elma.v11i2.3108>.
- Sunardi, Dedi, Azri Bhari, and Muhammad Najib Bin Abd Wakil. “Legal Awareness of Micro and Small Enterprise Operators Regarding Halal Certification: A Maslaha Perspective.” *Ijtihad: Jurnal Wacana Hukum Islam Dan Kemanusiaan* 24, no. 1 (July 2024): 23–45. <https://doi.org/10.18326/ijtihad.v24i1.23-45>.
- Supriyadi, Supriyadi, Rahma Aulia, Labib Nubahai, Rozanah Ab Rahman, and Rosmah Mohamed. “Legal Effectiveness of Halal Product Certification in Improving Business Economics in Indonesia and Malaysia.” *Al-Ahkam* 34, no. 1 (April 30, 2024): 193–220. <https://doi.org/10.21580/ahkam.2024.34.1.20546>.

- Susanto, Burhanuddin, Thohir Luth, and Masruchin Rubai. “The Codification of Syar’i Norms in The Compilation of Sharia Economic Law.” *Rechtsidee* 4, no. 1 (2017): 1–9.
- Yasa, Ahmad. “The Development of Indonesian Islamic Law: A Historical Overview.” *Journal of Indonesian Islam* 9, no. 1 (2015): 101–22. <https://doi.org/10.15642/JIIS.2015.9.1.101-122>.
- Yazid, Imam. “Menikah Untuk Dicerai: Menyorot Hak-Hak Perempuan Pada Isbat Nikah Untuk Cerai Di Pengadilan Agama Medan Tahun 2015-2017.” *Al-Manahij: Jurnal Kajian Hukum Islam* 13, no. 1 (2019): 99–110.
- Yusuf, Mahmud, Hasanudin, Fathurrahman Azhari, Muhammad Rahmani Abduh, and Sri Ana Farhanah. “Islamic Banks: Analysis of the Rules of Fiqh on the Fatwa of the National Sharia Board-Indonesian Ulama Council.” *INJUURLENS: International Journal of Law, Environment, and Natural Resources* 3, no. 1 (2023): 21–37.