Journal of Law and Regulation Governance

Complexity of Sharia Economic Problems

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ABSTRACT

This research employs a qualitative approach through literature review and juridical analysis to examine the complexities and challenges in the application of Sharia economics. The literature review involves a comprehensive analysis of existing academic and regulatory texts, focusing on the principles of Sharia economics such as the prohibition of riba, gharar, and maysir. The juridical analysis is conducted to explore the legal frameworks and interpretations that influence the implementation of Sharia economics in different jurisdictions. By identifying key regulatory barriers, differences in legal interpretation, and the low level of public literacy on Sharia finance, this study aims to highlight the gap between theory and practice. Additionally, the research considers social, cultural, and policy factors that impact the sector's development. The findings of this study are expected to provide strategic solutions for advancing more inclusive, fair, and sustainable Sharia economic policies.

Keywords: Sharia economics, inequality, the complexity of the problem

INTRODUCTION

Sharia economics represents an economic system grounded in Islamic Sharia principles, which encompass the prohibition of usury (riba), uncertainty (gharar) (Babasyan, 2023), and gambling (maysir) while emphasizing justice, transparency, and alignment with Islamic ethical values. With the evolving global economy and increasing demand for ethical financial practices, Sharia economics has expanded rapidly and has been integrated into the national economic frameworks of various countries, including Indonesia. Despite its potential to offer ethical and sustainable economic solutions, the practical application of Sharia economics faces significant challenges and complexities (Raza Rabbani et al., 2021).

These complexities are not limited to regulatory and policy issues but extend to social, cultural, and modern business practices that often conflict with the foundational principles of Sharia. Additionally, the insufficient Islamic financial literacy among the general public and business actors poses a significant barrier to the sector's growth (McMurray et al., 2014). Furthermore, efforts to harmonize conventional and Sharia economic laws have resulted in overlaps and ambiguities, creating dilemmas in their implementation.

This research aims to explore the multifaceted challenges confronting Sharia economics, focusing on regulatory, practical, and public perception aspects. By conducting a comprehensive analysis, this study seeks to identify effective solutions to overcome these obstacles and promote the inclusive and sustainable development of Sharia economics. This research fills the gap in the existing literature by addressing the practical difficulties in applying Sharia principles within a

modern economic framework and offers strategic insights for bridging the gap between theory and practice (Hindolia et al., 2024).

RESEARCH METHODS

This method is used to understand and study the complexity of sharia economic problems through in-depth analysis of non-numerical data. Techniques that can be used in this method include literature studies, which examine various literature, journals, books, and regulations related to Sharia economics to obtain theoretical and empirical perspectives on the problems faced. In-Depth Interviews: Conduct interviews with Sharia economic experts, practitioners, and regulators to obtain information related to challenges and obstacles in the implementation of Sharia economics. Document Analysis: Review various legal, regulatory, and policy documents related to the Sharia economy to understand the differences and challenges in their implementation (Shinkafi & Ali, 2017).

RESULTS AND DISCUSSION

The Function of Religious Courts

Talking about judicial power usually involves two things, namely "relative power" and "absolute power". Relative power is defined as the power of the court of one type and one level in its difference from the power of the court of the same type and other levels of the same level. Absolute power means the power of the court that is related to the type of case or type of court or level of court in its difference with the type of case or type of court or other levels of court. The absolute power of the PA is mentioned in Article 49 and Article 50 of the PA Law, where Article 49 reads: "The Religious Court is tasked and authorized to examine, decide, and settle cases at the first level between people who are Muslims in the fields of marriage, inheritance, will, grant, waqf, zakat, infaq, alms, and Islamic economics".

Based on the above, it can be said that the absolute authority (absolute competence) of the Religious Court covers certain civil fields, as stated in Article 49 and is based on the principle of Islamic personality (Lembang et al., 2022). In other words, certain areas of civil law that are the absolute authority of the Religious Court are the areas of family law of Muslim people. Therefore, according to Zuhrah, the Religious Court can be said to be a family court for people who are Muslims. The designation of Religious Justice for Muslims is related to the general principles of Religious Justice which include the principles of Islamic personality. Those who are submissive and can be submissive to the environment of the Religious Court, only those who claim to be followers of Islam. Adherents of other religions are not subject to the environmental power of the Religious Court (Benhalim, 2018). This principle is regulated in Article 2 of the Religious Justice Law. Therefore, it is clear that a person's Islam is the basis of authority within the Religious Justice Agency. However, for the determination of this principle that results in becoming the absolute authority of the courts within the Religious Justice Agency, are: 1) the religion embraced by both

parties when the legal relationship occurs is Islam; 2) the legal bond relationship that they carry out based on Islamic law.

With the birth of the Religious Justice Law, there are several important changes in the institution of the Religious Court (Chiodelli & Moroni, 2017). Among them is the authority of the Religious Court to handle sharia economic disputes. In Article 49, point I, it is clearly stated that the Religious Court is tasked and authorized to examine, decide, and settle cases at the first level between people who are Muslims in the field of Sharia economics. In the explanation of the Law, it is stated that what is meant by Sharia economy is an act or business activity carried out according to Sharia principles, including a. Sharia Bank, b. Sharia microfinance institutions, c. Sharia insurance, Sharia reinsurance, etc. Sharia Mutual Funds, f. Sharia Bonds and Sharia medium-term securities, g. Sharia Securities, h. Sharia financing, i. Sharia pawnshop, j. Pension funds of Sharia financial institutions k. Sharia business. The scope of the Sharia economy is very broad, which in this case is covered by financial institutions, both bank financial institutions and non-bank institutions, that base their operational management on Sharia principles (Pamuji et al., 2022).

This amendment brought about major changes in two important institutions in this country, namely the Sharia economics institution and the religious court itself (Najeeb & Ibrahim, 2014). One of the important materials that was amended was regarding the absolute authority of the Religious Court. So far, the Religious Court has only been authorized to handle family law cases such as marriage, inheritance/will, and waqf, but with this amendment, the authority of the Religious Court extends to the Sharia economic area (Article 49 of the PA Law). This also means bringing new implications in the history of economic law in Indonesia. So far, the authority to handle disputes or disputes in the field of Sharia economics has been resolved in the District Court, which incidentally cannot be considered as sharia law. The District Court can be referred to as a conventional Court. So it is very strange if the problem of Shari'ah is solved conventionally, not in Shari'ah (Baderin, 2017).

