THE IMPLEMENTATION OF CONSTITUTIONAL COURT DECISION NUMBER: 93/PUU-X/2012 IN DISPUTESSETTLEMENT OF SYARIAH BANKFINANCING AT THE COURT FOR RELIGIONAFFAIRS OF BENGKULU CITY

By:
Wahyono, Juanda, Widya N. Rosari

ABSTRACT

To understand and analyze the implementation of the Constitutional Court Decision Number: 93/PUU-X/2012 in the disputes settlement of Syariah Bank financing at the Court for Religion Affairs of Bengkulu City, and to determine the impact of the law in the later time regarding Constitutional Court Decision Number: 93/PUU-X/2012 in the disputes settlement of Syariah Bank financing. The type of this study was empirical juridical. The results of the study revealed that:Court for Religion Affairs had implemented the Constitutional Court Decision Number: 93/PUU-X/2012 through dispute settlement of Syariah Bankin Bengkulu City with the ana maning trial, and it had also conducted socialization to Syariah Bankin Bengkulu City and the customers, moreover it had also held training for the judges, clerks and bailiffs with regard to the settlement of disputes of Syariah Bank financing at the Court for Religion Affairs, both for the one held at the Training Center of the Supreme Court, and at the Court for Religion Affairs of Bengkulu City. The impact of the law in the future time regarding the Constitutional Court Decision No. 93/PUU-X/2012 in the disputes settlement of Syariah Bank financing was in the form of an obligation for the parties to make the religion court as the sole forum for dispute settlement of Syariah Bank financing stated in clause of settlement of disputes in the financing agreement, as well as in terms of the implementation of disputes settlement of Syariah Bank financing in the litigation, the referred settlement is to be carried out at the Court for Religion Affairs.

Keywords: Disputes Settlement of Syariah Bank financing, Court for Religion Affairs of Bengkulu City.
A. Introduction

The Article 49 of Law No. 3 of 2006 on Act Amendment No. 7 of 1989 on Religious Courts set up as follows: "The Court of Religion Affairs has duty and authority to examine, decide and resolve cases at the first level among people who are Muslims in field:

a. marriage;

b. inheritance;
c. testament;
d. grant;
e. endowments;
f. zakat;
g. infaq;
h. shadaqah; and
i. Syariah economy.¹

With the regard to Article 49 letter (i) as mentioned above which regulates the Syariah-based economic as part of the duties and authority of the Court of Religion Affairs in the examine, decide and resolve cases at the first level among people who are Muslims, which is one of the part Syariah-based economic is in the field of those Syariah banking.

The Syariah banking formal legally regulated in Law Number 21 of 2008 on Syariah banking, where are the disputes settlement stipulated in Article 55 paragraph (1) through (3), namely:

1) The disputes settlement of Islamic Banking is done by the court within the Court of Religion Affairs.

2) In the event that the parties have foretell the disputes settlement other than those referred to in paragraph (1), the disputes settlement carried out in accordance with the Akad’s content.

3) The disputes Settlement referred to in paragraph (2) must not conflict with Syariah."²

In particular, Article 55 paragraph (2) then explained in more detail in the explanation of Law No. 21 of 2008 on Syariah Banking, as follows:

Paragraph (2):
The definition of "disputes settlement carried out in accordance with the Agreement contents" means the following measures:

a. Discussion;
b. Bank mediation;
c. Through the Board of National Syariah Arbitration (Basyarnas) or other arbitration institutions; and / or
d. Through the courts in the General Courts.³

Then issue the Constitutional Court Decision No. 93 / PUU-X / 2012 on judicial elucidation of Article 55 paragraph (2) as mentioned above that the verdict as follows:

² Article 55 of Law No. 21 of 2006 on Syariah Banking.
³ Ibid.

¹ Article 49 of Law No. 3 of 2006, Op Cit.
1. To grant the petition in part;
   1.1. The elucidation of Article 55 paragraph (2) of Law Number 21 of 2008 on Syariah Banking (State Gazette of the Republic of Indonesia of 2008 Number 94, State Gazette Supplement of the Republic of Indonesia Number 4867) contradictory to the Constitution of the Republic of Indonesia of 1945;
   1.2. The elucidation of Article 55 paragraph (2) of the Law Number 21 of 2008 on Syariah Banking (State Gazette of the Republic of Indonesia of 2008 Number 94, State Gazette Supplement of the Republic of Indonesia Number 4867) does not have binding legal force;
2. To order the publication of this decision in the Official Gazette of the Republic of Indonesia;
3. Rejecting the petition for besides and beyond.  

Based on the description as mentioned above, it is raised in the title of this thesis is The Implementation of Constitutional Court Decision Number: 93/PUU-X/2012 in Disputes Settlement of Syariah Bank Financing at The Court for Religion Affairs of Bengkulu City.

B. Research Methodology

1. Types of the Research

This research is empirical juridical, namely research on primary data is done in order to support secondary data.

2. Location of the Research

The location of the research was conducted at the Bengkulu Religious Court.

