



THE AUTHORITY OF *AL-KUTUB AL-MU'TABARAH* IN THE SETTLEMENT OF SHARIA ECONOMIC DISPUTES IN THE PURBALINGGA RELIGIOUS COURT

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Abstract: Undang-undang No. 3 Tahun 2006 tentang Perubahan atas Undang-Undang Nomor 7 Tahun 1989 tentang Peradilan Agama menambahkan kompetensi absolut Pengadilan Agama dalam menerima menyelesaikan dan memutus perkara perdata yang berkaitan dengan sengketa ekonomi syariah. Kekosongan hukum menuntut hakim untuk merujuk pada kitab kuning atau al-kutub al-mu'tabarah sebagai pedoman dalam menyelesaikan perkara ekonomi syariah di Pengadilan Agama. Artikel ini akan melihat lebih jauh tentang bagaimana peran dan otoritas kitab kuning atau al-kutub al-mu'tabarah dalam penyelesaian perkara ekonomi syariah di Pengadilan Agama Purbalingga. Pengadilan Agama Purbalingga sudah menerima perkara ekonomi syariah pada tahun 2006 enam bulan setelah UU No. 3/2006 terbit. penelitian ini merupakan penelitian kualitatif dengan pendekatan normatif. Putusan No. 1047/Pdt.G/2006/PA.Pbg. sebagai sumber primer. Hasil penelitian ini menunjukkan bahwa pendapat fukaha dalam kitab kuning atau al-kutub al-mu'tabarah atau kitab yang populer mempunyai kedudukan yang penting dan bahkan menjadi acuan utama dalam penyelesaian perkara ekonomi syariah di Pengadilan Agama Purbalingga. Kitab *Tānab al-Ṭalībīn* karya Zainuddin al-Malibārī dan *al-Fiqh al-Islāmī wa Adillatuh* karya Wabbah al-Zuhailī berperan penting dalam penyelesaian perkara ekonomi syariah di Pengadilan Agama Purbalingga.

Kata kunci: Otoritas, al-kutub al-mu'tabarah, perkara ekonomi syariah, Pengadilan Agama, Studi Putusan.

Abstract: Law No. 3 of 2006 concerning Amendments to Law No. 7 of 1989 concerning Religious Courts added the absolute competence of the Religious Courts in accepting resolving and deciding civil cases related to sharia economic disputes. The legal vacuum requires judges to refer to the yellow book or al-kutub al-mu'tabarah as a guide in resolving sharia economic cases in the Religious Courts. This article will look further at how the role and authority of the yellow book or al-kutub al-mu'tabarah in the settlement of sharia economic cases in the Purbalingga Religious Court. The Purbalingga Religious Court received sharia economic cases in 2006 six months after Law No. 3/2006 was published. This research is qualitative research with a normative approach. Decision No. 1047/Pdt.G/2006/PA.Pbg. as the primary source. The results of this study indicate that the opinion of the fukaha in the yellow book or al-kutub al-mu'tabarah or popular books has an important position and even becomes the main reference in the settlement of sharia economic cases in the Purbalingga Religious Court. The book *Tānab al-Ṭalībīn* by Zainuddin al-Malibārī and *al-Fiqh al-Islāmī wa Adillatuh* by Wabbah al-Zuhailī play an important role in the settlement of sharia economic cases in the Purbalingga Religious Court.

Key words: Authority, *al-kutub al-mu'tabarab*, sharia economic cases, Religious Court, Decision Study.

Introduction

Religious courts in Indonesia have a long history that reflects complex social, political and legal dynamics. Since the early introduction of Islam to Indonesia in the first century Hijri, religious courts have played an important role in society, particularly in regulating the lives of Muslims in accordance with Islamic law.¹ During the colonial period, both the Dutch and Japanese restricted the authority of religious courts, although these courts continued to function in a limited capacity.²

After Indonesian independence, the status and authority of religious courts did not undergo significant changes until the enactment of Law No. 7 of 1989, which was later amended by Law No. 3 of 2006 and Law No. 50 of 2009. These changes strengthened the position of religious courts as part of the national judicial system on an equal footing with other courts. Religious courts now have jurisdiction over various aspects of Islamic law, such as marriage, inheritance and sharia economics.³

The influence of Islamic legal thought, notably the theory of *receptie in complexu* proposed by L.W.C. Van Den Berg, has also contributed to the development of religious courts in Indonesia. This theory posits that Islamic law is fully applicable to Muslims, while recognizing that, in practice, it may be subject to modifications in alignment with customary law.⁴ Thus, religious courts in Indonesia are not only a place for the enforcement of Islamic law, but also a dialectical arena between Islamic law, positive law, and customary law.⁵ The history of religious courts in Indonesia illustrates the institution's ability to adapt and evolve in response to political and social changes. It highlights how the religious courts have remained a crucial pillar of legal enforcement and justice for Muslims in the country.

Religious courts in Indonesia play an important role in the enforcement of Islamic law, given that Indonesia is the country with the largest Muslim population in the world. The sources of law utilized by judges in these courts encompass a range of references, including both Islamic law and national legislation. A primary source is the Compilation of Islamic Law (KHI), which has served as a critical reference since the issuance of Presidential Instruction Number 1 of 1991. The KHI functions as the principal guide in the absence of a legal basis within laws and government regulations, and it also provides reinforcement and serves as a specific reference in certain cases.⁶

¹ Faisal, "Histori Pemberlakuan Peradilan Agama Era Kerajaan Islam Dan Penjajahan Di Indonesia," *Al-Qadhá* 6, no. 1 (2019): 30–41.

² 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>; Muhamad Masud, "The Application Of Islamic Law At The Colonial Age And It's Implication For The Indonesian Religious Justice System," *Journal of Islamic Studies* 2, no. 2018 (1AD), <https://doi.org/https://doi.org/10.32506/jois.v1i2.459>.

³ Nursalam, Shuhufi, and Sultan, "Peradilan Agama Di Indonesia Pasca UU No. 50 Tahun 2009 Tentang Perubahan Kedua Atas UU No. 7 Tahun 1989."

⁴ Masud, "The Application Of Islamic Law At The Colonial Age And It's Implication For The Indonesian Religious Justice System"; Roni Pebrianto, Asasriwarni Asasriwarni, and Ikhwan Matondang, "The Contribution of L.W.C. Van Den Berg's Thoughts in Dutch Colonial Legal Politics on The Development of Religious Courts in Indonesia," *AJIS: Academic Journal of Islamic Studies* 7, no. 1 (2022): 45, <https://doi.org/10.29240/ajis.v7i1.3779>.

⁵ Moh. Muafiqul Khalid MD et al., "Tracing The Trialectic: The Process and Influence of Three Laws in The Establishment of Religious Courts in Indonesia," *Justicia Islamica* 21, no. 1 (2024): 137–54, <https://doi.org/10.21154/justicia.v21i1.8741>.

⁶ Naskur Bilalu et al., "Compilation of Islamic Law as Judge's Consideration at a Religious Court in North Sulawesi, Indonesia," *Samarah* 6, no. 2 (2022): 514–36, <https://doi.org/10.22373/sjkh.v6i2.12441>; Royyan Eka Purnama Putra, "Pengaruh Kompilasi Hukum Islam Dalam Perimbangan Hakim Di Pengadilan Agama Surakarta," *Journal of Law, Society, and Islamic Civilization* 10, no. 2 (2022): 140,

In addition to the KHI, judges also refer to unwritten Islamic law and formal law derived from legislation. The Religious Courts have the authority to assess, decide and resolve various disputes involving Muslims, with authority that includes relative and absolute authority.⁷ In practice, judges also consider the books of Fiqh (*Kitab Kuning*) and use *ijtihad* to achieve substantive justice, especially in cases not explicitly regulated in the KHI.⁸ KHI and other Islamic laws have been adopted in various aspects of family law in Indonesia, such as in the Marriage Law and other related regulations. The *sadd al-dhari'ah* method, for example, is used to establish prohibitions on certain actions that have the potential to cause greater harm, such as marriage age limits and permission for polygamy.⁹ Thus, the sources of Islamic law used by Religious Court judges in Indonesia reflect a combination of written and unwritten law, as well as adaptations to the social and cultural dynamics of Indonesian society.¹⁰

The *kitab kuning*, often referred to as “classical Islamic texts,” plays a fundamental role as a source of Islamic law in Indonesia. These texts serve not only as academic references but also as practical guides in legal decision-making within religious courts. In the context of Islamic economic law, the *kitab kuning* contains various scholarly opinions on economic principles in accordance with Sharia, which are highly relevant to the handling of legal cases at the court level.¹¹ As a guide, the *kitab kuning* comprises classical works by Muslim scholars covering a wide range of topics—from *fiqh* and *tafsir* to business ethics—which judges must adapt and apply during judicial processes.¹²

<https://doi.org/10.20961/jolsic.v10i2.63926>; Dadang Hermawan and Sumardjo, “Kompilasi Hukum Islam Sebagai Hukum Meteriil Peradilan Agama,” *Yudisia* 6 (2015): 25–46.

⁷ Enden Haetami, “Islamic Law Enforcement Through Religious Courts in Indonesia,” *ENDLESS: International Journal of Future Studies* 2, no. 2 (2019): 71–81, <https://doi.org/10.54783/endlessjournal.v2i2.105>.

⁸ 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; Nunung Rodliyah, Elfa Murdiana, and Ricco Andreas, “Journal of Law and Regulation Governance Judicial Ijtihad in Religious Courts for Achieving Substantive Justice in Indonesia,” *Journal of Law and Regulation Governance Judicial* 2, no. 12 (2024): 372–80.