In Law Number 10 of 2008 concerning Sharia Banking, it is clearly mentioned about dispute resolution. This is an affirmation of the Religious Justice Law articles 49 and 50, the authority of the Religious Court in deciding disputes, including sharia economic disputes. The mention of dispute resolution is in Chapter IX, article 55 of the Sharia Banking Law, in addition to strengthening the jurisdiction of the PA, but at the same time also reducing and ambiguous the authority. He reduced it because, in the Sharia Banking Law, the settlement of Sharia banking disputes can be done in addition to the Religious Court; it can also be through deliberation, banking mediation, Basyarnas or other arbitration bodies, or the general court in accordance with the previous contract. The ambiguity can be seen in the settlement of disputes through the general court (Menkel-Meadow, 2018).

The involvement of the general judiciary in dispute resolution raises problems, first of all, regarding the competence of judges in handling Sharia banking dispute cases with Sharia principles (Zubair, 2020). The second problem is horizontally contradicted by the Religious Justice Law, which means that the existence of the Sharia Banking Law is not synchronized and

harmonious with existing legislation. This is considering that the economic issue of Sharia litigation dispute resolution has been regulated in the Religious Justice Law, namely entering and becoming the absolute competence of religious courts (Rifqi, 2021). The existence of legal options for justice seekers and general courts is one of the choices of forum for parties to resolve disputes or disputes, causing the independence of the Religious Court to be disturbed. This problem (dispute resolution) can cause inefficiency, namely disharmony between one law and another. Competence, as referred to according to "most" experts, is no longer absolute, namely with the promulgation of Law Number 21 of 2008 concerning Sharia Banking. The problem is that Article 55 of the law in question provides regulations on the settlement of Sharia banking disputes. In Article 55 of Law Number 21 of 2008 concerning Sharia Banking, it is emphasized that (1) The settlement of Sharia Banking disputes is carried out by the courts within the Religious Court; (2) In the event that the parties have agreed to settle the dispute other than as intended in paragraph (1), the dispute settlement shall be carried out in accordance with the contents of the Agreement; (3) The dispute resolution as intended in paragraph (2) must not be contrary to Sharia Principles. In the Explanation of Article 55 paragraph (2), it is stated that what is meant by "dispute resolution is carried out in accordance with the contents of the Contract" is an effort through a. deliberation; b. banking mediation; c. National Sharia Arbitration Board (Basyarnas) or other arbitration institutions; and/or d. through the courts within the General Court (Sulistiyono et al., 2018).

The implication of this provision is that it has the potential to cause legal uncertainty. This is also what encourages one of the customers of a Sharia Bank to submit an application for a material test of the Sharia Banking Law, especially in Article 55 paragraphs (2) and (3), namely through Case Number 93/PUU-X/2012 concerning the Testing of Law Number 21 of 2008 concerning Sharia Banking Against the Constitution of the Republic of Indonesia. The main thing of the case, as mentioned above, is related to the provisions of Article 55, which is considered detrimental to one of the customers of a Sharia Bank, namely related to the settlement of disputes carried out through the court within the General Court, while according to the court customer within the Religious Court is the one who is competent vide Article 49 of Law Number 3 of 2006 concerning Amendments to Law Number 7 of 1989 about Religious Justice. The existence of Article 55 causes customers to be constitutionally harmed, especially related to Article 28D Chapter 10A concerning Human Rights that Guarantee Legal Certainty for its citizens. This happens because there are two courts that are authorized in the event that there is a choice of forum in a case with the same substance and object (Prakken & Sartor, 2015).

Based on the opinion of experts as stated in Decision Number 93/PUU-X/2012, it can be seen that in practice conflict of dispute settlement has often occurred. This is due to the arrangement of dispute resolution by Law Number 21 of 2008 concerning Sharia Banking. General Court judges as law enforcers should be aware that they are bound by procedural law, where procedural law is imperative (dwingendrecht). One of the things regulated in procedural law is absolute competence, which talks about which judicial environment is authorized to receive, examine, decide, and adjudicate a type of case. That Law Number 3 of 2006 has expressly

determined that the "Sharia economy" in which there is a Sharia Bank is the absolute competence of the court in the Religious Court environment, so that the legal consequence is that in addition to the Religious Court environment is not authorized, even though it is agreed by the parties.

Competence of Judges

The judges did not understand the Shari'ah in detail and could not distinguish which was included in the investment agreement and which was the debt-receivables agreement (Ogali, 2018). So that it causes errors in his legal considerations. In an analogy, pork is haram. If a Muslim is given pork, but he is not told that what is eaten is pork. After learning that the meat eaten is pork, The person filed a lawsuit in court, but it was denied. Because it is explained that the pork that is eaten, there are tapeworms in the pork has been eliminated so that it is no longer haram. This is the analogy used by judges to handle Sharia economic disputes. In the Qur'an, what can be allowed to eat pork is in our condition, an emergency. It's not because the tapeworms are cleaned, then the pork becomes halal; there is no fatwa of the ulama, and there is no opinion of the ulama, which legalizes pork after the tapeworms are cleaned (Ogali, 2018).

The Complexity of Sharia Economic Disputes

Disputes are disputes between consumers and financial service institutions in the placement of funds by consumers in financial services institutions and/or the utilization of services and/or products of financial services institutions after going through the process of resolving complaints by financial services institutions (Financial Services Authority Regulation Number 1/POJK.07/2014 concerning Alternative Institutions in the Financial Services Sector). Banking is everything related to banks, including institutions, business activities, as well as ways and processes of carrying out their business activities (Law Number 7 of 1992 concerning Banking as amended by Law Number 10 of 1998). Banking disputes are disputes between consumers and financial service institutions in banking activities. This dispute occurred because there was a difference in interpretation between the debtor, creditors, expert opinions, and court decisions (Warren et al., 2020). The disputed material is from the debtor's side, then the decision of legal considerations because this will appear jurisprudence. The legal considerations of the Panel of Judges will be compared with the views of experts so that conclusions can be drawn. This assessment from an academic perspective will not affect anything on the legal consequences. From the academic side, they have the competence to assess whether or not a decision is right or not. After being able to assess whether the decision is correct or not, the source of the problem will be found. Why is the judge not right? Why can the judge decide inappropriately? How does the judge use such legal considerations? After an academic study is carried out, the cause of the problem will be found. The source of the problem will have to be raised. Then, the consequences of the dispute settlement are sought. If it is not appropriate for the temporary dispute settlement to become jurisprudence, then the application of Shari'ah will not run properly according to what is expected. Then, there will be legitimized deviations.

The application of profit-sharing agreements that have been irregular but are legitimized by the Judiciary is dangerous (Karton, 2020). If the dispute resolution is not appropriate, it will be

jurisprudence, so the referral, the Bank will feel that it is right, and in the end, they will not make repairs. The author offers recommendations on the concept of dispute resolution academically so that the improper settlement is not repeated. Because if it is left like this, then Shari'ah is only a symbol. As an icon to attract the interest of Muslims they want to put their money, put their funds into the Sharia Bank (Usman et al., 2017).

