

**RESOLUTION OF SHARIA ECONOMIC DISPUTES BY CERTIFIED  
JUDGES BASED ON SUPREME COURT REGULATION NUMBER 5  
OF 2016 CONCERNING CERTIFICATION OF SHARIA ECONOMIC  
JUDGES AT THE SUNGGUMINASA CLASS 1B  
RELIGIOUS COURT**

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**Abstract**

*The subject matter of this research is how the settlement of sharia economic disputes by certified judges based on PERMA Number 5 of 2016 concerning Certification of Sharia Economic Judges at the Sungguminasa Class 1B Religious Court. The sub-problems are: 1) How is the process of resolving sharia economic disputes at the Sungguminasa Class 1B Religious Court? 2) How is the competence of the judge of the Sungguminasa Class 1B Religious Court in resolving sharia economic disputes based on PERMA Number 5 of 2016 concerning Certification of Sharia Economic Judges? This type of research is descriptive qualitative field research with a juridical-empirical approach with a research location at the Sungguminasa Class 1B Religious Court. Data collection techniques in this research are interviews and documentation which are then processed through data reduction, data exposure, and conclusions. The results showed that the settlement of sharia economic disputes carried out by the Sungguminasa Class 1B Religious Court was in accordance with PERMA Number 5 of 2016. The PERMA states that sharia economic disputes must be handled by a panel of judges whose head of the panel or one of its members has sharia economic judge certification. In addition, the handling of sharia economic disputes at the Sungguminasa Religious Court is quite effective because the number of judges who have certified sharia economic judges is 2 judges, and 6 out of 7 decisions have been well received by each party to the dispute. This means that the decision has fulfilled the elements of an ideal decision, namely justice, legal certainty, and expediency. The implications of this research are: 1) All legal apparatus, especially judges of the Sungguminasa Religious Court, both those who have and those who have not been certified as sharia economic judges, should participate more in education and training on sharia economic disputes in order to be able to resolve sharia economic disputes better. 2) The Supreme Court as an institution that formulates PERMA Number 5 of 2016 should increase the budget allocation so that the implementation of sharia economic judge certification in the Religious Courts can be more effective. 3) The public in general is expected to increase trust in the Religious Court institution because the judges are ready to accept and face sharia economic disputes.*

**Keywords: Religious Court, Sharia Economic Disputes, Sharia Economic Judge Certification**

## A. Introduction

The 1945 Constitution states that Indonesia is a state of law, not a state of power. Therefore, as a state of law, it has legal regulations to protect the public interest.<sup>1</sup> Law and courts are two important components in maintaining the order of community life. Laws serve as rules that must be followed, while courts are the place to resolve disputes. Therefore, they are like two sides of one coin that complement each other and cannot be separated.<sup>2</sup> Indonesia has 4 court environments under the Supreme Court that carry out judicial functions. The entire court environment is limited by competencies regulated by law. It is within these boundaries that each court exercises its authority. General Courts are authorized to handle general criminal cases, customary civil cases, as well as Western civil cases. Administrative courts are only authorized to handle state administrative cases. Military courts have jurisdiction over criminal offenses committed by the military and others. Religious Courts have limited jurisdiction over certain areas defined by regulation. Any field that has been determined as the authority of a court environment becomes the responsibility of that court to decide cases. This authority is known as “absolute competence.” Therefore, a court is not authorized to hear cases that fall outside its field of competence.”<sup>3</sup>

The enactment of Law No. 3/2006 on Religious Courts brought significant modifications to the current existence of religious courts. One of the main changes is the addition of the authority of religious courts, including in the field of sharia economics.<sup>4</sup> According to article 49, letter (i), religious courts have the authority and responsibility to resolve cases at the first level involving Muslims in the fields of marriage, inheritance, wills, grants, waqaf, zakat, infaq, shodaqoh, and sharia economics.<sup>5</sup> The choice of religious courts to handle sharia economic disputes is a careful one. The coherence of the application of sharia-based material law with the institution of the Religious Court as a representation of a court institution that gathers justice seekers who are Muslim or who are subject to Islamic law can be achieved. In addition, the judges are Muslim and understand Islamic law.”<sup>6</sup> The task of Religious Court judges is very heavy, especially because PERMA No. 5 of 2016 concerning Certification of Sharia Economic Judges states that sharia economic disputes must be handled by judges who have sharia economic judge certification

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<sup>1</sup>Riska Alfiana and Ashar Sinilele, “The Position of Auction Goods Used to Commit the Crime of Theft in the Perspective of Islamic Law,” *Iqtishaduna: Scientific Journal of Shari'ah Economic Law Students*

, 1.1 (2019), h.109. <<https://doi.org/10.24252/iqtishaduna.v1i1.10944>>.