⁹ Fajar Rachmadhani, Mualimin Mochammad Sahid, and Muchammad Ichsan, “The Use of Sadd Al-Dhari’Ah in Contemporary Islamic Family Law in Indonesia: Concept and Practice,” *Malaysian Journal of Syariah and Law* 12, no. 1 (2024): 206–15, <https://doi.org/10.33102/mjssl.vol12no1.505>.

¹⁰ Khalid MD et al., “Tracing The Trialectic: The Process and Influence of Three Laws in The Establishment of Religious Courts in Indonesia”; Gasim Yamani, Muhammad Syarif, and Iin Magfirah, “Effectiveness of Islamic Law Compilation as Guidance at Religious Court of Palu City in Indonesia,” *Global Journal of Political Science and Administration* 10, no. 2 (2022): 34–43, <https://doi.org/10.37745/gjpsa.2013/vol10n2pp3443>; Muhammad Hasan, “Construction of Modern Islamic Inheritance Law Based on Ijtihad of the Judges at the Religious Court of Pontianak, West Kalimantan,” *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 7, no. 2 (2023): 650–68, <https://doi.org/10.22373/sjhk.v7i2.8852>.

¹¹ Siska Lis Sulistiani, “Perbandingan Sumber Hukum Islam,” *Tabkim (Jurnal Peradaban Dan Hukum Islam)* 1, no. 1 (2018): 102–16, <https://doi.org/10.29313/tahkim.v1i1.3174>; Muhammad Zainuddin, “Ijma Dan Qiyas Sebagai Sumber Hukum Dalam Ekonomi Syariah,” *SANGAJI: Jurnal Pemikiran Syariah Dan Hukum* 6, no. 2 (2022): 01–17, <https://doi.org/10.52266/sangaji.v6i2.1124>; Jefik Zulfikar Hafizd, “Sejarah Hukum Islam Di Indonesia: Dari Masa Kerajaan Islam Sampai Indonesia Modern,” *Jurnal Tamaddun: Jurnal Sejarah Dan Kebudayaan Islam* 9, no. 1 (2021): 165–84.

¹² Zainuddin, “Ijma Dan Qiyas Sebagai Sumber Hukum Dalam Ekonomi Syariah”; Mohammad Thoah, “Eksistensi Kitab Kuning Di Perguruan Tinggi Keagamaan Islam,” *Nuansa: Jurnal Penelitian Ilmu Sosial Dan Keagamaan Islam* 16, no. 1 (2019): 56–64, <https://doi.org/10.19105/nuansa>; 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>; Ida Nurlaeli and Hasanudin Hasanudin, “The Effect of Differences of Opinion on Bank Interest, Education Level and Spiritual Intelligence on the Decision to Choose a Sharia Bank in Banyumas,” *IQTISHODUNA: Jurnal Ekonomi Islam* 12, no. 2 (2023): 417–30, <https://doi.org/10.54471/iqtishoduna.v12i2.2274>.

The judicial process in Indonesian religious courts, which functions as a dispute resolution institution, uses an Islamic legal approach taken from legitimate sources, one of which is the yellow Islamic classic. In this case, judges not only adhere to positive law, but also consider *ijma'* and *qiyas* interpreted from the yellow book. In other words, the yellow book becomes the foundation in evaluating and deciding disputes, which cover various aspects of human life, including economic, social and cultural.¹³ This is in line with the principle of *maqashid sharia*, which emphasizes the achievement of justice and benefit for the community.¹⁴

During the dynamics of Indonesian law and culture, the use of the yellow book has also become important in dealing with changes that occur in society. Judges in religious courts are expected to be able to integrate local values with Islamic law to reach solutions that are fair and in accordance with *sharia* principles.¹⁵ Thus, the yellow book functions not only as a source of law, but also as a bridge to harmonize religious values with the needs of modern society.

Starting in 2006, Religious Courts in Indonesia, including the Purbalingga Religious Court, handled *sharia* economic cases. The limited legal sources in this field force judges to do more *ijtihad* in handling and resolving economic cases submitted to the Religious Court. Purbalingga Religious Court became one of the Religious Courts that resolved the fifth largest number of *sharia* economic cases in Indonesia. Even since 2006 after the issuance of the Religious Courts Law No. 3 of 2006, the Purbalingga Religious Court has become one of the courts within the Religious Courts that accepts *sharia* economic cases.¹⁶ At the time this research was written, the Religious Court had completed 91 *sharia* economic cases. This research will examine *sharia* economic decisions issued in 2007 where the Purbalingga Religious Court was one of the first courts to resolve *sharia* economic cases in Indonesia. In 2007 the Purbalingga Religious Court resolved four (4) cases related to *sharia* economic cases. In this position, the *fiqh* book seems to be the main legal source in the settlement of *sharia* economic cases, especially those related to *sharia* principles in transactions and those related to procedural law.¹⁷

This research tries to explore the role of judges in the settlement of *sharia* economic cases, especially those related to the opinions of *fukaha* in the *fiqh* books as a source of law. This research will focus on *sharia* economic cases published in 2007 at the Purbalingga Religious Court. Research related to the yellow book as a source of law for judges in the Religious Court related to *sharia* economic cases has not been widely done. The research that has been done in relation to the legal sources of judges in the Religious Courts is still limited

¹³ M. Taufiq, "Konsep Dan Sumber Hukum: Analisis Perbandingan Sistem Hukum Islam Dan Sistem Hukum Positif," *Istidlal: Jurnal Ekonomi Dan Hukum Islam* 5, no. 2 (2021): 87–98, <https://doi.org/10.35316/istidlal.v5i2.348>; Hasanudin Hasanudin, "Transformasi Fiqh Mawaris Dalam Kompilasi Hukum Islam Di Indonesia," *Islamadina: Jurnal Pemikiran Islam* 22, no. 1 (2021): 43, <https://doi.org/10.30595/islamadina.v22i1.8942>.

¹⁴ M. Taufiq, "Konsep Dan Sumber Hukum: Analisis Perbandingan Sistem Hukum Islam Dan Sistem Hukum Positif"; Hasanudin, "Construction Development of Financing Contract in Sharia Bank in Indonesia System Approach Perspective in Maqasid Sharia Jasser Auda," *Al-'Adalah: Jurnal Syariah Dan Hukum Islam* 6, no. 2 (2021): 229–47.

¹⁵ Thoha, "Eksistensi Kitab Kuning Di Perguruan Tinggi Keagamaan Islam"; Sahrullah Sahrullah, "Sistem Pembayaran Cash on Delivery (Cod) Pada E-Commerce Ditinjau Dari Maqashi Syariah," *Jesya* 6, no. 1 (2023): 972–80, <https://doi.org/10.36778/jesya.v6i1.1048>.

¹⁶ Mahkamah Agung Republik Indonesia, "Direktori Putusan," <https://putusan3.mahkamahagung.go.id>, 2023, <https://putusan3.mahkamahagung.go.id/direktori/index/pengadilan/pa-purbalingga/kategori/ekonomi-syariah-1.html>.

¹⁷ Hasanudin, Kamsi, and Ahmad Yani Anshori, "The Contestation of Legal Foundations in the Resolution of Islamic Economic Disputes in Religious Courts," *Al-Manabij: Jurnal Kajian Hukum Islam* 18, no. 2 (2024): 271–88, <https://doi.org/10.24090/mnh.v18i2.11934>.

to the position of the Compilation of Islamic Law (KHI),¹⁸ the Compilation of Sharia Economic Law (KHES) in the rules of judicial order in Indonesia, the use of KHES and KHI in case settlement. As well as basic things in KHI and KHES related to legal sources. Researchers have not found research related to the yellow book as a source of law in the settlement of sharia economic cases in the Purbalingga Religious Court.¹⁹

This research is qualitative research with a normative approach. The theory of authority becomes the main basis in seeing the opinions of fiqh scholars in the yellow book or *al-kutub al-mu'tabarab* in the settlement of sharia economic cases in the Purbalingga Religious Court. The decision document with number: 1047/Pdt.G/2006/PA.Pbg becomes the main reference by supplementing with a study of articles related to *al-kutub al-mu'tabarab* and the theory of authority.

Fiqh Doctrine: Authority, Existence and the Role of Judges

The theory of authority in the context of *al-kutub al-mu'tabarab*, commonly referred to as *kitab kuning*, is intricately linked to the extent to which these texts are regarded as legitimate and influential in legal and religious practices, particularly in Indonesia.²⁰ The *mu'tabarab* books are the product of the thoughts of scholars who study *fiqh* and religious sciences, so they have high authority in Muslim society. According to classical figures in fiqh, such as Imam Shafi'i, these books represent not only theoretical knowledge, but also practical guidance in the daily lives of Muslims, including in the context of those faced in the Religious Courts. This shows that the authority possessed by these books is multidimensional and not limited to textuality alone, but also in its application in the field, especially in resolving problems and disputes.²¹

Max Weber's theory of authority is very relevant in the context of *al-kutub al-mu'tabarab*, or better known as the yellow book, which is an important reference in Islamic legal education and practice in Indonesia. Weber categorizes authority into three types: traditional authority, rational-legal authority, and charismatic authority. In the context of *kitab kuning*, the emphasis is more on traditional authority, where these books represent knowledge and practices passed down from generation to generation in the Islamic tradition. These books, like the classical works of scholars, are recognized by Muslim societies as legitimate sources of legitimacy to guide religious and social life, creating a stable footing in the study of fiqh and Islamic law.²²

¹⁸ Hasanudin, "Transformasi Fiqh Mawaris Dalam Kompilasi Hukum Islam Di Indonesia."