There are 3 basic things for the occurrence of disputes, namely 1) Differences in the interpretation of the agreed Agreement, 2) Disputes when the Contract is running, 3) Losses of one of the parties who experience default. Banks must be able to Consult the Contract. Because the contract really determines what is used in the financing transaction, if murabahah (buying and selling) says a vehicle, then there must be the goods (the car) first, but if in the process of indenting, then the application of a different contract must be carried out, for example, buying and selling a house that needs a process to build, then the right application of the contract is Istisna (order to make/build) not Murabahah (buying and selling). Banks must also be able to distinguish between contracts that can be used on the financing side; there are also other sides of funding; there are types of contracts that only exist on the funding side, and there are also those that can be used on both sides of financing and funding. With the birth of Law No. 3 of 2006, which is an amendment to Law No. 7 of 1989 concerning Religious Courts, the absolute authority of Sharia economic disputes has shifted to the Religious Court. The power of the Religious Court that has the authority to resolve Sharia banking disputes is due to the following factors: (1) Human resources who already understand Sharia issues; (2) Absolute authority of the judiciary; and (3) The majority of Indonesia people are aware of Islamic law.

There are those who argue that religious courts have more authority to examine, decide, and resolve Sharia banking disputes than other courts, with the following considerations: (a) Religious courts have human resources that already understand Sharia issues. Meanwhile, the law enforcement officers in the General Court do not necessarily master Sharia issues; (b) There is no material law that specifically regulates Sharia business that can be a benchmark for judges in the General Court to settle cases; (c) Considering the history of the Religious Court that its authority is very broad, not only dealing with issues of marriage, inheritance, waqf, and grants, then putting the Sharia business in the authority of the Religious Court is a good momentum for the development of the Religious Court and a stronger position; and (d) It has the support of the majority of the population of Indonesia, namely Muslims who are currently having a high spirit in upholding the religious values they follow. With the birth of Law No. 3 of 2006, the polemic regarding Religious Justice was finally answered; one of the basics is that the religious court is tasked and authorized to examine, decide, and settle cases at the first level between people who are Muslims in the fields of marriage, inheritance, wills, grants, waqf, zakat, infaq, alms, and Sharia economics. In addition, the Explanation of Article 49 of Law No. 3 of 2006 states that what is meant by "between people of Islam" is a person or legal entity that voluntarily submits itself to Islamic law regarding matters that are the authority of the Religious Court in accordance with the provisions of this article. Associated with the principle of Islamic personality, this means that a

non-Muslim who makes a transaction at a Sharia Economic institution means that he has voluntarily submitted himself to the provisions of Islamic law (Zaini & Shuib, 2021).

The duties and authorities of the Religious Court, as stipulated in Law Number. 7/1989, stated in reality that it has been in effect since the Netherlands colonial era. Although there have been changes and developments, more significant and meaningful changes have been realized in Law Number 3/2006 and Law No. 50/2009 concerning amendments to Law Number 7/1989 concerning Religious Justice, namely the addition of duties and powers of the Religious Court in examining, decide, and resolving cases in the field of Sharia economics in accordance with Article 49 letter (i). 23 However, a further problem is that when the settlement of Sharia economic cases has been handed over to the religious courts in accordance with the Law, however: (a) In Article 1 paragraph (1) of Law No. 50 of 2009 it turns out that the courts are limited to Muslims only; (b) The Law on the Expansion of the Authority of the Religious Court to Reach Sharia Economic Issues has not been ratified with other laws and regulations that can technically be used as a reference by religious justice law practitioners such as government regulations, for example.

Thus, the relationship between the Religious Court and BASYARNAS is in the following cases: First, the Religious Court is obliged to reject a case in the field of Sharia economics that is forwarded to it when in a case that is the basis of the legal relationship between the parties in the field of Sharia economics, there is an arbitration clause. Namely, a clause stating that all disputes arising in relation to this agreement will be resolved through BASYARNAS". With the existence of the clause in question, BASYARNAS has absolute competence over the case concerned. Second, the Religious Court can also provide fiat execution for arbitral awards from BASYARNAS voluntarily in the event that one of the parties involved in the dispute is not willing to implement the decision which is final and binding.

1. Sharia Banking Profit Sharing Agreement Dispute Resolution Instrument

Some of the instruments that exist in the effort to resolve disputes over Sharia banking profit-sharing agreements are as follows: The Supreme Court, in carrying out its main functional duties, has prepared suggestions and infrastructure, including Adequate and reflexive courtrooms (Paudel, 2024). Then, all Religious Courts were equipped with teleconferences.

a) In terms of Human Resources, the Supreme Court prepares special judges who are selected to follow the Sharia economic judge certificate so that judges already have a level of professionalism in deciding Sharia cases. When there is no judge who is certified in Sharia economics within the scope of the religious court, then the other judges are authorized to handle the Sharia economy.
b) Continuing to be related to the issue of Human Resources, before the issuance of the law, the religious court was given authority over it, especially after the issuance of the law; this is indeed the Supreme Court is very aggressive when preparing Human Resources Judges who are able to handle the Sharia economy. Even in the Supreme Court Regulation (PERMA), in principle, when the judge does not have a Sharia economic certificate, it is not allowed, except the exception is perhaps when the religious court does not have one; yes, of course, it is still given

the authority that the chief justice can appoint who is approximately capable. But I think today, in every religious court, there is already a council, at least two councils, meaning 6 people already exist. As in the Religious High Court (PTA), there are already 2 special councils regarding Sharia economics. This includes me, the chairman of the council, and another friend of mine. Well, related to the preparation of human resources, not only is training carried out annually from year to year but also judges who, say, young people who have potential are included in participating outside, especially in the Middle East. Middle East because somehow, in the end, the typical source will be fiqh issues, right? So that it is a level, whether to the Middle East, where, to Australia, sometimes it is also carried out by the training of Judges sent there. In us, and I too, yes, including because of my trip, I was a High Judge in Padang from 2012 to 2015. Well, in 2015, I was a High Judge in Jakarta, but I was seconded to training. So I don't hold the sword, I hold the hammer, but I teach in training. Well, that's it, per year it is possible to prepare these Sharia economic judges for at least two periods in us. And in one period, one batch is 6 classes. If it's 6 x 40, multiply by 2. Well, now, throughout Indonesia, it has spread. All of them, and even those who are sent to take part in the training, are not just sent, but they are indeed tested from the beginning in this area, which is ranked. So, already, I think it has been prepared in such a way that it is forgotten in order to fend off the image.