<sup>2</sup>Hadi Daeng Mapuna, “Law and Justice in Early Muslim Societies,” *Journal Al-Qadāu: Islamic Courts and Family Law*, 2.1 (2015).

<sup>3</sup>M. Yahya Harahap, *Position, Authority, and Procedure of the Religious Courts (UU No. 7 1989)* (Jakarta: Pustaka Kartini, 1997). h.92.

<sup>4</sup>Abdul Manan, *Sharia Economic Law in the Perspective of the Authority of Religious Courts* (Jakarta: Kencana, 2016). h.425.

<sup>5</sup>Central Government, *Law No. 3 of 2006 on the Amendment to Law No. 7 of 1989 on Religious Courts* (Indonesia: LN.2006/NO.22, TLN NO.4611, LL SETNEG : 18 HLM, 2006).

<sup>6</sup>Abdul Manan, “Economic System Based on Shari'ah,” *Suara Udilag*, 3.9 (2006).

appointed by the Chief Justice of the Supreme Court.”<sup>7</sup> Article 1 point 7 of PERMA No. 14 of 2016 also explains that these judges are first-level judges in religious courts who are certified as sharia economic judges.

The distribution of sharia economic judges in each religious court is uneven, because of the demands of the Supreme Court in its requirements, not all judges who register for sharia economic certification can take part in sharia economic judge training, because there are administrative requirements, namely being physically and mentally healthy, by having been a judge for 8 years. Then the competency requirements to play an Islamic economic judge include several things, including a deep understanding of Islamic economic law, the ability to use regulations as a tool in adjudicating Islamic economic disputes, the ability to practice legal discovery (*rechtsvinding*), and skills in implementing special procedural guidelines in handling Islamic economic cases. In addition, judges must have high integrity, which is characterized by not being subject to disciplinary punishment. To be appointed as a sharia economic judge, a person must also attend trainings related to sharia economics and pass a selection conducted by an authorized team.”<sup>8</sup> The Sungguminasa Religious Court, a religious court located in South Sulawesi, has the authority to adjudicate disputes regarding sharia economics. Currently, the reality of the problems faced by the Sungguminasa Religious Court is the minimal number of registered sharia economic disputes. From 2020 to early 2024, there were only seven sharia economic cases handled by this court.”<sup>9</sup> This condition is interesting to analyze further, especially regarding the response and readiness of the legal apparatus, especially judges at the Sungguminasa Religious Court, in handling sharia economic disputes.

## **B. Research Methods**

The research method used is field research, which is one way to collect qualitative data at the Sungguminasa Religious Court located at Jalan Masjid Raya No. 25, Sungguminasa, Gowa Regency, South Sulawesi. The research approach in this study is a juridical-empirical approach, namely legal research related to the enactment or implementation of normative legal provisions directly on every legal event that occurs in society. Sources of data were obtained from judges of the Sungguminasa Religious Court as well as writings relevant to the research topic. The methods used for data collection in this research are interviews and documentation. The research was conducted on May 13, 2024 until June 13, 2024.

## **C. Results and Discussion**

### **1. Overview of Sungguminasa Religious Court Class 1B.**

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<sup>7</sup>Supreme Court, *Supreme Court Regulation Number 5 of 2016 concerning Certification of Sharia Economic Judges, article 2* (Indonesia: BN.2016/No.597, peraturan.go.id: 14 hlm., 2016).

<sup>8</sup>Supreme Court, *Supreme Court Regulation Number 5 of 2016 concerning Certification of Sharia Economic Judges, article 6* (Indonesia: BN.2016/No.597, peraturan.go.id: 14 hlm., 2016).

<sup>9</sup>Pengadilan Agama Sungguminasa, “Sistem Informasi Penelusuran Perkara (SIPP)” <[http://sipp.pa-sungguminasa.go.id/list\\_perkara](http://sipp.pa-sungguminasa.go.id/list_perkara)> [accessed 27 September 2023].