¹⁹ Ika Atikah, "Eksistensi Kompilasi Hukum Ekonomi Syariah (KHES) Sebagai Pedoman Hakim Dalam Menyelesaikan Perkara Ekonomi Syariah Di Pengadilan Agama," *MUAMALATUNA* 9, no. 2 (2017): 143–62; Edi Gunawan, "Eksistensi Kompilasi Hukum Islam Di Indonesia," *Jurnal Ilmiah Al-Syir Ab*, 2016, <https://doi.org/10.30984/as.v8i1.39>; Euis Nurlelawati, *Modernization, Tradition and Identity: The Kompilasi Hukum Islam and Legal Practice in the Indonesian Religious Courts* (Amsterdam: Amsterdam University Press, 2010); Muhammad Helmi, "Kedudukan Kompilasi Hukum Islam Dalam Tata Urutan Perundang-Undangan Di Indonesia," *MAZAHIB* 15, no. 1 (2016): 139–50, <https://doi.org/10.21093/mj.v15i1.616>; Moh Asy, "Kompilasi Hukum Islam Sebagai Fiqh Lintas Madzhab Di Indonesia," *Al-Ihkam: Jurnal Hukum Dan Pranata Sosial* 7, no. 2 (2012): 1–13; Atmo Prawiro, "Kelemahan Fatwa Dan Kompilasi Hukum Ekonomi Syariah Dalam Kebijakan Legislasi Ekonomi Di Indonesia," *Jurnal Al-Asbriyyah* 2, no. 1 (2016): 151–91.

²⁰ 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>.

²¹ Wandri Sulya Putra, "Bimbingan Keagamaan Bagi Remaja Guna Peningkatan Pemahaman Fikih Ibadah (Studi Di Majelis Daarul Ishlah Kelurahan Kelapa, Kecamatan Kelapa, Kabupaten Bangka Barat)," *Scientia: Jurnal Hasil Penelitian* 7, no. 1 (2022): 18–31, <https://doi.org/10.32923/sci.v7i1.1711>; Hasanudin Hasanudin and Viany Rahmawati, "Restructuring of Finance Problem in Islamic Banks between Fiqh and the Fatwa of DSN MUI," *International Journal of Social Science and Religion (IJSSR)*, 2021, 251–70, <https://doi.org/10.53639/ijssr.v2i3.50>.

²² Alfitri, "Whose Authority? Contesting and Negotiating the Idea of a Legitimate Interpretation of Islamic Law in Indonesia," *Asian Journal of Comparative Law* 10, no. 2 (2015): 191–212, <https://doi.org/10.1017/asjcl.2016.1>.

The *kitab kuning* (classical Islamic texts) serve as symbols of status and authority held by religious scholars (*ulama*). Scholars who master and interpret these texts gain legitimacy in issuing fatwas and leading Muslim communities. In this context, they function as a bridge between sacred texts and their application in daily life. Through their mastery of the *kitab kuning*, *ulama* acquire socially recognized authority, aligning with Weber's concept of traditional authority, which is grounded in respect for heritage and tradition.²³

Furthermore, the authority possessed by the *mu'tabarab* books is based on the method of interpretation used by the competent scholars in determining Islamic law. For example, in determining the rulings on contemporary issues, such as bank interest or other financial transactions, scholars often refer to these books and apply the theory of *istislah*, which emphasizes benefit.²⁴ This theory suggests that if there is no clear evidence from the Qur'an or Hadith, then the law can be determined by considering the benefits to society. Therefore, the relevance of *mu'tabarab* books is maintained in the modern era by adapting contextual interpretation methods.²⁵

In addition, the authority of the yellow book in judicial practice in the Religious Courts shows how the courts can operate as institutions that bridge sharia values with positive law in Indonesia. As noted in several studies, judges in the Religious Courts often refer to these books as a basis for issuing decisions, whether in the context of marriage issues, divorce, or aspects of sharia economics.²⁶ Thus, the authority of these books not only underlies the opinions of scholars, but also directs the legal practices taken by judicial institutions in Indonesia, thus making these books a source of legitimacy in resolving disputes.²⁷

Thus, the authority of the *mu'tabarab* books is not only rooted in the power of the text but is also reflected in their practicality and application in the social, cultural and legal life of the Indonesian Muslim community. These books serve as a foundation for building a legal system that respects Islamic values while adapting to the times. Given the dynamic development of law and society, the relevance and authority of these books must continue to be updated so that they continue to function as guidelines in addressing existing problems in society.²⁸

In the context of Islamic law in Indonesia, the influence of fiqh doctrine and its existence as a source of law plays a very significant role. Islamic law, which is generally drawn

²³ Alfitri, "Bureaucratizing Fatwā in Indonesia: The Council of Indonesian Ulama and Its Quasi-Legislative Power," *Ulumuna* 24, no. 2 (2020): 367–97, <https://doi.org/10.20414/ujis.v24i2.412>.

²⁴ Fadzlurrahman Fadzlurrahman and Muna Yastuti Madrah, "Paradigma Baru Dalam Pelaksanaan E-Court Di Peradilan Agama Ditinjau Dari Teori Efektifitas Hukum," *Adhki: Journal of Islamic Family Law* 4, no. 2 (2023): 115–30, <https://doi.org/10.37876/adhki.v4i2.114>.

²⁵ Fadzlurrahman and Madrah; Femilya Herviani, Erfaniah Zuhriah, and Raden Cecep Lukman Yasin, "Pertimbangan Hakim Dalam Pemberian Dispensasi Nikah Perspektif Teori Sistem Hukum Lawrence M. Friedman Di Pengadilan Agama Malang," *Jurnal Intelektualita: Keislaman, Sosial Dan Sains* 11, no. 1 (2022): 117–27, <https://doi.org/10.19109/intelektualita.v11i1.10684>.

²⁶ Abdul Rachman, Sri Tamara Devi, and Widi Astuti, "Peran Badan Arbitrase Syariah Nasional Majelis Ulama Indonesia (BASYARNAS-MUI) Dalam Mengatasi Sengketa Perbankan Syariah Di Indonesia," *Madani Syari'ah* 5, no. 2 (2022): 108–20, <https://doi.org/10.51476/madanisyariah.v5i2.385>; Hasyim Sofyan Lahilote and Moh. Fitri Adam, "Eksistensi Basyarnas Dalam Penyelesaian Sengketa Perbankan Syariah Di Indonesia," *Al-'Aqdu: Journal of Islamic Economics Law* 1, no. 2 (2021): 96, <https://doi.org/10.30984/ajiel.v1i2.1808>.

²⁷ Rachman, Tamara Devi, and Astuti, "Peran Badan Arbitrase Syariah Nasional Majelis Ulama Indonesia (BASYARNAS-MUI) Dalam Mengatasi Sengketa Perbankan Syariah Di Indonesia"; Putra, "Bimbingan Keagamaan Bagi Remaja Guna Peningkatan Pemahaman Fikih Ibadah (Studi Di Majelis Daarul Ishlah Kelurahan Kelapa, Kecamatan Kelapa, Kabupaten Bangka Barat)."

²⁸ Riyan Erwin Hidayat, "Poligami Menurut Wahbah Az-Zuhaili Dan Muhammad Syahrur," *Jurnal Tana Mana* 1, no. 2 (2021): 102–10, <https://doi.org/10.33648/jtm.v1i2.107>; Hermansyah Hermansyah, "Interpretasi Asas Mempersulit Perceraian Dalam Perspektif Hukum Islam," *As-Syar'i: Jurnal Bimbingan & Konseling Keluarga* 6, no. 1 (2024): 1110–21, <https://doi.org/10.47467/as.v6i1.6307>.

from classical texts and religious practices, has been integrated into the Indonesian national legal system by forging a close relationship with adat and state law. The existence of fiqh doctrine in Indonesia depends not only on classical literature, but also on interpretations and local contexts relevant to the community.

The development of fiqh in Indonesia shows that scholars attempted to bridge tradition and modernity. For example, research by Yazid et al. illustrates how Ushul Fikih in Indonesia evolved along with social, religious, and political dynamics, emphasizing the importance of dynamic *ijtihad* developed by scholars such as Wahyudi and Zuhaili.²⁹ They focus on the contextualization of Islamic legal principles according to local contexts, creating an approach that is relevant to the needs of modern society in Indonesia.

Throughout Indonesian history, Islamic law has been influenced by various madhhabs, especially the Syafi'i madhhab, which became dominant in religious education and practice, as seen in the function of Islamic boarding schools³⁰ as educational institutions. Research shows that the fiqh learning process in Islamic boarding schools not only reflects doctrinal traditions, but also efforts to maintain relevance in facing the challenges of contemporary life.³¹ In this case, the interpretation of the law by the ulama is also crucial, as explained by Amir who revealed the simplicity and breadth of Hamka's views, which are not bound by a particular mazhab and are open to *ijtihad*.³²

In the legal regulation of marriage, the relevance of *fiqh* is also evident in the debate over interfaith marriage, which shows how important the application of *fiqh* is in resolving contemporary issues in Indonesia. Research by Daud et al. provides an in-depth analysis of the *fiqh* dynamics that influence legal decisions in this context.³³ It shows that documentation and fatwas of Islamic organizations influence formal legal attitudes, confirming the position of Islamic law in the national legal system.³⁴

Furthermore, the researchers also highlighted the existence of customary law interacting with Islamic law in creating a more community-friendly legal system.³⁵ For example, in the synergy between customary law and Islamic law, the values contained can fill the legal gaps that exist in the formal national legal system.³⁶ This clearly shows that fiqh doctrine and customary law have an inseparable position in progressive lawmaking in Indonesia.