c) The Supreme Court prepares a substitute clerk for a substitute bailiff to assist judges in resolving Sharia economic disputes.
d) Technically, the Sharia economy can be registered directly or in an e-court (electronic court).
e) The Religious Court classifies applications for simple cases (simple lawsuits) whose value of losses does not exceed 500 million. Those are some alternatives to resolving Sharia economic disputes.
f) In Religious Courts, the panel of judges prioritizes peace before getting to the subject of the case so that the lawsuit can be withdrawn peacefully.
g) The Sharia economic procedural law returns to the procedural law that applies in the general court except for those specifically regulated.
h) The procedural law used by religious courts in deciding Sharia cases is still mixed, as are the civil code and KHES (Compilation of Sharia economic law). The Sharia economic procedure law is still being drafted. If it is not regulated in the KHES, it will return to the Civil Code.
i) In the event of a dispute over authority, one party wants to settle it in the religious court, and the other party wants to settle it in the district court. If the contract is Shari'ah, then the right to decide is the authority of the religious court. First, the dispute over its authority must be resolved to the Supreme Court. Only after the Supreme Court decides its authority can it file a lawsuit according to the Supreme Court's decision. Now, there is a Supreme Court decision that states that if it is a Sharia economic dispute, the authority is in the religious court. More assertive and brighter.
j) Since 2006 it is indeed the Supreme Court; we went back first; yes, the Supreme Court, which I was also involved in, continued to catch up; in the early days, we did not have everything

when given the additional authority, only had human resources that were not equipped with Sharia certification, specialization did not exist yet. Until now since 2006, since Law No. 3 of 2006 was issued, the Supreme Court has continued to pursue it so that the trust of the community is obtained. The Religious Court is a court that is given the authority to settle Sharia economic cases whose scope is wide, not only Sharia banking. The first is the improvement of human resources. The first improvement in human resources is carried out by certifying religious court judges, especially in Sharia economic cases. Certification of Sharia judges. Who organizes? The organizer is the Technical Training Agency of the Supreme Court of the Republic of Indonesia. Well, the Technical Training Agency of the Supreme Court of the Republic of Indonesia summons judges who are considered to have qualifications to participate and be certified. Those of the 8,000 Religious Court Judges were strictly screened through extraordinary examinations, written and oral examinations, interviews, and so on, and then they were included in the Sharia judge certification program starting in 2006.

k) The Supreme Court collaborates not only with internal teachers but also with the OJK (Financial Services Authority), Bank Indonesia, and the National Sharia Council of the Indonesia Ulema Council as its teachers. So that's the first attempt. Since 2006 until now, Religious Court Judges have been certified; as of this second, I check that there are 1,012 judges who have met the qualification of Sharia-certified judges. In 2021, the number of judges who are certified in Sharia economics, including me, is 1,308 people. there was a reduction from 1,308 judges in 2020 and 2021; now, in 2023, there is a decrease of 1,100 judges who have a Sharia certificate, and it even continues to decrease to 1,200 judges. The reduction was due to the Judge retiring and passing away. The number of judges who retired and died in 1 year is up to 300 people. Of the 300 people, there are judges who are certified in Sharia economics. But we continue to hold training on Sharia economics periodically. So, the Supreme Court will later ask for data on who wants to become a certified Sharia Economic Judge. Sharia economic certification is indeed a proud standard for religious court judges.

Several efforts of the Religious Court have been made to increase the interest of justice seekers Religious Courts are passive but also active, including socialization through the religious court website about:

1) How to file a lawsuit
2) What are the economic cases of Sharia
3) Publishing brochures
4) It was conveyed through community leaders and religious leaders regarding the authority of religious courts in deciding Sharia economic cases.
5) In the past, there was a joint legal counseling program between local governments, police, prosecutors, and courts. However, currently, it is not being held.

Causes of Sharia Economic Disputes

The causes of Sharia economic disputes are patterned in two ways:

1) Default (Article 1243 of the Civil Code)

Default comes from the Netherlands language, which means bad performance. As for what is meant by default, it is a situation in which, due to negligence or fault, the debtor cannot fulfill the achievement as specified in the agreement and not in a compelling circumstance.

Types of Wanprestas

a) Not fulfilling any achievements at all.
b) Carrying out achievements but being late
c) Performing achievements but not as agreed
d) Doing something that the alliance says should not be done

2) Creditor's Rights in Case of Defaulting Debtor
   a) Demand the fulfillment of the alliance;
   b) Demand the termination of the alliance or, if the alliance is reciprocal, demand the annulment of the alliance
   c) Sue for damages.

Unlawful Acts (PMH) Articles 1365 and 1366 of the Civil Code

1) Article 1365 of the Civil Code
2) Every act that violates the law and brings harm to others obliges the person who caused the loss due to his fault to compensate for the loss".
3) Article 1366 of the Civil Code
4) "Everyone is responsible, not only for the losses caused by their actions but also for the losses caused by their negligence or lack of care."
5) Elements of PMH
   a) there is an unlawful act;
   b) there is an error;
   c) there is a causal relationship between loss and deed;
   d) There are disadvantages.

The public, as Sharia economic actors, have not fully trusted the ability of the Religious Court officials to handle Sharia banking profit-sharing disputes. This happens because of the lack of legal certainty and justice. This has resulted in a decline in the credibility of the Religious Court in the eyes of justice seekers, the fading of public trust (Muslim businessmen as debtors) in Sharia Banking institutions, and neglect, thus further nourishing the deviant practices carried out by Sharia Banking institutions. Religious courts are more popular as a place to settle divorce, talaq, and bath nikah cases. This can be seen from the case report received by the religious court.

