

LEMBAGA PENYELESAIAN SENGKETA EKONOMI ISLAM/SYARIAH DALAM TINJAUAN YURIDIS

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Abstract

Attendance of Islam economic law in Indonesia law represent requirement of wide society to apply concept of fair and flatten in economic system. Economic transaction, commercial or business, as well as Moslem law commercial, do not close possibility of the happening of dispute among parties. Dispute that happened can continue and arouse dispute which need institution of legal dispute solution. Conception the solving of dispute according to Islam law do not far differ from national law, i.e. through peace (sulh / idlah), arbitration (tahkim), and justice (al-qadla). Those three kinds represent run phase priority sequence. Thereby, Justice becomes last effort when effort outside justice does not bring any result. Syari'ah Islam is really suggesting peace, but if cannot be realized, hence the next phase dispute is through arbitration. But this jurisdiction institution of arbitration is limited by two matter that is : first, formula (range) clausal of arbitration promised; second, dispute object do not as such in section 5 Law Number 30, Year 1999 about Arbitration and Alternative of Solving of Dispute. Thereby, each economic dispute of Moslem law that happened besides above, representing Religion Court jurisdiction. Handling of Moslem's economic dispute law at Institution Religion Court, concerning its process can relate at concept applied by General Court in finishing economic dispute, at Justice of Commercial as special justice upon which comparison. This matter is based from some equation of character of dispute object which possible come into Religion Court in the field of Moslem economics. But from institution side, model that way require to study farther, considering there still difference of interpretation to related law.

Kata Kunci : Lembaga, Sengketa Ekonomi Syariah