The modern era also demands the adaptation of *fiqh muamalah* to new transactions, such as electronic transactions, showing the relevance of Islamic law in the context of

²⁹ Afthon Yazid, Arif Sugitanata, and Siti Aminah, "Memetakan Cakrawala Intelektual Menggali Teori Ushul Fikih Yudian Wahyudi Dan Wahbah Zuhaili," *Tasyri' Journal of Islamic Law* 3, no. 1 (2024): 123–53.

³⁰ Sukarni Sukarni, "Paradigma Bermazhab Pondok Pesantren Di Kalimantan Selatan," *MIQOT: Jurnal Ilmu-Ilmu Keislaman* 39, no. 1 (2015): 78–93, <https://doi.org/10.30821/miqot.v39i1.40>.

³¹ Sukarni; Muhammad Ikhsan and Azwar Iskandar, "Histori Fikih Islam: Faktor-Faktor Pertumbuhan, Kebekuan Dan Reformasi," *Islamadina: Jurnal Pemikiran Islam* 23, no. 1 (2022): 99, <https://doi.org/10.30595/islamadina.v23i1.9700>.

³² A N Amir, "Manhaj Penafsiran Hamka: Telaah Ayat-Ayat Ahkam Dalam Konteks Keindonesiaan," *Peradaban Journal of Religion and Society* 2, no. 1 (2023): 20–31.

³³ Sulhi M. Daud, Mohamad Rapik, and Yulia Monita, "Dinamika Status Hukum Perkawinan Beda Agama Dalam Perspektif Fikih Indonesia," *Undang: Jurnal Hukum* 5, no. 2 (2022): 357–91, <https://doi.org/10.22437/ujh.5.2.357-391>.

³⁴ Ajub Ishak, "Posisi Hukum Islam Dalam Hukum Nasional Di Indonesia Islamic (Law Existence In National Law Of Indonesia)," *Jurnal Al-Qadaw: Peradilan Dan Hukum Keluarga Islam* 04, no. 01 (2017): 57–70.

³⁵ Zaka Firma Aditya, "Romantisme Sistem Hukum Di Indonesia : Kajian Atas Kontribusi Hukum Adat Dan Hukum Islam Terhadap Pembangunan Hukum Di Indonesia," *Jurnal Rechts Vinding: Media Pembinaan Hukum Nasional* 8, no. 1 (2019): 37, <https://doi.org/10.33331/rechtsvinding.v8i1.305>.

³⁶ Aditya.

economic and technological developments.³⁷ This is an indicator that Islamic law in Indonesia always adapts to the changing times and the needs of society. Therefore, the existence of fiqh is not only about maintaining tradition but also serves as a tool to revolutionize and apply laws that are relevant to the contemporary context. The doctrine and existence of fiqh in Indonesia as a source of Islamic law is a manifestation of the dynamic interaction between classical texts, local practices and global changes. With the support of scholars and educational traditions, Islamic law transformed into a vital element in the national legal system, facing challenges and remaining relevant in the times.³⁸

In the context of civil case settlement in the Religious Courts, the role of judges is critical to ensure that the legal process is implemented fairly and efficiently. Judges in the Religious Courts not only function as decision makers but also act as mediators and directors in terms of mediation, as set out in the Mediation provisions by the Supreme Court.

One of the key aspects of the judge's role is the implementation of an agreement for mediation before the case is decided. In many Religious Courts, civil cases, especially those relating to divorce, are required to go through a mediation process. Sunarsi explains that any judge's decision that does not go through mediation first is considered null and void.³⁹ This illustrates that judges are not only authorized to decide but also play an active role in encouraging an amicable settlement between the litigants.

In the mediation process, judges try to create and maintain an atmosphere conducive to communication between the parties. As revealed by Sariffudin and Fida, the efforts of judges as mediators in this regard can be very effective, especially in handling divorce cases.⁴⁰ Their research shows that the success of mediation can be greatly influenced by the active involvement of judges. This indicates that the role of judges in mediation is not only administrative, but also very substantive in helping to resolve disputes.

In addition, judges are also responsible for examining the evidence and testimony presented by the parties. Zulfikar and Rahman emphasize that witness evidence is an important basis for judges' decision-making in the Religious Courts, especially in divorce cases.⁴¹ The evidentiary process carried out before the judge becomes an important verification tool in resolving conflicts.

³⁷ Mersi Hayati et al., "Perkembangan Fikih Muamalah Konteks Transaksi Elektronik," *Al-Fiqh: Journal of Islamic Studies* 2, no. 1 (2024): 18–28, <https://doi.org/10.59996/al-fiqh.v2i1.370>; Hasanudin and Yaqin, "The Transformation of Ijārah: From Fiqh to Syariah Banking Products"; Hasanudin, "Kontroversi Hukum Asuransi: Studi Tentang Argumen Mustafa Ahmad Al-Zarqa Dalam Pembolehan Asuransi," *Al-Manahij: Jurnal Kajian Hukum Islam* XII, no. 1 (2018): 87–104; Mun'im et al., "Revisioning Official Islam in Indonesia: The Role of Women Ulama Congress in Reproducing Female Authority in Islamic Law."

³⁸ Yazid, Sugitanata, and Aminah, "Memetakan Cakrawala Intelektual Menggali Teori Ushul Fikih Yudian Wahyudi Dan Wahbah Zuhaili"; Sukarni, "Paradigma Bermazhab Pondok Pesantren Di Kalimantan Selatan"; Daud, Rapik, and Monita, "Dinamika Status Hukum Perkawinan Beda Agama Dalam Perspektif Fikih Indonesia"; Ikhsan and Iskandar, "Histori Fikih Islam: Faktor-Faktor Pertumbuhan, Kebekuan Dan Reformasi"; Aditya, "Romantisme Sistem Hukum Di Indonesia : Kajian Atas Kontribusi Hukum Adat Dan Hukum Islam Terhadap Pembangunan Hukum Di Indonesia"; Hayati et al., "Perkembangan Fikih Muamalah Konteks Transaksi Elektronik."

³⁹ Dessy Sunarsi, Yuherman Yuherman, and Sumiyati Sumiyati, "Efektifitas Peran Mediator Non Hakim Dalam Penyelesaian Perkara Perceraian Di Pengadilan Agama Kelas 1a Pulau Jawa," *Jurnal Hukum Media Bhakti* 2, no. 2 (2018): 138–51, <https://doi.org/10.32501/jhmb.v2i2.32>.

⁴⁰ Anas Sariffudin and MIRKH Imanuddin Abil Fida, "Efektivitas Upaya Hakim Sebagai Mediator Dalam Penyelesaian Mediasi Perkara Perceraian Di Pengadilan Agama Kota Probolinggo Kelas I B," *Usrah: Jurnal Hukum Keluarga Islam* 4, no. 1 (2023): 1–16.

⁴¹ Faisal Zulfikar and Arif Rahman, "Kekuatan Testimonium De Auditu Pada Pembuktian Perkara Perceraian Di Pengadilan Agama," *Al-IHKAM: Jurnal Hukum Keluarga Jurusan Ahwal Al-Syakhsbiyyah Fakultas Syariah IAIN Mataram* 13, no. 1 (2021): 57–70, <https://doi.org/10.20414/alihkam.v13i1.3482>.

Dewi emphasized the importance of judges in conducting mediation and facilitating agreements between conflicting parties, to maintain the integrity of the decisions taken.⁴² This emphasizes the strategic role of judges in achieving substantive justice in the Religious Courts. Judges also need to act in a broader context, considering the social and cultural impact of their decisions. As Puhi et al. point out, it is important to ensure that the process judges go through - from evidence to decision - provides legal certainty that is fair and relevant to society.⁴³ Judges' performance in decision-making can reflect social justice values in the wider community. The role of judges in the settlement of civil cases in the Religious Courts includes functions as mediators, decision-makers, and directors in the mediation process. Judges are responsible for ensuring that case resolution is not only based on legal considerations but also touches on relevant human and social aspects.⁴⁴

***Al-Kutub al-Mu'tabarab* in the Resolution of Sharia Economic Cases at the Purbalingga Religious Court**

The *kutub mu'tabarab* (recognized classical Islamic texts) are authoritative classical works in the Islamic realm and have long served as primary references in both Islamic education and law in Indonesia. These texts, which encompass disciplines ranging from *fiqh* (Islamic jurisprudence), *tauhid* (theology), to ethics and *tasawwuf* (Sufism), play a vital role in preserving the Islamic scholarly identity in the archipelago. According to Hasan, the popularization of these books reflects the continuity of a deeply rooted scholarly tradition in Nusantara's history. As such, these books are not merely educational texts but also symbols of the dynamic richness of Islamic thought.⁴⁵ This underscores the importance of *al-kutub al-mu'tabarab* as a bridge between traditional heritage and contemporary challenges in Indonesia.

In the educational environment of Islamic boarding schools (*pesantren*), these classical texts serve as the primary references for imparting Islamic values to students (*santri*). As stated in the study by Rohana et al., these texts include the works of prominent scholars who aim to strengthen the understanding of fundamental principles of *fiqh*, *tauhid*, and spiritual ethics, thus shaping both character and a holistic religious understanding.⁴⁶ The inclusion of *kutub mu'tabarab* in the *pesantren* curriculum not only ensures the continuity of Islamic scholarly tradition but also adapts these values to remain relevant within current social and legal contexts. Consequently, these texts play a multidimensional role, encompassing education, character development, and the practical application of Islamic values.