Table 1.
First Level Case Reports Received At the Source Religious Court December 2022

Case	1	2	3	4	5	6	7	8	9	10	11	12	Fri
Polygamy License		1	1	1	1								4
Marriage Prevention													0

Perk Rejection. By VAT													0
Annulment of Marriage													0
Negligence of Husband/Wife Obligations													0
Talak Divorce	224	170	224	95	247	223	187	222	199	186	181	135	2293
Divorce Lawsuit	640	390	489	254	512	522	438	521	472	441	443	328	5450
Common Property	1		3	2	2		1	3	2	3	2	3	22
Child Control/Hadhonah			1		2	2		2			2	2	11
Child Support By Mother													0
Rights of ex-wife													0
Child Verification													0
Revocation of the Cake. Parents													0
Trust	4	3	3	2	1	4	1	4	1	1	2	1	27
Pencb. Guardian Power													0
Support. Others as Guardians													0
Compensation for Guardians													0
Origin of the Child	5	2	2	3	5	8	9	3	2	2	2	3	46
Pen. Mixed Mating													0
Isbath Nikah	10	6	5	1	1	9	6	8	12	11	8	10	87
Marriage License													0
Marriage Dispensation	47	48	49	18	38	72	29	37	46	34	39	26	483
Wali Adhol	2		1					1	2	1	1		8
Child adoption													0
Sharia Economics					**2**		**2**	**1**			**1**		**6**
Inheritance		1	1			1	1	1			1	2	8
Testament													0
Grant							1						1
Waqf							1	1					2
Zakat / Infaq / Shodaqoh													0
P3HP / Determination of Heirs	4	3	1	2		4	2	4	2	7	2	3	34

Other/Biodata Changes				1							1		2
Sum	937	624	780	379	811	845	678	808	738	686	685	513	8484
Caption *)			40	12	20	31	19	3	3		2		130

Number of prodeo cases: 0

From the data above, it can be seen that the number of sharia economic cases is only 0.07%.

Explanation of Law No. 7 of 1989, No. 3 of 2006 and No. 50 of 2009 concerning Religious Justice

1. Explanation of Law Number 7 of 1989 concerning Religious Courts

In the State of Law of the Republic of Indonesia based on Pancasila and the 1945 Constitution, justice, truth, order, and legal certainty in the system and administration of law are very important in an effort to create a safe, peaceful, and orderly atmosphere of life as mandated in the Outline of the State Direction. Therefore, to realize these things, it is necessary to have an institution tasked with organizing judicial power to properly enforce law and justice. One of the institutions to enforce the law in achieving justice, truth, order, and legal certainty is the judicial body as referred to in Law Number 14 of 1970 concerning the Principal Provisions of Judicial Power, each of which has the scope of authority to adjudicate cases or disputes in certain fields and one of them is the Religious Judiciary. The laws and regulations that became the legal basis of the Religious Judiciary before this Law were:

1) Regulations on Religious Courts in Java and Madura (Staatsblad 1882 Number 152 and Staatsblad 1937 Number 116 and Number 610);
2) Regulation on Qadi Density and Large Qadi Density for part of the South and East Kalimantan Residency (Staatsblad 1937 No. 638 and No. 639);
3) Government Regulation No. 45 of 1957 concerning the Establishment of Religious Courts/Syar'iyah Courts outside Java and Madura (Statute Book of 1957 No. 99).

The diversity of the legal basis of the Religious Court has resulted in a variety of structures, powers, and procedural laws of the Religious Court. In order to implement the Nusantara Insight in the field of law, which is the embodiment of Pancasila as the source of all legal sources, this diversity needs to be ended immediately for the sake of creating a legal unity that regulates the Religious Courts within the framework of the national legal system and system based on Pancasila and the 1945 Constitution. In order to realize a simple, fast, and low-cost judiciary as mandated by Law Number 14 of 1970, it is necessary to have a fundamental overhaul of all laws and regulations that regulate the Religious Judiciary Agency mentioned above and adjust it with the Law on the Principal Provisions of Judicial Power which is the parent and general framework and is a principle and guideline for all judicial environments. Thus, the Law that regulates the Structure, Power, and Procedural Law of the Court in the Religious Court Environment is the implementation of the provisions and principles contained in the Law on the Principal Provisions of Judicial Power (Law Number 14 of 1970, Statute Book of 1970 Number 74, Supplement to Statute Book Number 2951).

Judicial power in the Religious Court Environment, in this Law, is exercised by the Religious Court and the Religious High Court, culminating in the Supreme Court, in accordance with the principles determined by Law Number 14 of 1970. In this Law, the structure, powers, procedural law, position of Judges, and other administrative aspects are regulated in the Religious Court and the Religious High Court. The Religious Court is a court of first instance to examine, decide, and settle cases between Muslims in the fields of marriage, inheritance, wills, grants, waqf, and sadaqah based on Islamic law. The field of marriage referred to here is the matters regulated in Law Number 1 of 1974 concerning Marriage (Statute Book Number 1 of 1974, Supplement to Statute Book Number 3019). The field of inheritance is about determining who the heir is, determining the inheritance, determining the share of each heir, and the implementation of the distribution of the inheritance if the inheritance is carried out based on Islamic law. In this regard, the parties, before litigating, can consider choosing what law will be used in the distribution of inheritance.

In order to realize the uniformity of the power of the Courts in the Religious Court Environment throughout the archipelago, by this Law, the authority of the Religious Courts in Java and Madura and some of the Residency of South and East Kalimantan regarding inheritance cases that were revoked in 1937, is restored and equated with the authority of the Religious Courts in other regions. The High Court of Religion is the court of appeal against cases decided by the Religious Court and is the first and last Court of appeal regarding disputes between Religious Courts in its jurisdiction.

Given the breadth of the scope of duties and the heavy burden that must be carried out by the Court, it is necessary to pay great attention to the procedures and administrative management of the Court. This is very important because it not only concerns the aspect of order in carrying out the administration, both in the field of cases and personnel, salaries, salaries appointments, office equipment, and others, but it will also affect the smooth implementation of the Judiciary itself. Therefore, the implementation of judicial administration in this Law is differentiated according to its type and handled separately, although, in the context of coordination, accountability is still charged to an official, namely the Registrar, who concurrently serves as Secretary. As the Registrar, he handles case administration and other administrative matters that are judicial technical (Peeters & Widlak, 2018). In carrying out this task, the Registrar is assisted by a Deputy Registrar and several Junior Registrars. As Secretary, he handles general administration such as personnel administration and so on. He is assisted by a deputy secretary in carrying out his duties. Thus, the staff of the Clerk can focus on their duties and functions to assist the Judge in the field of justice, while other administrative tasks can be carried out by the staff of the Secretariat.

