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## **Strengthening Judicial Authority In Sharia Economic Disputes: A Legal Study Of Indonesia's Religious Courts**

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### ***Abstract***

This study explores the legal and institutional dynamics of Sharia economic dispute resolution in Indonesia by analyzing the impact of Law No. 3 of 2006 and Law No. 50 of 2009 on the jurisdiction and functioning of the Religious Courts. In response to the rapid growth of Islamic finance, the study investigates how Indonesia's judiciary has adapted to accommodate Sharia-based commercial transactions. Using a normative-juridical approach and library-based legal research, the study evaluates primary legislation, court rulings, and relevant scholarly discourse. The findings show that Law No. 3 of 2006 significantly redefined the role of Religious Courts by formally granting them the authority to adjudicate Sharia economic disputes. Law No. 50 of 2009 further enhanced legal clarity and institutional capacity, thus fostering a supportive environment for Islamic finance. Despite these advancements, the implementation process faces persistent challenges. These include inadequate judicial training, underutilization of alternative dispute resolution methods, and procedural inconsistencies. The study also notes a lack of public trust in Religious Courts and insufficient integration between Sharia principles and national legal standards. The study concludes that while statutory reforms have laid a robust foundation comprehensive institutional and procedural adjustments are essential for ensuring legal certainty and promoting the legitimacy of Sharia economic dispute resolution. This research contributes to the growing discourse on Islamic legal reform and offers policy-relevant insights for harmonizing religious and national legal systems in pluralistic societies.

***Keywords:*** Islamic finance; legal reform; Religious Courts; Sharia economic law.

**Memperkuat Kewenangan Peradilan Dalam Sengketa Ekonomi Syariah: Studi Hukum Pengadilan Agama Indonesia****Abstrak**

Penelitian ini mengeksplorasi dinamika hukum dan kelembagaan dalam penyelesaian sengketa ekonomi Syariah di Indonesia dengan menganalisis dampak Undang-Undang No. 3 Tahun 2006 dan Undang-Undang No. 50 Tahun 2009 terhadap yurisdiksi dan fungsi Peradilan Agama. Menanggapi pertumbuhan pesat keuangan Syariah, penelitian ini menyelidiki bagaimana sistem peradilan Indonesia beradaptasi untuk mengakomodasi transaksi komersial berbasis Syariah. Dengan menggunakan pendekatan normatif-yuridis dan metode penelitian hukum kepustakaan, studi ini mengevaluasi peraturan perundang-undangan primer, putusan pengadilan, dan diskursus akademik yang relevan. Hasil penelitian menunjukkan bahwa Undang-Undang No. 3 Tahun 2006 secara signifikan merekonstruksi peran Peradilan Agama dengan secara resmi memberikan kewenangan untuk mengadili sengketa ekonomi Syariah. Undang-Undang No. 50 Tahun 2009 lebih lanjut meningkatkan kejelasan hukum dan kapasitas kelembagaan, sehingga menciptakan lingkungan yang mendukung bagi keuangan Syariah. Meskipun terdapat kemajuan ini, proses implementasi masih menghadapi berbagai tantangan. Tantangan tersebut mencakup pelatihan hakim yang belum memadai, minimnya pemanfaatan metode penyelesaian sengketa alternatif, serta inkonsistensi prosedural. Penelitian ini juga mencatat adanya kurangnya kepercayaan publik terhadap Peradilan Agama serta belum optimalnya integrasi antara prinsip-prinsip Syariah dan standar hukum nasional. Penelitian ini menyimpulkan bahwa meskipun reformasi legislasi telah membentuk fondasi yang kokoh, penyesuaian kelembagaan dan prosedural yang komprehensif tetap diperlukan untuk menjamin kepastian hukum dan meningkatkan legitimasi penyelesaian sengketa ekonomi Syariah. Kajian ini berkontribusi terhadap wacana yang berkembang mengenai reformasi hukum Islam dan memberikan wawasan kebijakan yang relevan dalam upaya harmonisasi antara sistem hukum agama dan nasional di masyarakat yang pluralistik.