Furthermore, *kutub mu'tabarab* also play a central role in the formation of Indonesia's legal and normative systems. Avivy explains that the network of Hadith scholarship compiled

⁴² Sartika Dewi, "Proses Mediasi Dalam Perkara Perceraian Di Pengadilan Agama Karawang Dihubungkan Dengan Peraturan Mahkamah Agung Tahun 2016 Tentang Prosedur Mediasi Di Pengadilan," *Justisi Jurnal Ilmu Hukum* 5 (2020): 26–42, <https://doi.org/10.36805/jjih.v5i1.1268>.

⁴³ Oyaldi Puhi et al., "Urgensi Beracara Di Pengadilan Perdata Terhadap Hukum Acara Perdata," *Pleno Jure* 10, no. 1 (2021): 25–37, <https://doi.org/10.37541/plenojure.v10i1.554>.

⁴⁴ Sunarsi, Yuherman, and Sumiyati, "Efektifitas Peran Mediator Non Hakim Dalam Penyelesaian Perkara Perceraian Di Pengadilan Agama Kelas 1a Pulau Jawa"; Sariffudin and Imanuddin Abil Fida, "Efektivitas Upaya Hakim Sebagai Mediator Dalam Penyelesaian Mediasi Perkara Perceraian Di Pengadilan Agama Kota Probolinggo Kelas I B"; Zulfikar and Rahman, "Kekuatan Testimonium De Auditu Pada Pembuktian Perkara Perceraian Di Pengadilan Agama"; Dewi, "Proses Mediasi Dalam Perkara Perceraian Di Pengadilan Agama Karawang Dihubungkan Dengan Peraturan Mahkamah Agung Tahun 2016 Tentang Prosedur Mediasi Di Pengadilan"; Puhi et al., "Urgensi Beracara Di Pengadilan Perdata Terhadap Hukum Acara Perdata."

⁴⁵ In'amul Hasan, "Popularisasi Ihya Ulumuddin Di Nusantara : Melacak Akar Historis Melalui Sudut Pandang," *Muasarah: Jurnal Kajian Islam Kontemporer* 3, no. 1 (2021): 28–35.

⁴⁶ Rohana Rohana, Widiastuti Furbani, and Iwin Ardyawin, "Literatur Keislaman Dalam Pendidikan Pondok Pesantren (Studi Di Madrasah Diniyah Nurul Islam Dasan Baru, Murbaye, Lombok Tengah)," *Jurnal Ulul Albab* 22, no. 2 (2018): 52–60, <https://doi.org/10.31764/jua.v22i1.586>.

in these books has helped disseminate comprehensive knowledge of Hadith and Islamic law, providing a strong normative foundation for religious practice and legal enforcement.⁴⁷ The integration of ethical and normative values conveyed by these texts with modern legal policies creates a balance between tradition and contemporary developments. Therefore, *ketub mu'tabarab* function not only as sources of spiritual and scholarly education but also as foundational references in formulating and implementing Islamic legal principles within Indonesia's societal context. In addition, *al-keutub al-mu'tabarab* also play a vital role in shaping Indonesian law based on Islamic legal sources.⁴⁸

Fiqh texts hold a crucial role in resolving cases at the Religious Courts, especially in the context of sharia economic disputes in Indonesia. *Fiqh*, as a branch of Islamic jurisprudence, provides clear guidelines and rules regarding many aspects of life, including economic transactions, banking, and entrepreneurship. The Religious Courts refer to well-established legal maxims that are widely accepted within the Muslim community, with works such as those by Imam al-Shafi'i serving as key references. In this context, judges at the Religious Courts often refer to *fiqh* principles to resolve disputes related to sharia economics, affirming that *fiqh* texts serve as a normative foundation for the prevailing legal processes.

In resolving sharia economic disputes, the Religious Court holds clear authority based on Law No. 3 of 2006 and Law No. 50 of 2009, which empower this institution to adjudicate cases related to the sharia economy. Therefore, the role of the court includes not only resolving disputes but also upholding justice based on sharia values as contained in *fiqh* texts. In this way, the court functions not only as a body that issues rulings but also as an institution that establishes consistent legal references in sharia economic matters as part of broader efforts toward legislative development and legal reform in Indonesia.⁴⁹

Furthermore, there are various mechanisms for dispute resolution in the context of sharia economics, both through litigation and non-litigation pathways. The litigation route refers to case resolution through the Religious Court, while non-litigation options include alternative dispute resolution methods such as deliberation (*musyawarah*), mediation, and arbitration.⁵⁰ Alternative Dispute Resolution (ADR) institutions, such as the National Sharia Arbitration Board (*Badan Arbitrase Syariah Nasional* or BASYARNAS), also play a vital role in providing solutions to disputes that arise within the sharia economic system. From this perspective, *fiqh* texts serve as references for formulating sharia-compliant resolution methods, considering that successful dispute resolution depends not only on legal aspects but also on the moral and ethical principles upheld by society.⁵¹

As a result of the interaction between positive law and *fiqh* principles, courts are also faced with challenges in applying laws that are compatible with the modern context. In this

⁴⁷ Ahmad Levi Fachrul Avivy, "Jaringan Keilmuan Hadis Dan Karya-Karya Hadis Di Nusantara," *Journal Hadis* 8, no. 16 (2018): 63–82.

⁴⁸ 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>; Achmad Fikri Oslami, "Kedudukan Pengadilan Agama Dan Basyarnas Dalam Menyelesaikan Sengketa Ekonomi Syariah," *At-Tasyri: Jurnal Ilmiah Prodi Muamalah* 14, no. 1 (2022): 27–40, <https://doi.org/10.47498/tasyri.v14i1.860>.

⁴⁹ Husni Kamal, "Analisis Penyelesaian Sengketa Ekonomi Syariah Pasca Putusan MK No. 93/PUU-X/2012," *Al Masbaadil Jurnal Ilmu Syariah* 1, no. 1 (2019): 1–11; 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>.

⁵⁰ Neni Hardiati and Ayi Yunus Rusyana, "Penyelesaian Konflik Ekonomi Syariah Melalui Jalur Non Litigasi Dalam Perspektif Teori Masalah Al-Syaitibi," *Jurnal Hukum Ekonomi Syariah* 5, no. 02 (2021): 157–70, <https://doi.org/10.26618/j-hes.v5i02.5943>.

⁵¹ Andria Luhur Prakoso, "Tinjauan Terhadap Arbitrase Syariah Sebagai Alternatif Penyelesaian Sengketa Di Bidang Perbankan Syariah," *Jurnal Jurisprudence* 7, no. 1 (2017): 59–67, <https://doi.org/10.23917/jurisprudence.v7i1.4356>.

regard, there is a pressing need for procedural law reform to better align with the substantive principles grounded in sharia.⁵² This includes developing a legal system that integrates reconciliation by ensuring that judicial processes allow for proactive approaches in resolving economic disputes. Such adjustments are crucial to ensure that the decisions made are not only legally valid but also fair and acceptable to the parties involved.⁵³

Disputes in Indonesia's sharia economic system cannot be separated from the broader social and economic developments that also influence prevailing norms and regulations. Given the diversity of economic practices in society, a comprehensive approach is needed in analyzing and applying *fiqh* within a context that aligns with current dynamics.⁵⁴ Therefore, religious courts, in resolving sharia economic disputes, must be capable of adapting to social changes, so that they function not merely as formal legal institutions, but also as bodies that can accommodate various social backgrounds and the needs of the broader community.

In relation to the resolution of a sharia economic dispute at the Purbalingga Religious Court, this study examines case decision No. 1047/Pdt.G/2006/PA.Pbg. This case was filed on November 26, 2006, approximately six months after the enactment of Law No. 3/2006 on the Religious Courts, which mandates the Religious Court to adjudicate sharia economic matters. The case involved a financing agreement (*musyarakah*) in which, on July 20, 2005, the defendant received funds intended for a business venture involving palm sugar and grocery store. However, the defendant failed to use the funds in accordance with the contract. Additionally, the defendant defaulted on installment payments, with the following amounts: IDR 29,080,000 in principle, IDR 7,729,569 in penalty (*ta'widh*), and IDR 262,000 in mortgage deed costs (Akta Pemberian Hak Tanggungan/APHT), totaling IDR 37,071,569. The defendant was absent from the proceedings, allowing the judge to rule in absentia.

In issuing the ruling, the judge drew from various legal sources, including classical *fiqh* texts (*al-kutub al-mu'tabarah*), popular Islamic books, and contemporary scholars, covering both procedural and substantive law. One key reference was *I'ānah al-Ṭālibin* by Zainuddin al-Malibari, which was cited regarding procedural law. Al-Malibari affirms that a judge may issue a verdict if the defendant is hiding (*tawārī*) or deliberately avoids appearing (*ta'awuz*), provided the plaintiff presents strong evidence.⁵⁵ This concept mirrors Article 125 of the HIR (Herziene Indonesisch Reglement), which permits judgments in the absence of a defendant without valid reasons. The judge also cited *al-Fiqh al-Islāmi wa Adillatuh* by Wahbah al-Zuhaili,⁵⁶ particularly

⁵² Hudawati, "Problematisasi Hukum Formil Penyelesaian Sengketa Ekonomi Syariah Di Pengadilan Agama"; A. Afwan Rosyidi, "Kesadaran Hukum Lembaga Keuangan Syariah Atas Kewenangan Absolut Pengadilan Agama Dalam Menyelesaikan Sengketa Ekonomi Syariah," *Journal of Islamic Business Law* 7, no. 4 (2023): 1–19, <https://doi.org/10.18860/jibl.v7i4.3458>.

⁵³ Hariyanto, "Penyelesaian Sengketa Ekonomi Syariah Di Indonesia."