3. Data Collection Methods

a. Primary data

Primary data obtained by researchers from field research directly (observation) that are associated with variables research through in-depth interviews.

a.1. The deep interview

In-depth interviews conducted in this study to:
1) The chairman of the Bengkulu Religious Court,
2) The branch head of Bank Muamalat Bengkulu.

a. Secondary Data

In addition to data that collected through in-depth interviews also conducted the secondary data collection which was obtained from the study of literature.

This secondary data obtained from a variety of legal materials, namely:
1. Primary legal materials consisting of legislation, and other legal instruments, namely:
   a) Constitution of the Republic of Indonesia Year 1945,
   b) Law No. 48 Year 2009 regarding Judicial Power,
c) Law No. 7 of 1989 regarding Religious Courts  
d) Law No. 3 of 2006 on the Amendment of Law No. 7 of 1989 regarding Religious Courts  
e) Law No. 21 of 2008 concerning Islamic Banking,  
f) Law No. 50 Year 2009 regarding the Second Amendment to Law No. 7 of 1989 on Religious Courts.  
g) Constitutional Court Decision No. 93 / PUU-X / 2012.  
h) Law No. 12 Year 2011 on the Establishment of Legislation.  

2. Secondary law materials, namely the legal materials that provide instructions or explanations of the primary legal materials in the form of books whose contents have relevance to the discussion in this study.  

3. The relevance to the subject matter that provides information about the materials of primary and secondary law among other articles, dictionaries, magazines and the internet.  

3.1. Data analysis method  
The data analysis method that used is qualitative juridical, which is a method that uses an analysis based on the paradigm of law, legal principles, and applicable law theories, so that it can answer the problems that exist.  

C. RESULTS AND DISCUSSION  

D. Absolute Competence Religious Court  
Four Courts in Indonesia, has the absolute competence of each. The General Courts only competent to examine and decide the general criminal cases, civil and criminal customs West. Competence of Administrative Courts examine and decide cases only state administration. Military Justice competence extends only to criminal assault and a military general crime committed unscrupulous members of the armed forces. Similarly, the Religious Courts, within their competence is limited to specific areas, as provided by law  

Of the four courts, the competence of their respective courts is absolute. What has been determined to be the competence of a judicial environment, it becomes
absolutely necessary for the judicial competence to examine and decide cases. Absolute competence is called "absolute competence" or "absolute jurisdiction". Thus, every case that is not included in the area of competence of a particular judicial institution, the court is not competent to adjudicate.

Fourth courts under the Supreme Court is an organizer of state power in the judiciary. Therefore, in the fourth constitutional courts have acted organize judiciary to enforce the law and justice (to enforce the truth and justice) in his capacity as a court of the state (state court). Thus, Article 24 paragraph (2) Constitution and Article 2 jo. Article 10 paragraph (2) of Law No. 4 of 2004 is the cornerstone of the judicial system of the state (state court system) in Indonesia, which is divided and separated based on the competence or jurisdiction (separation court system based on jurisdiction).

This competency separation system should be based on several things. First, based on environmental neighborhood has a particular judge or diversity competence jurisdiction. Kedua, specific competence creates the absolute competence in each environment in accordance with the subject matter of jurisdiction. Keempat, each neighborhood only competent limited prosecute cases delegated by law.

The ratio of delimitation of competence every judicature is to foster an orderly execution of judicial power between the respective jurisdictions. Each of the judiciary must be running on rails that have been set, so there is no struggle for competence. In addition, the determination of the limits of competence of the judiciary aims to foster orderly judicial power, while providing legal certainty for peace and justice seekers. Thus, they will gain certainty where the judicial institution competent to examine and decide the case at hand. Restrictions absolute competence for their respective jurisdictions will give a definite direction for every community member seeking justice to litigate.

---

5 M. Yahya Harahap, LogCit.
7 Ibid, Hal. 93.
Absolute competence is based on the Religious Courts Law No. 3 of 2006 on the Amendment of Act No. 7 of 1989 on Religious Courts. In this context, Article 49 of Law No. 3 of 2006 states that the Religious Court has the duty and authority to examine, decide and resolve cases at the first level among people who are Muslims in the areas of: a. Marriage b. Waris c. Wasiat d. Grant e. Wakaf f. Zakat g. Infaq h. Sadaqah, and i. Islamic Economics.

Especially on sharia economy, the explanation of Article 49 letter i mention that the reference to sharia economy is "the act or the business activities carried out according to Islamic principles." The basic principle which distinguishes sharia economy with conventional economics is pleasure (freedom of contract), ta'awun, free of usury, free gharar taidis free, free gambling, the objects are lawful and trustworthy. Economic sector sharia shall include Islamic banks, Islamic microfinance institutions, Islamic insurance, reinsurance sharia, Islamic mutual funds, Islamic bonds and commercial paper, medium-term Islamic securities sharia, Islamic finance, pawnshops sharia, pension funds Islamic financial institutions, and Islamic business.

In the context of sharia economy, the Religious Courts have absolute competence to examine, decide and resolve the matter between the parties involved in the agreement (contract) in the event of a dispute between them.