**Kata Kunci:** keuangan Syariah; reformasi hukum; Peradilan Agama; hukum ekonomi Syariah.

**INTRODUCTION**

The global proliferation of Islamic finance has instigated profound legal and institutional transformations, particularly in countries with substantial Muslim populations. Indonesia, as the world's largest Muslim-majority nation, represents a significant case study in the evolution of legal systems to accommodate the burgeoning field of Islamic economic activity. The Sharia

economy in Indonesia has grown rapidly, encompassing banking, insurance, capital markets, and various commercial sectors. This growth, while indicative of institutional advancement, has also unveiled substantial legal challenges, especially regarding the resolution of disputes within a Sharia-compliant framework. These challenges have prompted policymakers and legal scholars to reevaluate the capacity and

structure of existing judicial bodies, notably the Religious Courts, in addressing such disputes. As Islamic financial transactions become increasingly complex, the necessity for legal certainty and institutional trust becomes ever more critical.

Recent literature highlights that the principal legal and institutional challenges in Indonesia's Sharia economic dispute resolution stem from ambiguities in jurisdiction, insufficient integration between religious and state law, and limited public confidence in adjudicative bodies. The enactment of Law No. 3 of 2006 marked a pivotal moment by formally expanding the authority of the Religious Courts to encompass Sharia economic disputes (Aziz & Sasongkojati, 2022; Heriyah & Santiago, 2021). Despite this legislative progress, issues such as overlapping jurisdictions between the Religious Courts and the National Sharia Arbitration Board (BASYARNAS) have emerged, resulting in procedural confusion and inefficiencies (Abdurrauf et al., 2023; Minardi, 2020). Moreover, empirical studies show persistent skepticism among the public regarding the capability and impartiality of Religious Courts, which impedes the courts' legitimacy and the broader institutionalization of Islamic economic law (Hariyanto, 2022; Nurjaman et al., 2022).

As Islamic economic practices continue to expand, not only in Indonesia but globally, there is a growing demand for legal systems to

respond with adaptive reforms. The integration of Sharia-compliant financial systems into national legal frameworks has become a focal issue in several Muslim-majority countries. This is driven by the dual necessity of ensuring compliance with Islamic principles and fostering a conducive environment for economic development. Legal reforms are thus essential to eliminate ambiguity, reduce investor risk, and support the operational integrity of Islamic financial institutions (Judijanto et al., 2024; Hartati et al., 2024). A robust legal framework is also necessary to avoid inconsistencies in interpretation and enforcement, which could deter both domestic and international investments (Muryanto et al., 2021; Hasan & Mustafa, 2022). Across jurisdictions, there is increasing consensus that the alignment of national laws with Sharia principles must be executed in a manner that upholds the rule of law and integrates seamlessly into broader legal and economic systems (Hayati et al., 2023; Hariyanto et al., 2023).

In Indonesia, prior to the introduction of Law No. 3 of 2006, the jurisdiction of the Religious Courts was largely confined to matters of personal status, such as marriage, inheritance, and waqf (Kasim, 2021; Irawan et al., 2022). The expansion of this jurisdiction to include commercial and financial disputes under Islamic law marked a legal and institutional milestone. This reform was further strengthened by the Constitutional

Court's Decision No. 93/PUU-X/2012, which affirmed the Religious Courts' exclusive authority over Sharia economic disputes. As a result, Religious Courts began playing a more prominent role in adjudicating such matters, necessitating enhanced judicial capacity and the development of appropriate procedural frameworks (Abdurrauf et al., 2023; Heriyah & Santiago, 2021). However, the transformation also introduced new challenges, including a shortage of judges trained in Islamic commercial law and the need for harmonization between Sharia principles and national procedural norms (Syaifuddin, 2023; Alam et al., 2023).