⁵⁴ Nurul Pratiwi et al., "Analisis Sistem Ekonomi Pada Masa Rasulullah Sebagai Role Model Ekonomi Syariah Pada Era Modern," *Jurnal Adz-Dzahab: Jurnal Ekonomi Dan Bisnis Islam* 8, no. 2 (2023): 153–66, <https://doi.org/10.47435/adz-dzahab.v8i2.2215>; Mohamad Nur Yasin, "Reformasi Hukum Ekonomi Islam Di Indonesia Studi Klausula Penyelesaian Sengketa Ekonomi Syariah Dalam Fatwa Dewan Syariah Nasional 2000-2017," *Istinbāth: Jurnal Hukum Dan Ekonomi Islam* 16, no. 1 (2017): 241–64.

⁵⁵ (والقضاء على غائب) عن البلد وإن كان في غير عمله أو عن المجلس بتوار أو تعزز (جائز) في غير عقوبة الله تعالى (إن كان لمدح حجة. زين الدين أحمد بن عبد العزيز بن زين الدين بن علي بن أحمد المعبري الملباري, فتح المعين بشرح قرة العين (بيروت: دار الفكر للطباعة والنشر والتوزيع, 1997), 273-4.

⁵⁶ يجوز الفسخ لعدم تنفيذ الطرف الآخر التزامه في حالة خيار النقد, كما تقدم. ويجوز الفسخ بسبب استحالة التنفيذ لآفة سماوية (قوة قاهرة أو ظروف طارئة بتعبير القانونيين) وذلك في عقد البيع في حالة هلاك المبيع قبل التسليم. أي في يد البائع قبل أن يتسلمه المشتري, وفي عقد الإجارة في حالة طرء أضرار من جانب المؤجر أو المستأجر أو العين المؤجرة عند الحنفية, كالحق دين فادح بالمؤجر لا سبيل لوفائه إلا ببيع المأجور وأداء

regarding contract annulment. Al-Zuhaili explains that a transaction may be resolved through annulment if the contract is invalid or unfulfilled by the parties involved.⁵⁷ In this case, the judge determined that the defendant did not fulfill the contract by using the funds for purposes not agreed upon. Other Islamic legal sources cited included Qur'an Surah al-Ma'idah [5:1], which emphasizes the obligation to fulfill agreements, and Hadiths reported by Abu Dawud, Ahmad, al-Tirmidhi, and al-Daraqutni.⁵⁸

In this case, the judge annulled the contract as requested by the plaintiff, ruled partially in favor of the plaintiff, and ordered the defendant to pay the outstanding obligation, including the *ta'widh* penalty and *APHT* fee. Notably, the plaintiff did not explicitly request the annulment of the contract. However, the judge deemed it necessary due to the defendant's breach, asserting that the annulment was justified despite the plaintiff's limited legal knowledge. Thus, the judge sought to interpret and apply Islamic legal principles to a sharia economic transaction in a way that was not explicitly demanded. The case was approved by a panel of judges consisting of Drs. Ma'Muri, S.H. as presiding judge, Drs. Bajuri Musthofa, S.H., and Drs. H. Nangim, M.H. as associate judges, with Moh. Farhudin is serving as the recording clerk.

In connection with Max Weber's theory, during the early implementation of Law No. 3/2006 on the Religious Courts—at a time when specific legal sources for sharia economic disputes were not yet well-developed—the *al-kutub al-mu'tabarab* held authoritative status. Weber's theory of authority is highly relevant in the context of *al-kutub al-mu'tabarab*, also known as the *kitab kuning*. These texts are vital references in Islamic education and legal practice in Indonesia. Weber categorized authority into three types: traditional, rational-legal, and charismatic. In the context of the *kitab kuning*, emphasis falls on traditional authority, in which these texts represent knowledge and practices passed down through generations of Islamic tradition. In fact, the decision in case No. 1047/Pdt.G/2006/PA.Pbg. heavily relied on the views of recognized classical scholars in *fiqh muamalah* as a means of filling legal gaps. It is in this legal vacuum that the *kutub mu'tabarab* gained indirect authority in shaping the principles of sharia.

Conclusion

The enactment of Law No. 3/2006, which amended Law No. 7/1989 on the Religious Courts, mandated the Religious Courts to resolve cases related to sharia economic matters. The lack of specific legal provisions in sharia economics has necessitated the exercise of *ijtihad* by judges in resolving such disputes. The case of economic dispute No. 1047/Pdt.G/2006/PA. Pbg. demonstrates the pivotal role of the opinions of *fuqaha* found in *al-kutub al-mu'tabarab* (recognized classical Islamic texts) in shaping the resolution of sharia economic cases at the Purbalingga Religious Court at that time. In line with Max Weber's theory, the *kitab kuning* or *al-kutub al-mu'tabarab* holds a special status and strong authority in the hands of judges. As a result, the decisions rendered are deeply rooted in the principles of

الدين من ثمنه، وإفلاس المستأجر، أو انتقاله من حرفة إلى حرفة، وهجرة أهل القرية بعد استئجار حمام في قرية ليستغله المنتفع المستأجر. وهبة الزحيلي، الفقه الإسلامي وأدلته (سورية: دار الفكر المعاصر، ٢٠٠٧)، ٣١٣٣:٤.

⁵⁷ Hasanudin Hasanudin and Fatimatuzzahro Fatimatuzzahro, "The Implementation of Lineage Determination Methods in Illegal Marriages Based on Wahbah Al-Zuhaili in the Determination of Banjarbaru Religious Court No. 80/Pdt.P/2017/PA.Bjb," *Al-Abkam* 18, no. 2 (2023): 54–59, <https://doi.org/10.37035/ajh.v18i2.6618>.

⁵⁸ حَدَّثَنَا الْحَسَنُ بْنُ عَلِيٍّ الْحَلَّالُ قَالَ: حَدَّثَنَا أَبُو عَامِرٍ الْعَقَدِيُّ قَالَ: حَدَّثَنَا كَثِيرٌ بْنُ عَبْدِ اللَّهِ بْنِ عَمْرٍو بْنِ عَوْفِ الْمُرَيْزِيِّ، عَنْ أَبِيهِ، عَنْ جَدِّهِ، أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ: «الصُّلْحُ جَائِزٌ بَيْنَ الْمُسْلِمِينَ، إِلَّا صُلْحًا حَرَّمَ حَلَالًا، أَوْ أَحَلَّ حَرَامًا، وَالْمُسْلِمُونَ عَلَى شُرُوطِهِمْ، إِلَّا شَرْطًا حَرَّمَ حَلَالًا، أَوْ أَحَلَّ حَرَامًا»: هَذَا حَدِيثٌ حَسَنٌ صَحِيحٌ. محمد بن عيسى بن سورة بن موسى بن الضحاك، الترمذي، سنن الترمذي (مصر: شركة مكتبة ومطبعة مصطفى البابي الحلبي وأولاده بمصر، ١٩٧٥)، ٦٧٦:٤.

fiqh mu'amalah, which are already widely accepted and followed by the Muslim community in Indonesia.

References

- Achmad Fikri Oslami. "Kedudukan Pengadilan Agama Dan Basyarnas Dalam Menyelesaikan Sengketa Ekonomi Syariah." *At-Tasyri': Jurnal Ilmiah Prodi Muamalah* 14, no. 1 (2022): 27–40. <https://doi.org/10.47498/tasyri.v14i1.860>.
- Aditya, Zaka Firma. "Romantisme Sistem Hukum Di Indonesia : Kajian Atas Kontribusi Hukum Adat Dan Hukum Islam Terhadap Pembangunan Hukum Di Indonesia." *Jurnal Rechts Vinding: Media Pembinaan Hukum Nasional* 8, no. 1 (2019): 37. <https://doi.org/10.33331/rechtsvinding.v8i1.305>.
- Alfitri. "Bureaucratizing Fatwā in Indonesia: The Council of Indonesian Ulama and Its Quasi-Legislative Power." *Ulumuna* 24, no. 2 (2020): 367–97. <https://doi.org/10.20414/ujs.v24i2.412>.
- . "Whose Authority? Contesting and Negotiating the Idea of a Legitimate Interpretation of Islamic Law in Indonesia." *Asian Journal of Comparative Law* 10, no. 2 (2015): 191–212. <https://doi.org/10.1017/asjcl.2016.1>.
- Amir, A N. "Manhaj Penafsiran Hamka: Telaah Ayat-Ayat Ahkam Dalam Konteks Keindonesiaan." *Peradaban Journal of Religion and Society* 2, no. 1 (2023): 20–31.
- Asy, Moh. "Kompilasi Hukum Islam Sebagai Fiqh Lintas Madzhab Di Indonesia." *Al-Ihkam: Jurnal Hukum Dan Pranata Sosial* 7, no. 2 (2012): 1–13.
- Atikah, Ika. "Eksistensi Kompilasi Hukum Ekonomi Syariah (KHES) Sebagai Pedoman Hakim Dalam Menyelesaikan Perkara Ekonomi Syariah Di Pengadilan Agama." *MUAMALATUNA* 9, no. 2 (2017): 143–62.
- Atmo Prawiro. "Kelemahan Fatwa Dan Kompilasi Hukum Ekonomi Syariah Dalam Kebijakan Legislasi Ekonomi Di Indonesia." *Jurnal Al-Ashriyyah* 2, no. 1 (2016): 151–91.
- Avivy, Ahmad Levi Fachrul. "Jaringan Keilmuan Hadis Dan Karya-Karya Hadis Di Nusantara." *Journal Hadis* 8, no. 16 (2018): 63–82.
- Bilalu, Naskur, Ridwan Jamal, Nurlaila Harun, and Syahrul Mubarak Subeitan. "Compilation of Islamic Law as Judge's Consideration at a Religious Court in North Sulawesi, Indonesia." *Samarah* 6, no. 2 (2022): 514–36. <https://doi.org/10.22373/sjhk.v6i2.12441>.
- Daud, Sulhi M., Mohamad Rapik, and Yulia Monita. "Dinamika Status Hukum Perkawinan Beda Agama Dalam Perspektif Fikih Indonesia." *Undang: Jurnal Hukum* 5, no. 2 (2022): 357–91. <https://doi.org/10.22437/ujh.5.2.357-391>.
- Dewi, Sartika. "Proses Mediasi Dalam Perkara Perceraian Di Pengadilan Agama Karawang Dihubungkan Dengan Peraturan Mahkamah Agung Tahun 2016 Tentang Prosedur Mediasi Di Pengadilan." *Justisi Jurnal Ilmu Hukum* 5 (2020): 26–42. <https://doi.org/10.36805/jjih.v5i1.1268>.
- Fadzlurrahman, Fadzlurrahman, and Muna Yastuti Madrah. "Paradigma Baru Dalam Pelaksanaan E-Court Di Peradilan Agama Ditinjau Dari Teori Efektifitas Hukum." *Adhki: Journal of Islamic Family Law* 4, no. 2 (2023): 115–30. <https://doi.org/10.37876/adhki.v4i2.114>.
- Faisal. "Histori Pemberlakuan Peradilan Agama Era Kerajaan Islam Dan Penjajahan Di Indonesia." *Al-Qadhā* 6, no. 1 (2019): 30–41.