Judges are a very important element in the administration of justice. Therefore, the conditions for appointment and dismissal, as well as the procedures for appointment and dismissal, are regulated in this Law. Judges are appointed and dismissed by the President as Head of State on the proposal of the Minister of Religion based on the approval of the Chief Justice of the

Supreme Court (Choudhry & Bass, 2014). In order for the Court, as the organizer of the Judicial Power, to be free to make decisions, it is necessary to ensure that both the Court and the Judge carry out their duties regardless of the influence of the Government and other influences. In order for the task of law enforcement and justice to be carried out by the Court, this Law includes requirements that must always be fulfilled by a Judge, such as devotion to God Almighty, authoritative, honest, fair, and irreprehensible behavior. To obtain the above, in every appointment, dismissal, mutation, promotion, action, or administrative punishment against a Judge of the Religious Court, there needs to be cooperation, consultation, and coordination between the Supreme Court and the Ministry of Religious Affairs. In order for judicial officials not to be easily influenced both morally and materially, it is necessary to have separate arrangements regarding allowances and other provisions for judicial officials, especially judges, and also regarding rank and salary. To further strengthen the honor and authority of judges and courts, it is also necessary to maintain the quality (expertise) of judges by holding certain conditions for becoming judges regulated by this law (Murphy, 2016a). In addition, there are also prohibitions for judges to concurrently hold the position of legal advisor, executor of court decisions, guardians, guardians, and every position related to a case that will be or is being tried by them. However, it is not enough to detail the prohibitions as mentioned above. In order for the Judiciary to run effectively, the Religious High Court is given the task of supervising the Religious Court within its jurisdiction. This will increase coordination between Religious Courts within the jurisdiction of a Religious High Court, which will certainly be useful in the unity of the rulings issued because the Religious High Court, in carrying out such supervision, can provide reprimands, warnings, and instructions. In addition, the actions and activities of judges can be directly supervised so that the course of justice that is simple, fast, and at a low cost will be guaranteed.

Instructions that raise strong suspicions that the Judge committed reprehensible acts, committed crimes, and continued negligence in carrying out his duties may result in him being dishonorably dismissed by the President as the Head of State after being given the opportunity to defend himself.

This is expressly stated in this Law, considering the noble duty of the Judge, while in his position as a civil servant, there are still threats against reprehensible acts as stipulated in Government Regulation Number 30 of 1980 concerning Civil Servant Discipline Regulations (Statute Book of 1980 Number 50).

This law, in addition to regulating the structure and power, also regulates the Procedural Law of the Religious Court. However perfect the judicial institution is with the arrangement of its organizational structure and the affirmation of its power, if the tools to be able to enforce and maintain its power are not clear, then the judicial institution will not be able to carry out its functions and duties properly. Therefore, the regulation of the Procedural Law of the Religious Court is very important and therefore it is also regulated in this Law. The Procedural Law of the Religious Court is still contained in various regulations and circulars, both in the Staatsblad, Government Regulations, Circulars of the Supreme Court, and the Ministry of Religious Affairs,

as well as in the Marriage Law and all its implementing regulations (Rahayu, 2023). The main principles of the judiciary that have been stipulated in Law Number 14 of 1970, among others, include the provision that court hearings must be open to the public, every decision begins with FOR THE SAKE OF JUSTICE BASED ON THE ONE GOD, the judiciary is carried out simply, quickly, and at a low cost and other provisions, in this Law, it is further affirmed and re-stated. Because the Religious Court is a special court with the authority to adjudicate certain cases and for certain groups of people, as affirmed in the explanation of Article 10 paragraph (1) of Law Number 14 of 1970, namely regarding certain civil cases between people who are Muslims, the civil procedure law in the General Court by this Law is declared to apply to the Court within the Religious Justice Environment, except for matters specifically regulated by this Law.

The Religious Court is one of the four state judicial environments that are guaranteed independence in carrying out its duties as stipulated in the Law on the Principal Provisions of the Judicial Power (Chemerinsky, 2023). The Religious Court, whose authority is to adjudicate certain cases concerning certain groups of people, namely those who are Muslims, is on par with other courts. Therefore, matters that can reduce the position of the Religious Court by this Law are deleted, such as the confirmation of the decision of the Religious Court by the District Court. On the contrary, to strengthen the independence of the Religious Court through this law, a bailiff is held so that the Religious Court can carry out its own decisions and the clerical and secretarial duties are not disturbed by the duties of the bailiff.

In addition, cases in the field of marriage are family disputes that require special handling in accordance with the mandate of the Marriage Law. Therefore, this Law specifically regulates matters related to marriage disputes and, at the same time improves the legal regulation of marriage dispute proceedings, which, until the promulgation of this Law, is still regulated in Government Regulation Number 9 of 1975. The Marriage Law aims to protect women in general and the wife in particular, but in the case of a divorce lawsuit filed by the wife, Government Regulation Number 9 of 1975 stipulates that the lawsuit must be filed with the Court whose jurisdiction includes the defendant's place of residence in accordance with the principles of general civil procedure law.

In order to protect the wife, the divorce lawsuit in this Law is amended, not filed to the Court whose jurisdiction includes the defendant's place of residence but to the Court whose jurisdiction includes the plaintiff's place of residence. Law Number 3 of 2006 concerning Amendments to Law Number 7 of 1989 concerning Religious Courts (PA Law) mentions a number of authorities owned by the PA. The authority (competence) of the PA is regulated in articles 49 to 53, with authority to adjudicate civil cases in the fields of a) marriage, b) inheritance, wills, grants carried out based on Islamic law, c) waqf, zakat, infaq, sadaqah, and Islamic economics.

The purpose and secret of determining the limits of authority or competence in each judicial environment in order to foster an orderly exercise of judicial power between each environment (Murphy, 2016b). Each moves and functions in accordance with the benchmark of the jurisdiction limits determined. Besides that, the goal is also to provide peace and certainty for the justice-seeking community. The power of the Religious Court is, in principle, the same meaning,

formulation, and method of regulation as that determined for the general court, military court, and state administrative court. Even the types of power, function, and authority are the same. The difference is in the scope (field) of judicial power, which is adjusted to the characteristics inherent in each judicial environment. Factually it can be seen that the promulgation of the Religious Court Law is the last compared to other judicial laws or precisely 19 years after the Law on the Principal of Judicial Power was passed. As is known, Law Number 14 of 1970 is an organic law (a law made by order of the 1945 Constitution of the Republic of Indonesia), so there needs to be another law as its implementing regulation, where specifically for the Religious Court, further regulation is carried out with Law Number 7 of 1989 concerning Religious Courts.

It contains material law as well as formal law. With this law, the existence of the Religious Court has really been recognized, and it no longer requires an execution fiat from the state court to carry out its decision. It should be emphasized here that the authority of the Religious Court only covers civil law issues experienced by Muslims, such as the field of marriage and inheritance, including ownership disputes with the object of dispute regulated in Article 49.

2. Explanation of Law Number 3 of 2006 concerning Amendments to Law Number 7 of 1989 concerning Religious Courts

The 1945 Constitution of the Republic of Indonesia stipulates in Article 24 paragraph (2) that the Religious Court is one of the judicial environments under the Supreme Court along with other judicial bodies within the General Court, the State Administrative Court, and the Military Court. The Religious Court is one of the judicial bodies of judicial power actors to organize law enforcement and justice for people seeking justice in certain cases between Muslim people in the fields of marriage, inheritance, wills, grants, waqf, zakat, infaq, sadaqah, and sharia economics. The affirmation of the authority of the Religious Court is intended to provide a legal basis for religious courts in resolving certain cases, including violations of the Law on Marriage and its implementing regulations, as well as strengthening the legal basis of the Sharia Court in exercising its authority in the field of jinayah based on qanun.