The Sungguminasa Religious Court was officially established to carry out judicial functions in accordance with the provisions stipulated in Government Regulation No. 45 of 1957 on December 3, 1966, with the issuance of SKMA No. 87 of 1966. The Sungguminasa Religious Court was then inaugurated on May 29, 1967. The leadership of the Sungguminasa Religious Court at that date was held by K.H. Muh. Saleh Thaha from 1967 to 1976. The Sungguminasa Religious Court was in charge of covering 18 sub-districts, which consisted of 46 villages and 123 sub-districts.<sup>10</sup> The Sungguminasa Religious Court is located in the jurisdiction of Region TK.II Gowa. The following areas border Gowa Regency:

- Maros Regency to the north.
- Bulukumba Regency and Bantaeng Regency to the east.
- Jeneponto Regency and Takalar Regency to the south.
- To the west is bordered by Makassar City.<sup>11</sup>

**Table 1. Organizational Structure of the Sungguminasa Religious Court**

Chairman	: Dr. Mukhtaruddin Bahrum, S.H.I., M.H.I.
Vice Chairman	: Mun'amah, S.H.I., M.H.
Judge	: <ul style="list-style-type: none"> <li>• Muhammad Fitrah, S.H.I., M.H.</li> <li>• Sulastrisuhani, S.H.I.</li> <li>• Radiaty, S.H.I.</li> </ul>
Panitera	: Nasriah, S.H., M.H.
Secretary	: Dr. Yusran, S.Ag., M.H.
Young Lawsuit Clerk	: Dra. Hj. Musafirah, M.H.
Junior Registrar of Requests	: Nur Intang, S.Ag.
Young Law Clerk	: Annisa, S.H.
Substitute Clerk	: <ul style="list-style-type: none"> <li>• Dra. I. Damri</li> <li>• Dra. Wahda</li> <li>• Dra. Jasrawati</li> <li>• Ibrahim, S.H.</li> <li>• Salmiah, S.H.</li> <li>• Achmad Tasit, S.H.</li> <li>• Khairuddin, S.H.</li> <li>• Bulgis Yusuf, S.H.I., M.H.</li> <li>• Musdalifah, S.H., M.H.</li> </ul>

<sup>10</sup>Pengadilan Agama Sungguminasa, "History of Sungguminasa Religious Court" <[https://www.pasungguminasa.go.id/index.php?option=com\\_content&view=article&id=75&Itemid=492](https://www.pasungguminasa.go.id/index.php?option=com_content&view=article&id=75&Itemid=492)> [accessed 7 June 2024].

<sup>11</sup>Pengadilan Agama Sungguminasa, "Area of Jurisdiction" <[https://www.pasungguminasa.go.id/index.php?option=com\\_content&view=article&id=80&Itemid=496](https://www.pasungguminasa.go.id/index.php?option=com_content&view=article&id=80&Itemid=496)> [accessed 7 June 2024].

	<ul style="list-style-type: none"> <li>• Eka Dewi Adnan, S.H.</li> <li>• Ridwan, S.H.</li> <li>• Muh. Sabir, S.H.</li> <li>• Andi Mulyani Tahir, S.H.</li> <li>• Hj. Rasdianah, S.H.</li> <li>• Hartati, S.H.</li> <li>• Nurfajri Thahir, S.H.I.</li> <li>• Nurhasani Nur, S.H.</li> <li>• Erni, S.H.</li> <li>• Musyrifah Jufri, S.H.I.</li> </ul>
Bailiff	<ul style="list-style-type: none"> <li>• Hj. Sunarti Kamaruddin, S.E.</li> <li>• Tri Sutrisno</li> </ul>
Replacement Bailiff	<ul style="list-style-type: none"> <li>• Sirajuddin</li> <li>• Purnama Santi</li> <li>• Aswad Kurniawan, S.H.I.</li> </ul>
Head of Organization and Administration Sub-section	: Mukarramah, S.HI.
Head of Planning, Informatics, and Reporting sub-section	: Andi Suryani Mattupuang, S.Kom.
Head of general and finance sub-section	: Moh. Riski Prakarsa Kadang, S.E.
Functional Financial Management of State Budget Financing	Mulyani, S.E.
Functional Computer Technician	Rifdah Fausiah Ashari, S.T.
Staf/Implementers	<ul style="list-style-type: none"> <li>• Rostinawati</li> <li>• Diah Melindasari, S.H.</li> <li>• Gregah Wilaktama, S.H.</li> <li>• Dea Angela Seftyana, S. IP.</li> <li>• Hanugerah Putra Nur Hidayat, A.Md.</li> <li>• Anindita Cahyani S, A.Md.A.B.<sup>12</sup></li> </ul>

The vision of the Supreme Court of the Republic of Indonesia 2010-2035 is “The Realization of a Supreme Judicial Body”. The Vision of the Sungguminasa Religious Court is “The Realization of a Supreme Sungguminasa Religious Court Institution”. The missions of the Judicial Council 2010-2035 are as follows:

- Maintain the independence of the judiciary.