- Gunawan, Edi. "Eksistensi Kompilasi Hukum Islam Di Indonesia." *Jurnal Ilmiah Al-Syir Ab*, 2016. <https://doi.org/10.30984/as.v8i1.39>.
- Haetami, Enden. "Islamic Law Enforcement Through Religious Courts in Indonesia." *ENDLESS: International Journal of Future Studies* 2, no. 2 (2019): 71–81. <https://doi.org/10.54783/endllessjournal.v2i2.105>.
- Hafizd, Jefik Zulfikar. "Sejarah Hukum Islam Di Indonesia: Dari Masa Kerajaan Islam Sampai Indonesia Modern." *Jurnal Tamaddun: Jurnal Sejarah Dan Kebudayaan Islam* 9, no. 1 (2021): 165–84.
- Hardiati, Neni, and Ayi Yunus Rusyana. "Penyelesaian Konflik Ekonomi Syariah Melalui Jalur Non Litigasi Dalam Perspektif Teori Masalah Al-Syaitibi." *Jurnal Hukum Ekonomi Syariah* 5, no. 02 (2021): 157–70. <https://doi.org/10.26618/j-hes.v5i02.5943>.
- 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>.
- Hasan, In'amul. "Popularisasi Ihya Ulumuddin Di Nusantara : Melacak Akar Historis Melalui Sudut Pandang." *Muasarah: Jurnal Kajian Islam Kontemporer* 3, no. 1 (2021): 28–35.
- Hasan, Muhammad. "Construction of Modern Islamic Inheritance Law Based on Ijtihad of the Judges at the Religious Court of Pontianak, West Kalimantan." *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 7, no. 2 (2023): 650–68. <https://doi.org/10.22373/sjhc.v7i2.8852>.
- Hasanudin. "Construction Development of Financing Contract in Sharia Bank in Indonesia System Approach Perspective in Maqasid Sharia Jasser Auda." *Al-'Adalah: Jurnal Syariah Dan Hukum Islam* 6, no. 2 (2021): 229–47.
- . "Kontroversi Hukum Asuransi: Studi Tentang Argumen Mustafa Ahmad Al-Zarqa Dalam Pembolehan Asuransi." *Al-Manabij: Jurnal Kajian Hukum Islam* XII, no. 1 (2018): 87–104.
- Hasanudin, Hasanudin. "Transformasi Fiqh Mawaris Dalam Kompilasi Hukum Islam Di Indonesia." *Islamadina: Jurnal Pemikiran Islam* 22, no. 1 (2021): 43. <https://doi.org/10.30595/islamadina.v22i1.8942>.
- Hasanudin, Hasanudin, and Fatimatuzzahro Fatimatuzzahro. "The Implementation of Lineage Determination Methods in Illegal Marriages Based on Wahbah Al-Zuhaily in the Determination of Banjarbaru Religious Court No. 80/Pdt.P/2017/PA.Bjb." *Al Abkam* 18, no. 2 (2023): 54–59. <https://doi.org/10.37035/ajh.v18i2.6618>.
- Hasanudin, Hasanudin, and Viany Rahmawati. "Restructuring of Finance Problem in Islamic Banks between Fiqh and the Fatwa of DSN MUI." *International Journal of Social Science and Religion (IJSSR)*, 2021, 251–70. <https://doi.org/10.53639/ijssr.v2i3.50>.
- 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, Kamsi, and Ahmad Yani Anshori. "The Contestation of Legal Foundations in the Resolution of Islamic Economic Disputes in Religious Courts." *Al-Manabij: Jurnal Kajian Hukum Islam* 18, no. 2 (2024): 271–88. <https://doi.org/10.24090/mnh.v18i2.11934>.
- Hayati, Mersi, Dea Mitra Ayu, Ewit, Nurva, Marinda, and Sulastri. "Perkembangan Fikih

- Muamalah Konteks Transaksi Elektronik.” *Al-Fiqh: Journal of Islamic Studies* 2, no. 1 (2024): 18–28. <https://doi.org/10.59996/al-fiqh.v2i1.370>.
- Helmi, Muhammad. “Kedudukan Kompilasi Hukum Islam Dalam Tata Urutan Perundang-Undangan Di Indonesia.” *MAZAHIB* 15, no. 1 (2016): 139–50. <https://doi.org/10.21093/mj.v15i1.616>.
- Hermansyah, Hermansyah. “Interpretasi Asas Mempersulit Perceraian Dalam Perspektif Hukum Islam.” *As-Syar'i: Jurnal Bimbingan & Konseling Keluarga* 6, no. 1 (2024): 1110–21. <https://doi.org/10.47467/as.v6i1.6307>.
- Hermawan, Dadang, and Sumardjo. “Kompilasi Hukum Islam Sebagai Hukum Meteriil Peradilan Agama.” *Yudisia* 6 (2015): 25–46.
- Herviani, Femilya, Erfaniah Zuhriah, and Raden Cecep Lukman Yasin. “Pertimbangan Hakim Dalam Pemberian Dispensasi Nikah Perspektif Teori Sistem Hukum Lawrence M. Friedman Di Pengadilan Agama Malang.” *Jurnal Intelektualita: Keislaman, Sosial Dan Sains* 11, no. 1 (2022): 117–27. <https://doi.org/10.19109/intelektualita.v11i1.10684>.
- Hidayat, Riyan Erwin. “Poligami Menurut Wahbah Az-Zuhaili Dan Muhammad Syahrur.” *Jurnal Tana Mana* 1, no. 2 (2021): 102–10. <https://doi.org/10.33648/jtm.v1i2.107>.
- 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>.
- Ikhsan, Muhammad, and Azwar Iskandar. “Histori Fikih Islam: Faktor-Faktor Pertumbuhan, Kebekuan Dan Reformasi.” *Islamadina: Jurnal Pemikiran Islam* 23, no. 1 (2022): 99. <https://doi.org/10.30595/islamadina.v23i1.9700>.
- 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.
- Ishak, Ajub. “Posisi Hukum Islam Dalam Hukum Nasional Di Indonesia Islamic (Law Existence In National Law Of Indonesia).” *Jurnal Al-Qadau: Peradilan Dan Hukum Keluarga Islam* 04, no. 01 (2017): 57–70.
- Kamal, Husni. “Analisis Penyelesaian Sengketa Ekonomi Syariah Pasca Putusan MK No. 93/PUU-X/2012.” *Al Mashaadir Jurnal Ilmu Syariah* 1, no. 1 (2019): 1–11.
- Khalid MD, Moh. Muafiqul, Aldi Hidayat, Muhammad Alan Juhri, and Elvina Lintang Solehah. “Tracing The Trialectic: The Process and Influence of Three Laws in The Establishment of Religious Courts in Indonesia.” *Justicia Islamica* 21, no. 1 (2024): 137–54. <https://doi.org/10.21154/justicia.v21i1.8741>.
- Lahilote, Hasyim Sofyan, and Moh. Fitri Adam. “Eksistensi Basyarnas Dalam Penyelesaian Sengketa Perbankan Syariah Di Indonesia.” *Al-'Aqdu: Journal of Islamic Economics Law* 1, no. 2 (2021): 96. <https://doi.org/10.30984/ajiel.v1i2.1808>.
- M. Taufiq. “Konsep Dan Sumber Hukum: Analisis Perbandingan Sistem Hukum Islam Dan Sistem Hukum Positif.” *Istidlal: Jurnal Ekonomi Dan Hukum Islam* 5, no. 2 (2021): 87–98. <https://doi.org/10.35316/istidlal.v5i2.348>.
- Mahkamah Agung Republik Indonesia. “Direktori Putusan.”