In this Law, the authority of the courts within the Religious Court is expanded, this is in accordance with legal developments and the legal needs of the community, especially the Muslim community. The expansion includes the sharia economy, among others. In relation to the amendment of this Law, the sentence contained in the general explanation of Law Number 7 of 1989 concerning Religious Courts, which states: "The Parties before litigating may consider choosing what law to use in the distribution of inheritance", is declared deleted.

In an effort to strengthen the principle of independent judicial power, in accordance with the demands of reform in the legal field, amendments have been made to Law No. 14 of 1970 concerning the Principal Provisions of Judicial Power as amended by Law No. 35 of 1999 concerning Amendments to Law No. 14 of 1970 concerning the Principal Provisions of Judicial Power, as the last of which has been changed to Law No. 4 of 2004 concerning Judicial Power. Similarly, amendments have been made to Law Number 14 of 1985 concerning the Supreme Court

with Law Number 5 of 2004 concerning Amendments to Law Number 14 of 1985 concerning the Supreme Court.

Law Number 4 of 2004 concerning Judicial Power confirms the existence of a special court formed in one of the judicial environments with the law. Therefore, the existence of special courts within the Religious Court needs to be regulated in this Law. The replacement and amendment of the two Laws expressly provided for the transfer of organizational, administrative, and financial from all judicial environments to the Supreme Court. Thus, the organization, administration, and finance of the judicial body within the Religious Courts, which were previously still under the Ministry of Religion based on Law Number 7 of 1989 concerning Religious Courts, need to be adjusted. Based on the provisions of Law Number 4 of 2004 concerning Judicial Power, the transfer to the Supreme Court has been carried out. To fulfill the provisions in question, it is also necessary to make amendments to Law Number 7 of 1989 concerning Religious Courts.

3. Explanation of Law 50 of 2009 concerning the Second Amendment to Law Number 7 of 1989 concerning Religious Courts

The 1945 Constitution of the Republic of Indonesia, in Article 24, paragraph (1) emphasizes that the judiciary is an independent power that administers the judiciary in order to uphold law and justice. Article 24 paragraph (2) of the 1945 Constitution of the Republic of Indonesia stipulates that judicial power is exercised by a Supreme Court and judicial bodies under it in the general judicial environment, the religious judicial environment, the military judicial environment, the state administrative judicial environment, and by a Constitutional Court.

This amendment of the Law is motivated by, among others, the Constitutional Court Decision No. 005/PUU-IV/2006 dated August 23, 2006, in which the decision has stated that Article 34 paragraph (3) of Law No. 4 of 2004 concerning Judicial Power and the provisions of articles concerning the supervision of judges in Law No. 22 of 2004 concerning the Judicial Commission is contrary to the Constitution of the Republic of Indonesia of 1945 and therefore It does not have binding legal force. As a logical-juridical consequence of the Constitutional Court's decision, amendments have been made to Law No. 14 of 1985 concerning the Supreme Court as amended by Law No. 5 of 2004 concerning Amendments to Law No. 14 of 2004 concerning the Supreme Court based on Law No. 3 of 2009 concerning the Second Amendment to Law No. 14 of 1985 concerning the Supreme Court, in addition to Law Number 22 of 2004 concerning the Judicial Commission itself, which has been declared to have no binding legal force.

Law No. 7 of 1989 concerning Religious Courts as amended by Law No. 3 of 2006 concerning Amendments to Law No. 7 of 1989 concerning Religious Courts is one of the laws that regulates the judicial environment under the Supreme Court; it is also necessary to make changes as an adjustment or synchronization to Law No. 3 of 2009 concerning the Second Amendment to Law No. 14 of 1985 concerning The Supreme Court and amendments to Law Number 22 of 2004 concerning the Judicial Commission.

The Second Amendment to Law Number 7 of 1989 concerning Religious Courts has laid the basis for the policy that all matters related to religious courts, the highest supervision both

regarding judicial and non-judicial technicalities, namely organizational, administrative, and financial affairs, are under the jurisdiction of the Supreme Court. Meanwhile, to maintain and uphold the honor, dignity, and behavior of judges, external supervision is carried out by the Judicial Commission. The Second Amendment to Law Number 7 of 1989 concerning Religious Courts is intended to strengthen the basic principles in the implementation of judicial power, namely so that the principle of judicial independence and the principle of judges' independence can run in parallel with the principles of integrity and accountability of judges.

Other important changes to Law Number 7 of 1989 concerning Religious Courts as amended by Law Number 3 of 2006 concerning Religious Courts include the following:

1) Strengthening the supervision of judges, both internal supervision by the Supreme Court and external supervision of judges' behavior carried out by the Judicial Commission in maintaining and upholding the honor, dignity, and behavior of judges;
2) Tightening the requirements for the appointment of judges, both judges in religious courts and judges in religious high courts, including through a judge selection process that is carried out in a transparent, accountable, and participatory manner and must go through a process or pass judge education;
3) Arrangements regarding special courts and ad hoc judges
4) Arrangement of mechanisms and procedures for the appointment and dismissal of judges;
5) The safety and welfare of judges;
6) Transparency of the decision and limitations on the provision of copies of the decision;
7) Fee transparency cases and management inspections and liability for care costs;
8) Legal aid; and
9) The Judges' Honorary Assembly and the judge's obligation to obey the Code of Ethics and the Code of Conduct for Judges.

The general amendment to Law No. 7 of 1989 concerning Religious Courts as amended by Law No. 3 of 2006 concerning Religious Courts is basically to realize the implementation of independent judicial power and a clean and authoritative judiciary, which is carried out through the arrangement of an integrated justice system, especially the religious judiciary is constitutionally a judicial body under the Supreme Court.

CONCLUSION

The study concludes that the complexities in Sharia economics stem from several interrelated factors, including regulatory barriers, legal interpretations, and practical implementation challenges. Key findings highlight that the existing legal framework lacks full support for Sharia economic development, with overlaps between conventional and Sharia laws creating ambiguities. The low level of Islamic financial literacy among both business actors and consumers further hinders the adoption and growth of Islamic financial products and services. Additionally, there is a significant gap between the theoretical principles of justice and sustainability in Sharia economics and their practical application, where conventional practices often prevail. Social and

cultural resistance, along with the perception of Sharia economics as an exclusive system, also limits its broader acceptance. To address these challenges, the study emphasizes the need for regulatory reforms that are inclusive and aligned with Sharia principles, as well as innovations in Islamic financial products and services. These efforts are crucial to ensure that Sharia economics can realize its potential as a sustainable and equitable alternative to the conventional economic system.