<sup>12</sup>Pengadilan Agama Sungguminasa, “Organizational Structure” <[https://www.pa-sungguminasa.go.id/index.php?option=com\\_content&view=article&id=77&Itemid=493](https://www.pa-sungguminasa.go.id/index.php?option=com_content&view=article&id=77&Itemid=493)> [accessed 7 June 2024].

- Provide equitable legal services to justice seekers.
- Improve the quality of leadership of the Judiciary.
- Improve the credibility and transparency of the judiciary.

The mission of the Sungguminasa Religious Court is:

- Maintain the independence of the Sungguminasa Religious Court.
- Providing legal services for justice seekers.
- Increase the credibility and transparency of the Sungguminasa Religious Court.
- Improve the performance of the Sungguminasa Religious Court based on information technology.<sup>13</sup>

## **2. Sharia Economic Dispute Resolution Process at the Sungguminasa Class 1B Religious Court.**

Understanding the definition of sharia economic disputes, it is first necessary to understand two important parts of the term sharia economic disputes, namely “dispute” and “sharia economy”. The word “dispute” in the legal dictionary can be defined as something that causes a difference of opinion between two or more disputing parties. Whereas “disputes” that go to court are commonly referred to as “cases”. Sharia economy as explained in KHES is an activity carried out by individuals, groups of people, business entities incorporated or not incorporated in order to meet commercial and non-commercial needs according to sharia economic principles.<sup>14</sup> The explanation can be concluded that sharia economic disputes refer to disputes arising between two or more parties involved in sharia economic transactions.

When filing a sharia economic case at the Religious Court, some things to consider include:

- a. The case should not have an arbitration clause, as this clause authorizes the arbitration institution designated in the agreement. As a result, the Religious Court has no authority to settle the case;
- b. It is important to pay attention to the agreement on which the cooperation is based, because this determines that the agreement or contract must comply with the principles of sharia.<sup>15</sup>

The settlement of sharia economic disputes is regulated in Supreme Court Regulation Number 14 of 2016 concerning Procedures for Settling Sharia Economic Cases. This PERMA guarantees the implementation of sharia economic dispute resolution to be simpler, faster and lighter in cost. Based on PERMA Number 14 of 2016, sharia economic disputes can be

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<sup>13</sup>Pengadilan Agama Sungguminasa, “Vision dan Misions” <[https://www.pasungguminasa.go.id/index.php?option=com\\_content&view=article&id=74&Itemid=490](https://www.pasungguminasa.go.id/index.php?option=com_content&view=article&id=74&Itemid=490)> [accessed 7 June 2024].

<sup>14</sup>Abdul Halim Muhammad Sholeh, “Shari’ah Economic Disputes and the Readiness of Religious Courts,” *islamic business journal*, 8.1 (2015), h.70.

<sup>15</sup>Amelia Rahmaniah, “Settlement of Sharia Economic Disputes in Religious Courts,” 2023 <<https://fs.uin-antasari.ac.id/penyelesaian-sengketa-ekonomi-syariah-di-pengadilan-agama/>> [accessed 8 Juni 2024].

submitted in the form of a simple lawsuit or with ordinary events. The results of an interview with one of the judges at the Sungguminasa Religious Court said that the procedure for resolving sharia economic disputes is the same as dispute resolution in general, which is guided by civil law, except for simple lawsuits.<sup>16</sup> The settlement of sharia economic disputes through simpler procedures refers to PERMA Number 2 of 2015 concerning Procedures for Simple Lawsuits, which has been amended by PERMA Number 4 of 2019. The main difference between a simple lawsuit and a lawsuit in general is that the value of material losses that can be filed in a simple case does not exceed Rp. 500,000,000 (five hundred million rupiah). In contrast, in ordinary civil cases, there is no limitation on the value of material loss. The requirements for filing a simple lawsuit in accordance with Article 4 of PERMA Number 4 of 2019 are as follows:

- a. In a simple lawsuit, the parties consist of the plaintiff and the defendant, where each party cannot be more than one, unless they have the same legal interest;
- b. A simple lawsuit cannot be filed against a defendant whose residence is unknown;
- c. Both the plaintiff and the defendant must be domiciled in the same jurisdiction of the court;
- d. The plaintiff and defendant are required to appear in person at each hearing without being accompanied by a legal representative.<sup>17</sup>

The flow of simple lawsuit settlement is as follows:

- a. Filing a simple lawsuit, filed in writing or orally;
- b. Examination of the completeness of the file, namely checking the requirements of a simple lawsuit;
- c. Preliminary examination, in which the judge assesses whether or not the evidence is simple.;
- d. Simple Lawsuit Examination and Settlement;
- e. Peaceful Efforts;
- f. Reading of the Lawsuit and Defendant's Reply;
- g. Evidence;
- h. Verdict.

Judges at the Sungguminasa Religious Court have a good understanding of the procedures for resolving sharia economic disputes, both with ordinary events and with simple events. This can be proven through the disputes that enter the Sungguminasa Religious Court, namely from 7 sharia economic disputes, only one decision was made to appeal to the cassation level, while the other 6 decisions were not made legal remedies (minutasi).<sup>18</sup>

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<sup>16</sup>Muhammad Fitrah, "Interview with a Judge of the Sungguminasa Religious Court" (Gowa, 2024).

<sup>17</sup>Supreme Court, *Supreme Court Regulation No. 4 of 2019 on the Amendment to Supreme Court Regulation No. 2 of 2015 on Procedures for Settlement of Simple Lawsuits* (Indonesia: BN.2019/No.942, jdih.mahkamahagung.go.id: 8 hlm., 2019).

<sup>18</sup>Muhammad Fitrah, "Interview with a Judge of the Sungguminasa Religious Court" (Gowa, 2024).

### **3. Competence of Judges of the Sungguminasa Class 1B Religious Court in Resolving Sharia Economic Disputes Based on PERMA Number 5 of 2016 concerning Certification of Sharia Economic Judges.**

Judges in Indonesia are state court officials with authority granted by law in order to conduct trials. Law No. 3/2006 on Religious Courts Article 11 confirms that a court judge is an official, serving under the judicial power. From this provision, it is understood that judges as officials have the responsibility of carrying out justice in the resolution of cases or problems in court. As law enforcers, judges have a primary obligation to receive, examine, decide, and resolve any disputes brought before them. With this function, judges are considered as the core executors who functionally carry out judicial power. As a result, judges are crucial and have a valuable role in achieving justice through their decisions. A judge according to Islamic law is someone who is entrusted by the head of state to decide cases and resolve disputes in the field of civil law, because the ruler himself cannot handle the judicial duties.<sup>19</sup> As a person who is appointed as a judge, he plays a very important role in the implementation and enforcement of Islamic law and as the dominant and main person has full responsibility for the preservation and defense of Islamic law. With such heavy duties, it is certainly not easy for most people to carry out these duties. A judge is obliged to conduct an examination, assessment, and give a decision on a case submitted to him. Judges are not allowed to refuse to conduct examinations, trials and give a decision on a case on the grounds that the law does not exist or is unclear.<sup>20</sup>

The only institution that has the authority to resolve sharia economic disputes is currently the Religious Court. Despite this, there are still those who doubt the ability of the Religious Courts to resolve sharia economic disputes, both in industry and practitioners. This is based on the fact that sharia economic issues are very complex and require a truly experienced institution to resolve them. Not all judges have a deep understanding of sharia economics. Therefore, the idea is to select Religious Court judges who are considered proficient in handling sharia economic disputes. Judges handling these disputes should come from a group of judges who are highly proficient in the theory and practice of sharia economics.<sup>21</sup>

Supreme Court Regulation No. 5/2016 requires judges who will resolve economic disputes in the Religious Courts to pass administrative selection, competence, integrity, and training of sharia economic judges. This is done to increase the effectiveness of handling sharia economic cases in the context of sharia law enforcement. With this PERMA, it is expected that the settlement of sharia economic disputes can be resolved by qualified judges and their abilities have been tested so that sharia economic and financial industry

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<sup>19</sup>Muhammad Salam Madkur, *Judiciary in Islam* (Surabaya: PT. Bina Ilmu, 1993) h.29.