- <https://putusan3.mahkamahagung.go.id>, 2023.
<https://putusan3.mahkamahagung.go.id/direktori/index/pengadilan/pa-purbalingga/kategori/ekonomi-syariah-1.html>.
- Masud, Muhamad. "The Application Of Islamic Law At The Colonial Age And It's Implication For The Indonesian Religious Justice System." *Journal of Islamic Studies* 2, no. 2018 (1AD). <https://doi.org/https://doi.org/10.32506/jois.v1i2.459>.
- 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>.
- Nurlaelawati, Euis. *Modernization, Tradition and Identity; The Kompilasi Hukum Islam and Legal Practice in the Indonesian Religious Courts*. Amsterdam: Amsterdam University Press, 2010.
- Nurlaeli, Ida, and Hasanudin Hasanudin. "The Effect of Differences of Opinion on Bank Interest, Education Level and Spiritual Intelligence on the Decision to Choose a Sharia Bank in Banyumas." *IQTISHODUNA: Jurnal Ekonomi Islam* 12, no. 2 (2023): 417–30. <https://doi.org/10.54471/iqtishoduna.v12i2.2274>.
- Nursalam, Muhammad Shuhufi, and Lomba Sultan. "Peradilan Agama Di Indonesia Pasca UU No. 50 Tahun 2009 Tentang Perubahan Kedua Atas UU No. 7 Tahun 1989." *Ahkam: Jurnal Hukum Islam Dan Humaniora* 3, no. 2 (2024): 503–16.
- Pebrianto, Roni, Asasriwarni Asasriwarni, and Ikhwan Matondang. "The Contribution of L.W.C. Van Den Berg's Thoughts in Dutch Colonial Legal Politics on The Development of Religious Courts in Indonesia." *AJIS: Academic Journal of Islamic Studies* 7, no. 1 (2022): 45. <https://doi.org/10.29240/ajis.v7i1.3779>.
- Prakoso, Andria Luhur. "Tinjauan Terhadap Arbitrase Syariah Sebagai Alternatif Penyelesaian Sengketa Di Bidang Perbankan Syariah." *Jurnal Jurisprudence* 7, no. 1 (2017): 59–67. <https://doi.org/10.23917/jurisprudence.v7i1.4356>.
- Pratiwi, Nurul, Misbahuddin, Siradjuddin, Pipi Arviana, and Wiwik Permatasari. "Analisis Sistem Ekonomi Pada Masa Rasulullah Sebagai Role Model Ekonomi Syariah Pada Era Modern." *Jurnal Adz-Dzahab: Jurnal Ekonomi Dan Bisnis Islam* 8, no. 2 (2023): 153–66. <https://doi.org/10.47435/adz-dzahab.v8i2.2215>.
- Puhi, Oyaldi, Rustam Hs Akili, Ibrahim Ahmad, Roy Marthen Moonti, and Muten Nuna. "Urgensi Beracara Di Pengadilan Perdata Terhadap Hukum Acara Perdata." *Pleno Jure* 10, no. 1 (2021): 25–37. <https://doi.org/10.37541/plenojure.v10i1.554>.
- Purnama Putra, Royyan Eka. "Pengaruh Kompilasi Hukum Islam Dalam Perimbangan Hakim Di Pengadilan Agama Surakarta." *Journal of Law, Society, and Islamic Civilization* 10, no. 2 (2022): 140. <https://doi.org/10.20961/jolsic.v10i2.63926>.
- Putra, Wandri Sulya. "Bimbingan Keagamaan Bagi Remaja Guna Peningkatan Pemahaman Fikih Ibadah (Studi Di Majelis Daarul Ishlah Kelurahan Kelapa, Kecamatan Kelapa, Kabupaten Bangka Barat)." *Scientia: Jurnal Hasil Penelitian* 7, no. 1 (2022): 18–31. <https://doi.org/10.32923/sci.v7i1.1711>.
- Rachmadhani, Fajar, Mualimin Mochammad Sahid, and Muchammad Ichsan. "The Use of Sadd Al-Dhari'Ah in Contemporary Islamic Family Law in Indonesia: Concept and Practice." *Malaysian Journal of Syariah and Law* 12, no. 1 (2024): 206–15.

- <https://doi.org/10.33102/mjssl.vol12no1.505>.
- Rachman, Abdul, Sri Tamara Devi, and Widi Astuti. "Peran Badan Arbitrase Syariah Nasional Majelis Ulama Indonesia (BASYARNAS-MUI) Dalam Mengatasi Sengketa Perbankan Syariah Di Indonesia." *Madani Syari'ah* 5, no. 2 (2022): 108–20. <https://doi.org/10.51476/madanisyariah.v5i2.385>.
- Rodliyah, Nunung, Elfa Murdiana, and Ricco Andreas. "Journal of Law and Regulation Governance Judicial Ijtihad in Religious Courts for Achieving Substantive Justice in Indonesia." *Journal of Law and Regulation Governance Judicial* 2, no. 12 (2024): 372–80.
- Rohana, Rohana, Widiastuti Furbani, and Iwin Ardyawin. "Literatur Keislaman Dalam Pendidikan Pondok Pesantren (Studi Di Madrasah Diniyah Nurul Islam Dasan Baru, Murbaye, Lombok Tengah)." *Jurnal Ulul Albab* 22, no. 2 (2018): 52–60. <https://doi.org/10.31764/jua.v22i1.586>.
- Rosyidi, A. Afwan. "Kesadaran Hukum Lembaga Keuangan Syariah Atas Kewenangan Absolut Pengadilan Agama Dalam Menyelesaikan Sengketa Ekonomi Syariah." *Journal of Islamic Business Law* 7, no. 4 (2023): 1–19. <https://doi.org/10.18860/jibl.v7i4.3458>.
- Sahrullah, Sahrullah. "Sistem Pembayaran Cash on Delivery (Cod) Pada E-Commerce Ditinjau Dari Maqashi Syariah." *Jesya* 6, no. 1 (2023): 972–80. <https://doi.org/10.36778/jesya.v6i1.1048>.
- Sariffudin, Anas, and MIRKH Imanuddin Abil Fida. "Efektivitas Upaya Hakim Sebagai Mediator Dalam Penyelesaian Mediasi Perkara Perceraian Di Pengadilan Agama Kota Probolinggo Kelas I B." *Usrah: Jurnal Hukum Keluarga Islam* 4, no. 1 (2023): 1–16.
- Sukarni, Sukarni. "Paradigma Bermazhab Pondok Pesantren Di Kalimantan Selatan." *MIQOT: Jurnal Ilmu-Ilmu Keislaman* 39, no. 1 (2015): 78–93. <https://doi.org/10.30821/miqot.v39i1.40>.
- Sulistiani, Siska Lis. "Perbandingan Sumber Hukum Islam." *Tahkim (Jurnal Peradaban Dan Hukum Islam)* 1, no. 1 (2018): 102–16. <https://doi.org/10.29313/tahkim.v1i1.3174>.
- Sunarsi, Dessy, Yuherman Yuherman, and Sumiyati Sumiyati. "Efektifitas Peran Mediator Non Hakim Dalam Penyelesaian Perkara Perceraian Di Pengadilan Agama Kelas 1a Pulau Jawa." *Jurnal Hukum Media Bhakti* 2, no. 2 (2018): 138–51. <https://doi.org/10.32501/jhmb.v2i2.32>.
- Thoha, Mohammad. "Eksistensi Kitab Kuning Di Perguruan Tinggi Keagamaan Islam." *Nuansa: Jurnal Penelitian Ilmu Sosial Dan Keagamaan Islam* 16, no. 1 (2019): 56–64. <https://doi.org/10.19105/nuansa>.
- Yamani, Gasim, Muhammad Syarif, and Iin Magfirah. "Effectiveness of Islamic Law Compilation as Guidance at Religious Court of Palu City in Indonesia." *Global Journal of Political Science and Administration* 10, no. 2 (2022): 34–43. <https://doi.org/10.37745/gipsa.2013/vol10n2pp3443>.
- Yasin, Mohamad Nur. "Reformasi Hukum Ekonomi Islam Di Indonesia Studi Klausula Penyelesaian Sengketa Ekonomi Syariah Dalam Fatwa Dewan Syariah Nasional 2000-2017." *Istinbath: Jurnal Hukum Dan Ekonomi Islam* 16, no. 1 (2017): 241–64.
- Yazid, Afthon, Arif Sugitanata, and Siti Aminah. "Memetakan Cakrawala Intelektual Menggali Teori Ushul Fikih Yudian Wahyudi Dan Wahbah Zuhaili." *Tasyri' Journal of Islamic Law* 3, no. 1 (2024): 123–53.

Zainuddin, Muhammad. "Ijma Dan Qiyas Sebagai Sumber Hukum Dalam Ekonomi Syariah." *SANGAJI: Jurnal Pemikiran Syariah Dan Hukum* 6, no. 2 (2022): 01–17. <https://doi.org/10.52266/sangaji.v6i2.1124>.

Zulfikar, Faisal, and Arif Rahman. "Kekuatan Testimonium De Auditu Pada Pembuktian Perkara Perceraian Di Pengadilan Agama." *Al-IHKAM: Jurnal Hukum Keluarga Jurusan Ahwal Al-Syakshiyah Fakultas Syariah IAIN Mataram* 13, no. 1 (2021): 57–70. <https://doi.org/10.20414/alihkam.v13i1.3482>.

الترمذي, محمد بن عيسى بن سَوْرَة بن موسى بن الضحاك،. *سنن الترمذي*. مصر: شركة مكتبة ومطبعة مصطفى البابي الحلبي وأولاده بمصر، ١٩٧٥.

الزحيلي, وهبة. *الفقه الإسلامي وأدلته*. سورية: دار الفكر المعاصر، ٢٠٠٧.

المليباري, زين الدين أحمد بن عبد العزيز بن زين الدين بن علي بن أحمد المعبري. *فتح المعين بشرح قرّة العين*. بيروت: دار الفكر للطباعة والنشر والتوزيع، ١٩٩٧.