Globally, countries have adopted varying approaches to integrating Islamic economic dispute resolution into their legal systems. Malaysia offers a well-established dual legal system, wherein Sharia law operates alongside civil law, particularly in the banking and finance sectors. The presence of Sharia Advisory Councils ensures regulatory oversight and legal consistency for Islamic financial products and dispute resolutions (Faizi & Shuib, 2024; Muryanto, 2022). In the United Kingdom, Islamic finance has been integrated through a hybrid model wherein financial institutions offer Sharia-compliant products under the purview of national regulatory authorities, often in collaboration with Sharia boards. These models emphasize the importance of legal clarity, regulatory support, and institutional

capacity in fostering a conducive environment for Islamic economic practices.

Indonesia has similarly undertaken efforts to institutionalize Sharia economic dispute resolution. Law No. 3 of 2006 laid the foundation for the Religious Courts to handle commercial disputes, extending their mandate beyond personal and familial matters (Prabowo, 2024; Hidayah & Azis, 2023). The establishment of the National Sharia Board (DSN) has provided authoritative guidance and fatwas that shape the practices of Islamic financial institutions. These legal and institutional developments reflect a deliberate attempt to integrate Sharia principles into the formal legal system, thereby enhancing the legitimacy and effectiveness of Islamic finance within Indonesia's socio-economic framework (Hasan, 2024; Faizi & Shuib, 2024).

Nevertheless, the effective implementation of these reforms hinges on continuous institutional adaptation and the development of judicial expertise. The legal certainty required for Islamic finance depends not only on statutory recognition but also on the operational capacity of courts and regulatory bodies. This includes comprehensive training for judges, streamlined procedural laws, and the establishment of supporting jurisprudence. Legal pluralism, when effectively managed, can provide a foundation for inclusive economic development that respects cultural and

religious values while maintaining legal coherence (Soraya et al., 2024).

Despite the legislative and institutional advancements, a gap persists in the practical enforcement of Sharia economic laws within the Religious Courts. While statutory authority has been granted, the lack of operational readiness and jurisprudential consistency hampers the effective resolution of disputes. Literature on this subject underscores the need for a more integrated framework that bridges the normative ideals of Islamic law with the procedural and evidentiary standards of national law. These gaps in implementation point to an urgent need for targeted policy interventions and academic inquiry into the conditions that facilitate or hinder the realization of Sharia-compliant legal processes in pluralistic legal systems.

This study aims to examine the juridical implications of Law No. 3 of 2006 and Law No. 50 of 2009 in expanding the jurisdiction of Indonesia's Religious Courts over Sharia economic disputes. It seeks to assess the effectiveness of these legal reforms and their practical implementation, identifying areas that require further development. By analyzing statutory texts, judicial decisions, and comparative models, this research provides a critical evaluation of Indonesia's legal adaptation to the demands of a growing Sharia economy. The novelty of this study lies in its focus on the intersection of institutional

reform and legal functionality, offering insights that may inform future legislative and policy efforts to enhance the adjudication of Islamic economic matters.

## METHODOLOGY

This study employed a library-based legal research design within a normative-juridical framework to examine the legislative transformations impacting the jurisdiction of Indonesia's Religious Courts over Sharia economic disputes. A normative-juridical approach is particularly appropriate in this context, as it facilitates a thorough analysis of statutory developments through the lens of Islamic ethical principles and jurisprudence. According to Mulazid (2022), this approach enables researchers to assess how legal reforms correspond with the normative foundations of Sharia, thereby offering a platform for evaluating the consistency, fairness, and justice of these reforms in relation to financial and commercial dispute resolution. Moreover, the normative-juridical method is instrumental in identifying gaps between enacted laws and the ethical obligations of Islamic finance, highlighting both the strengths and limitations of legal reforms.