<sup>20</sup>Center Government, *Law (UU) Number 4 of 2004 concerning Judicial Power, article 16 paragraph 1* (LN 2004/ No.8, TLN No.4358, www.dpr.go.id/jdih : 12 hlm., 2004).

<sup>21</sup>Abdul Rasyid, "Sharia Economic Judge Certification," 2016 <<https://business-law.binus.ac.id/2016/09/28/sertifikasi-hakim-ekonomi-syariah/>> [accessed 10 June 2024].

players who have doubts will disappear, turning into a trust. Sharia economic cases are a relatively new authority, so to answer public doubts about the competence of religious judges, certification is needed as “proof” that Religious Court judges have “tested” competence related to their absolute competence. For this, a relatively long time and a relatively large amount of money is needed so that the cooperation of all stakeholders is needed to find the best solution.<sup>22</sup>

The Religious Court in resolving sharia economic disputes must appoint a panel of judges with the chairman of the panel and a member in the form of a certified judge in sharia economics. However, there are still many Religious Courts where the number of judges with sharia economic certificates is insufficient, due to the distribution of judges and the limited funds owned by the Supreme Court to provide education and training related to Islamic economics. Muhammad Fitrah as one of the judges of the Sungguminasa Religious Court said that actually the Religious Courts Agency (Badilag) in general has conducted trainings related to Islamic economics, but not all judges have received their turn. This is because of the limited budget from the Supreme Court, so not all of them can be covered.<sup>23</sup>

The Sungguminasa Religious Court has 7 judges and 2 of them are certified sharia economic judges, namely the President of the Sungguminasa Religious Court (Dr. Mukhtaruddin Bahrum, S.H.I., M.H.I), and the Deputy President of the Sungguminasa Religious Court (Mun'amah, S.H.I., M.H.). Typically, at the Sungguminasa Religious Court, sharia economic disputes are handled by a panel of judges led by a Judge who has certification in the field of sharia economics, while the other two judge members do not have similar certification. If there is a certified judge, he or she will be directly responsible for the resolution of the dispute. However, if there is no judge certified in sharia economics, the court must still handle the case because judges are not allowed to refuse to handle cases (*ius curia novit*).<sup>24</sup> This is in accordance with the provisions in PERMA Number 5 of 2016 concerning Certification of Sharia Economic Judges, which confirms that in courts that do not yet have a certified sharia economic judge, the court president has the authority to examine and decide the case. However, if the court president has a very busy schedule, then there is an option to appoint a more senior judge under him who has attended training related to sharia economic dispute resolution, to hear and decide the case.<sup>25</sup>

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<sup>22</sup>Ahmad Saprudin, *Standardization of Judges' Competence in Handling Sharia Economics* (Iwan Kartiwan, 2013) <<https://badilag.mahkamahagung.go.id/artikel/publikasi/artikel/standarisasi-kompetensi-hakim-dalam-penanganan-perkara-ekonomi-syariah-oleh-ahmad-saprudin-910>>.

<sup>23</sup>Muhammad Fitrah, “Interview with a Judge of the Sungguminasa Religious Court” (Gowa, 2024).

<sup>24</sup>Muhammad Fitrah, “Interview with a Judge of the Sungguminasa Religious Court” (Gowa, 2024).

<sup>25</sup>Abdul Hamid, “Opportunities and Challenges of the Polewali Mandar Religious Court in Socializing Sharia Economic Cases,” *J-Alif: Journal of Sharia Economic and Social Law Research*, 2.1 (2017), h.11.

The Sungguminasa Religious Court has handled and ruled on seven sharia economic disputes from 2020 to early 2024. In 2020, there were 3 sharia economic disputes whose decisions fulfilled three elements, namely justice, legal certainty and expediency. This was indicated by the acceptance of the decision by the plaintiff and defendant so that no appeal or cassation was made. In 2021, there was one sharia economic dispute that entered the Sungguminasa Religious Court. The dispute was resolved properly by the judges of the Sungguminasa Religious Court. In 2022, the Sungguminasa Religious Court did not get any sharia economic disputes registered, while in 2023, the Sungguminasa Religious Court only examined, tried and decided one sharia economic dispute. The decision of the dispute settlement was not accepted by one of the parties, so that as of June 2024, the dispute was still being examined at the Cassation level. In 2024, precisely in March, the Sungguminasa Religious Court decided one sharia economic dispute with a simple event. The decision was accepted by both parties (plaintiff and defendant). The entire dispute was handled by a panel of judges whose chairman was a certified sharia economic judge. And especially for a simple lawsuit with a single judge, the dispute has been examined, tried and decided by a judge who has been certified in Islamic economics.<sup>26</sup>