BIBLIOGRAPHY

Babasyan, T. M. (2023). Legal Aspects Of The Islamic Economy. *Анализ, Моделирование, Управление, Развитие Социально-Экономических Систем (АМУР-2023)*, 28–42.

Baderin, M. A. (2017). *Islamic Legal Theory: Volume I*. Routledge.

Benhalim, R. (2018). Religious Courts in Secular Jurisdictions: How Jewish and Islamic Courts Adapt to Societal and Legal Norms. *Brook. L. Rev.*, *84*, 745.

Chemerinsky, E. (2023). *Constitutional law*. Aspen Publishing.

Chiodelli, F., & Moroni, S. (2017). Planning, pluralism and religious diversity: Critically reconsidering the spatial regulation of mosques in Italy starting from a much debated law in the Lombardy region. *Cities*, *62*, 62–70. https://doi.org/10.1016/j.cities.2016.12.004

Choudhry, S., & Bass, K. (2014). Constitutional Courts after the Arab Spring: Appointment mechanisms and relative judicial independence. *The Center for Constitutional Transitions at NYU Law & International IDEA Reports: Constitutional Design in the Middle East and North Africa (with K. Glenn Bass)(2014)(Also Translated into Arabic*.

Hindolia, A., Arya, J., Pathak, R., & Kazmi, A. (2024). Halal B2B marketing in the metaverse: crafting a conceptual framework to pinpoint opportunities and challenges, outlining the agenda for future research. *Journal of Islamic Marketing*.

Karton, J. (2020). Control of Price Related Terms in Common Law Canada: Piecemeal Solutions to Demonstrated Problems of Unfairness. *Control of Price Related Terms in Standard Form Contracts*, 209–230.

Lembang, A. A. R., Nababan, N. A. J., & Latifiani, D. (2022). Limitation Of Absolute Authority Of Religious Courts And District Courts In Settlement Of Inheritance Disputes. *Wacana Hukum*, *28*(1).

McMurray, A. J., Islam, Md. M., Siwar, C., & Fien, J. (2014). Sustainable procurement in Malaysian organizations: Practices, barriers and opportunities. *Journal of Purchasing and Supply Management*, *20*(3), 195–207. https://doi.org/10.1016/j.pursup.2014.02.005

Menkel-Meadow, C. (2018). Whose dispute is it anyway?: a philosophical and democratic defense of settlement (in some cases). In *Mediation* (pp. 39–72). Routledge.

Murphy, W. F. (2016a). *Elements of judicial strategy* (Vol. 17). Quid Pro Books.

Murphy, W. F. (2016b). *Elements of judicial strategy* (Vol. 17). Quid Pro Books.

Najeeb, S. F., & Ibrahim, S. H. M. (2014). Professionalizing the role of Shari'ah auditors: How Malaysia can generate economic benefits. *Pacific-Basin Finance Journal*, *28*, 91–109. https://doi.org/10.1016/j.pacfin.2013.10.009

Ogali, D. (2018). Lady Justice Cannot Hear Your Prayers. *Fordham L. Rev.*, *87*, 1293.

Pamuji, A. E., Supandi, A. F., & Sa'diyah, M. (2022). Islamic Financial Institutions as Strengthening The Economy of The Ummah (Study on The Application of Shariah Agreements in Islamic Financial Institutions). *Oeconomicus Journal of Economics*, *7*(1), 24–36.

Paudel, K. P. (2024). The role of information and communication technology in modernizing the courts: a case of Nepali judiciary. *International Journal of Law and Management*, *66*(1), 61–73.

Peeters, R., & Widlak, A. (2018). The digital cage: Administrative exclusion through information architecture – The case of the Dutch civil registry's master data management system. *Government Information Quarterly*, *35*(2), 175–183. https://doi.org/10.1016/j.giq.2018.02.003

Prakken, H., & Sartor, G. (2015). Law and logic: A review from an argumentation perspective. *Artificial Intelligence*, *227*, 214–245. https://doi.org/10.1016/j.artint.2015.06.005

Rahayu, S. (2023). Legal Implications of Enforcement of the Supreme Court Circular Number 2 of 2023 on the Civil Rights of Interfaith Marriages. *Formosa Journal of Applied Sciences*, *2*(11), 2885–2896.

Raza Rabbani, M., Asad Mohd. Ali, M., Rahiman, H. U., Atif, Mohd., Zulfikar, Z., & Naseem, Y. (2021). The Response of Islamic Financial Service to the COVID-19 Pandemic: The Open Social Innovation of the Financial System. *Journal of Open Innovation: Technology, Market, and Complexity*, *7*(1), 85. https://doi.org/10.3390/joitmc7010085

Rifqi, M. J. (2021). The Superiority of Customary Law over Islamic Law on the Existence of Inheritance: Reflections on Snouck Hurgronje's Reception Theory. *Millah: Journal of Religious Studies*, 217–252.

Shinkafi, A. A., & Ali, N. A. (2017). Contemporary Islamic economic studies on Maqasid Shari'ah: a systematic literature review. *Humanomics*, *33*(3), 315–334.

Sulistiyono, A., Supaat, D. I., Palil, M. R., & Rosidah, Z. N. (2018). *Strengthening Of Sharia Principles Among National Shari'ah Arbitration Board Arbitrators In The Settlement Of Sharia Economic Disputes*.

Usman, H., Tjiptoherijanto, P., Balqiah, T. E., & Agung, I. G. N. (2017). The role of religious norms, trust, importance of attributes and information sources in the relationship between religiosity and selection of the Islamic bank. *Journal of Islamic Marketing*, *8*(2), 158–186.

Warren, E., Westbrook, J. L., Porter, K., & Pottow, J. (2020). *The law of debtors and creditors: text, cases, and problems*. Aspen Publishing.

Zaini, F., & Shuib, M. S. Bin. (2021). Fatwa on Sharia Products and Its Role in The Development of Islamic Finance Industry. *Islamadina: Jurnal Pemikiran Islam*, *22*(2), 189–207.

Zubair, A. (2020). An Analysis of Dispute Resolution Mechanisms in the Islamic Banking and Finance Industry in Malaysia. *Jurnal Hukum Novelty*, *11*(2), 164–178.

Zuhrah, F. (2020). Perceraian di Bawah Tangan di Indonesia:(Studi Terhadap Implementasi Pasal 39 UU No. 1 tahun 1974). *Journal of Gender and Social Inclusion in Muslim Societies*, *1*(1).