The primary sources of data in this research included statutory laws such as Law No. 3 of 2006 and Law No. 50 of 2009, Constitutional Court rulings, and relevant ministerial regulations. These were complemented by secondary

sources consisting of scholarly literature, journal articles, and judicial commentary concerning Islamic law and the adjudication of Sharia economic disputes. Library research served as a comprehensive tool to gather, organize, and interpret these legal materials systematically. This method allowed for a detailed understanding of historical and contemporary legal trends and contributed to the construction of a robust analytical framework grounded in both doctrinal and contextual perspectives (Mulazid, 2022).

The qualitative dimension of this legal analysis also involved interpreting key statutory provisions, particularly those concerning the expansion of the Religious Courts' authority to adjudicate Sharia economic disputes. In line with the observations of Hidayah and Azis (2023), such analysis revealed the dynamic interactions between legislative intent and judicial discretion, underscoring the evolving nature of Islamic legal implementation in Indonesia. This was especially pertinent in tracing how judicial decisions have either reinforced or challenged statutory directives, offering a nuanced view of the Religious Courts' role in advancing legal certainty.

Furthermore, this study acknowledges the methodological challenges inherent in qualitative legal research involving religious courts. As noted by Syamanta et al. (2024) and Karimullah (2023), legal analyses of religious jurisdictions must contend with the complex interplay of doctrinal

law, cultural norms, and judicial practices. These complexities can obscure jurisdictional boundaries and complicate the evaluation of court decisions, particularly in cases influenced by socio-religious values. To address these challenges, the research applied contextual reading strategies and triangulated legal texts with academic interpretations to mitigate biases and clarify interpretive ambiguities.

Additionally, best practices in legal document analysis were adopted to enhance the validity of the findings. This included a rigorous literature review to establish a solid theoretical foundation for understanding judicial authority and legislative reforms (Rahmani et al., 2022; Belkhaoui, 2022). Triangulation of primary legal sources and secondary literature ensured a multidimensional perspective, while a systematic coding framework was utilized to classify statutory changes, jurisdictional expansions, and procedural adaptations. These methodological tools contributed to a deeper insight into how legal authority has shifted over time and how these shifts reflect the broader goals of harmonizing Islamic finance with national legal norms.

In sum, the normative-juridical methodology, supported by extensive library-based research and qualitative legal analysis, enabled this study to critically evaluate the statutory reforms and institutional adaptations governing Sharia economic dispute resolution in

Indonesia. The approach not only elucidated the legal texts but also contextualized them within the broader judicial, cultural, and regulatory environment in which they operate, thereby offering a holistic understanding of the trajectory of legal reform in Indonesia's pluralistic legal system.

## RESULTS AND DISCUSSION

### Legal Reforms and the Expanded Authority of the Religious Courts

The enactment of Law No. 3 of 2006 marked a critical legislative reform in the Indonesian judicial landscape by formally expanding the jurisdiction of the Religious Courts to include Sharia economic disputes. This law amended several provisions in Law No. 7 of 1989, most notably Article 49, to explicitly authorize the Religious Courts to adjudicate cases involving Islamic finance, banking, insurance, and other commercial matters governed by Sharia principles (Abdurrauf et al., 2023; Ridwan et al., 2021). This reform signified a strategic shift toward aligning the judiciary with the increasing demands of Indonesia's Islamic economic sector. It formalized the role of the Religious Courts in the economic domain and sought to ensure that financial transactions conformed to Islamic legal norms, thereby strengthening legal recognition and enforcement mechanisms for Sharia-compliant practices (Heriyah & Santiago, 2021; Alam et al., 2023).

In a comparative context, the scope of religious court jurisdictions varies across Islamic legal systems. Malaysia, for instance, provides a well-structured dual legal system where the Syariah Courts have defined responsibilities in Islamic finance and family law, supported by robust institutional frameworks (Nasoha et al., 2024). Saudi Arabia's judiciary, in contrast, integrates religious courts under a unified national system overseen by the Supreme Court, allowing for more centralized application of Islamic law (Rosadi, 2021). These comparative models illustrate that while jurisdictions are rooted in the same Sharia principles, institutional configurations are tailored to national contexts.