The ability of judges to handle sharia economic disputes must be pursued in such a way as to be able to provide the best decision for the parties and be able to realize the expectations of all stakeholders. Actually, the principles of Islamic economics have been obtained during college, but only the basics, for example about murabahah, musyarakah, and others, while Islamic economics also continues to experience development and the emergence of new terms. Then, Islamic economics also intersects with civil law regarding defaults and unlawful acts which ultimately lead to auctions, so it is certainly urgent for judges to know more deeply because of these developments. Currently, the times are sophisticated such as the existence of credit cards and online shops, and also the segmentation of Islamic bank users is getting bigger. If the segmentation is getting bigger, then the opportunity for disputes is also great so that the judges must continue to be briefed in resolving sharia economic disputes.<sup>27</sup> On the other hand, if we observe the development of current business activities that show the number of transactions reaching hundreds or thousands every day, it is impossible to avoid disputes between the parties involved. Any type of dispute that occurs always demands a good solution and settlement.<sup>28</sup> Therefore, judges in the Religious Courts are required to master all laws both formally and materially in order to create a just law, namely a law that is organized and without

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<sup>26</sup>Muhammad Fitrah, "Interview with a Judge of the Sungguminasa Religious Court" (Gowa, 2024).

<sup>27</sup>Muhammad Fitrah, "Interview with a Judge of the Sungguminasa Religious Court" (Gowa, 2024).

<sup>28</sup>Basyirah Mustarin, "The Position of Mediation as Alternative Dispute Resolution for the Prevention of Divorce Cases," *Iqtishaduna: Scientific Journal of Students of the Sharia Economic Law Department*, 1.4 (2020).

oppressing the human dignity of every citizen.

#### **D. Closing**

Based on research and discussion regarding the resolution of sharia economic disputes by certified judges based on PERMA Number 5 of 2016 concerning Certification of Sharia Economic Judges, the author draws conclusions, namely, the process of appointing a panel of judges for the resolution of sharia economic disputes at the Sungguminasa Religious Court, in accordance with PERMA Number 5 of 2016 concerning Certification of Sharia Economic Judges, fulfills the applicable provisions. According to the PERMA, sharia economic disputes must be handled by a panel of judges who have a chairman or member who is a certified sharia economic judge. If there are no judges with such certification, then the authority to examine and adjudicate the dispute rests with the Chief Justice. However, when the President of the Court is unable to handle the case for some reason, the trial can be postponed. But if postponement is not possible, then the final step is to appoint a senior judge who has attended education and training in Islamic economics to handle the dispute. The handling of sharia economic disputes at the Sungguminasa Religious Court has been effective. This is because there are two judges who have certified sharia economic judges at the Sungguminasa Religious Court. In addition, of the 7 sharia economic disputes submitted to the Sungguminasa Religious Court, only one decision was appealed against, while the other 6 decisions were accepted by the parties to the dispute. This fact shows that the legal product in the form of a judge's decision in handling sharia economic disputes has met the criteria for an ideal decision, which is fair, provides legal certainty, and is beneficial to the parties involved.

The author's suggestion is for law enforcement officials, especially judges of the Sungguminasa Religious Court, both those who have and those who have not been certified as sharia economic judges, to participate in more education or training related to sharia economic disputes, so that they are able to resolve sharia economic disputes better. In addition, as a judicial institution that establishes and oversees legal regulations, such as Supreme Court Regulation (PERMA) Number 5 of 2016 concerning Certification of Sharia Economic Judges, the Supreme Court must increase budget allocations to improve the implementation of certification of sharia economic judges in Religious Courts with the aim of improving the quality of handling sharia economic disputes and ensuring that sharia law is applied. To the public in general, it is hoped that it can increase trust in the Religious Court institution, because the judges and Human Resources in the Religious Courts, especially the Sungguminasa Religious Court, are ready to accept and face sharia economic disputes that occur, and the judges are competent to resolve the sharia economic disputes they face.

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