The effectiveness of the jurisdictional expansion under Law No. 3 of 2006, however, has revealed mixed outcomes. While the law provided a legal basis for adjudicating Sharia economic cases, practical implementation has faced setbacks. Research shows that the Religious Courts often lack judges with specialized knowledge in Islamic finance, resulting in difficulties in interpreting and resolving complex disputes (Syaifuddin, 2023; Abdurrauf et al., 2023). Stakeholders have raised concerns over procedural delays, inconsistency in verdicts, and a general lack of preparedness to deal with commercial litigation, which undermines public confidence in these courts (Nugroho et al., 2023; Fakhrudin et al., 2024).

## **Institutional Implications of Law No. 50 of 2009**

Law No. 50 of 2009 further institutionalized the jurisdictional reforms initiated by Law No. 3 of 2006. It clarified the types of cases Religious Courts are authorized to adjudicate and strengthened their institutional capacity to handle Sharia economic disputes (Aziz & Sasongkojati, 2022). The law also introduced structural improvements by enabling better resource allocation and enhanced case management systems (Nurhidayati et al., 2023), contributing to the courts' operational efficiency. Reforms in administrative support systems and judicial training were part of a broader effort to modernize the Religious Courts, reflecting a national strategy to support Islamic economic development (Nasoha et al., 2024).

The codification of jurisdiction within Law No. 50/2009 has significantly increased legal certainty for Islamic financial institutions. The delineation of adjudicative authority has provided these institutions with a clear forum for resolving disputes, ensuring that Sharia-compliant financial products are judged in accordance with Islamic law (Nurkhaerah & Hanafi, 2023). This clarity is vital for maintaining investor confidence, as it affirms that rights and obligations under Sharia finance contracts will be protected by a specialized and knowledgeable judiciary (Suwarti et al., 2022). The well-defined legal environment also facilitates contractual enforcement, risk

mitigation, and compliance management in the Islamic finance sector (Triningsih et al., 2022).

Scholarly commentaries highlight the positive impact of these reforms on the judiciary. Institutional strengthening has led to improvements in access to justice, legal professionalism, and public perception of the Religious Courts (Marune, 2021). Judges are increasingly acquiring expertise in Islamic commercial law, which enhances the quality of rulings in Sharia economic cases (Tatawu & Tawai, 2023). However, concerns remain regarding gaps in legal training and the lack of consistent jurisprudential development. Several scholars emphasize the ongoing need for judicial education, resource support, and procedural refinement to ensure that the courts can fully realize their expanded mandate (Baehaqi, 2021; Panjaitan et al., 2023).

## **Implementation Challenges in Practice**

Despite legislative and institutional reforms, the practical resolution of Sharia economic disputes in Religious Courts continues to face significant challenges. A major issue is the absence of a comprehensive procedural framework tailored to the nuances of Islamic commercial law. Current procedures are often derived from general civil law, which may not adequately reflect the ethical and contractual complexities of Sharia transactions (Fariana & Nugrahanti, 2022). As a result, inconsistencies in

rulings and uncertainty in procedural expectations persist, limiting the courts' effectiveness and credibility.

Judicial competence also remains a critical concern. Many judges assigned to Religious Courts have not received specialized training in Islamic finance, leading to a superficial understanding of contract structures, financial instruments, and risk-sharing principles central to Sharia-compliant transactions (Hariyanto, 2022). This knowledge gap contributes to errors in legal reasoning and undermines the integrity of the adjudicative process. Studies indicate that ongoing judicial education is essential to address these deficiencies, as is the integration of contemporary Islamic financial jurisprudence into training programs (Ardli et al., 2024; Labanieh et al., 2021).

Another challenge is the limited use of alternative dispute resolution (ADR) mechanisms within the context of Islamic economic disputes. While mediation and arbitration are consistent with Islamic legal traditions, their institutionalization within the Religious Courts has been slow (Saputera, 2021). Barriers include lack of awareness, insufficient resources, and institutional reluctance to embrace non-litigation processes. Consequently, parties involved in disputes are often funneled into formal litigation, which can be time-consuming and less conciliatory, contradicting the spirit of dispute resolution in Islamic law (Hariyanto, 2022).

Societal perceptions of the Religious Courts further complicate implementation. Public skepticism about the courts' impartiality and capability discourages the use of formal legal channels for resolving Sharia economic disputes. This results in underreporting and reliance on informal resolution mechanisms that may lack legal enforcement (Hariyanto, 2022). Enhancing public trust requires not only procedural reforms but also broader outreach efforts to communicate the courts' competencies and judicial improvements.

Furthermore, gaps in legal interpretation and harmonization continue to obstruct consistent application of Islamic economic law. In many cases, judges default to civil law principles in the absence of clear Sharia guidelines, leading to verdicts that diverge from Islamic legal expectations (Labanieh et al., 2021). Bridging this gap necessitates a dual approach: the development of Sharia-compliant procedural codes and the incorporation of contemporary Islamic legal scholarship into judicial practices. Collaborative efforts between Islamic legal experts, academics, and state law practitioners can help formulate comprehensive guidelines that align with both Sharia and national legal frameworks (Ngadi, 2021).

The institutionalization of judicial training programs dedicated to Islamic finance law is another promising strategy. Such programs can equip judges with the doctrinal knowledge and

analytical skills required to interpret complex commercial cases in line with Sharia principles. Additionally, best practices in judicial administration, such as the use of digital case management systems and standardized legal templates, can support efficient adjudication and improve transparency (Abubakar et al., 2023).

Equally important is the development of a supportive ecosystem for Sharia economic dispute resolution. This includes the presence of expert witnesses, access to financial and legal audits, and the availability of Islamic financial scholars to provide advisory opinions during court proceedings. These elements can enrich the adjudication process and ensure that judicial decisions are grounded in both legal and financial accuracy. Public dissemination of information about the expanded role and capabilities of the Religious Courts can also play a role in fostering confidence and encouraging greater utilization of these institutions (Imaniyati et al., 2022).

## CONCLUSION

This study has critically examined the legal reforms surrounding the expansion of Indonesia's Religious Courts' jurisdiction to include Sharia economic disputes, focusing on the implications of Law No. 3 of 2006 and Law No. 50 of 2009. The findings reveal that while the legal foundation has been significantly strengthened through these statutes, institutional and procedural challenges continue to hinder the full

realization of their objectives. The enactment of Law No. 3 of 2006 marked a transformative moment by formally expanding the Religious Courts' jurisdiction into the economic domain, while Law No. 50 of 2009 provided much-needed clarity and institutional support for the courts to function effectively in this expanded role.

However, the practical implementation remains hampered by limited judicial expertise in Islamic finance, procedural ambiguities, and insufficient integration of alternative dispute resolution mechanisms. These challenges undermine the effectiveness of Religious Courts and contribute to public skepticism. The study underscores the necessity for sustained judicial training, the development of Sharia-compliant procedural guidelines, and broader institutional reforms to ensure legal consistency and improve trust in adjudicative processes. Importantly, the integration of Islamic finance within national legal systems demands both doctrinal fidelity and institutional adaptability.

This research contributes to the existing body of knowledge by highlighting the dynamic interplay between statutory reform and institutional practice in pluralistic legal systems. It calls for further empirical and doctrinal research on judicial performance, case outcomes, and the evolution of Sharia economic jurisprudence in Religious Courts. Future studies might also explore comparative models that successfully

harmonize Islamic and national legal systems undergoing similar principles, offering policy insights for transitions.

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