Keep in mind that the existence of civil justice aimed at resolving cases arising between members of the public. Cases occurred have diverse forms; Nothing regarding the denial or splitting agreements (breach of contract), tort (onrechtmatige daad), property disputes (property rights), divorce, bankruptcy, abuse of authority by ruling certain adverse parties, and so forth. The emergence of these judge actions, when associated with the presence of civil justice, raises problems of jurisdiction to try the so-called jurisdiction or competence, namely the authority of the judiciary in prosecuting a particular case in accordance with the provisions laid down by legislation.

Problems arise competency hearing caused by various factors, among others, the factors that
distinguish the existence of judicial authorities between the appellate and cassation as a higher court (superior court) at first instance courts (inferior court). This factor in itself pose a problem prosecute institutional competence. The case became the competence of lower courts shall be submitted directly to the higher court. Case that must be completed in advance by the first instance courts can not be submitted directly to the appellate or cassation, and vice versa. The case became a higher judicial competence can not know the resolution requested the lower court. Another factor is the difference or division of competences by courts, which gave birth to the absolute competence for their respective jurisdictions also called attribution of power (attributieve competentie / attributive jurisdiction). In addition to differences in environment, coupled with a special competence factor (the specific jurisdiction) given law to extra-judicial bodies, such as arbitration or court Sailing. In fact, this competence problems can also arise in the courts due to factors of the area (locality) restricting the competence of each court within the jurisdiction or specific jurisdiction, the so-called relative competence or power distribution (distributive jurisdiction).

In the theory of civil procedure which leads to the Continental European civil law system there are two types of competence, namely the absolute competence (attributie van rechtsmacht/ absolute competence) and relative competence (distributie vanrechtsmacht/ relative competence). Competence is the absolute authority of the judiciary in checking certain types of cases that absolutely can not be examined by another court bodies, both within the same court or in different courts. While the competence of the court is a division of powers relatiefbadan judge between pengadila similar bodies which are based on the defendant's residence. So the relative competence relates to the jurisdiction of a court.

Competence absolute and relative competence is an inseparable part of the judiciary. Dicey states that restrictions on two of these competencies, although the aim for the protection of the rights of those

8http://resources.unpad.ac.id. Bandingkan dengan Sudikno Mertokusumo, Hukum Acara Perdata Indonesia, Log Cit.
seeking justice, it makes the judiciary does not have an independent position perfect. Even in its history, competence is to be decisive for the existence of a judiciary, including the Religious Courts.

In Indonesia, there are four courts under the Supreme Court which carry out the functions and authority of the judicial power. The boundary between their respective jurisdictions determined by the area of competence delegated by law. Within the limits of the competence that is respective of the judiciary exercise the functions of the authority to hear. The General Courts only competent to examine and decide the general criminal cases, civil and criminal customs West. Competence of Administrative Courts examine and decide cases only state administration. Military Justice competence extends only to criminal assault and a military general crime committed unscrupulous members of the TNI. Similarly, the Religious Courts, within their competence is limited to specific areas, as provided by law.

Of the four courts, the competence of their respective courts is absolute. What has been determined to be the competence of a judicial environment, it becomes absolutely necessary for the judicial competence to examine and decide cases. Absolute competence is called "absolute competence" or "absolute jurisdiction". Thus, every case that is not included in the area of competence of a particular judicial institution, the court is not competent to adjudicate.⁹

Fourth courts under the Supreme Court is an organizer of state power in the judiciary. Therefore, in the fourth constitutional courts have acted organize judiciary to enforce the law and justice (to enforce the truth and justice) in his capacity as a court of the state (state court). Thus, Article 24 paragraph (2) Constitution and Article 2 jo. Article 10 paragraph (2) of Law No. 4 of 2004 is the cornerstone of the judicial system of the state (state court system) in Indonesia, which is divided and separated based on the competence or jurisdiction (separation court system based on jurisdiction).¹⁰

This competency separation system should be based on several things. First, based on environmental kompetensi.Kedua, each neighborhood has a particular judge or diversity competence jurisdiction. Ketiga, specific competence creates the absolute competence in each environment in accordance with the subject matter of jurisdiction. Each environment is only competent to hear a case merely delegated by law.

The ratio of delimitation of competence every judicature is to foster an orderly execution of judicial power between the respective jurisdictions. Each of the judiciary must be running on rails that have been set, so there is no struggle for competence. In addition, the determination of the limits of competence of the judiciary aims to foster orderly judicial power, while providing legal certainty for peace and justice seekers. Thus, they will gain certainty where the judicial institution competent to examine and decide the case at hand. Restrictions absolute competence for their respective jurisdictions will give a definite direction for every community member seeking justice to litigate.\(^\text{11}\)

Absolute competence is based on the Religious Courts Law No. 3 of 2006 on the Amendment of Act No. 7 of 1989 on Religious Courts. In this context, Article 49 of Law No. 3 of 2006 states that the Religious Court the duty and authority to examine, decide and resolve cases at the first level among people who are Muslims in the areas of: a. Marriage b. Waris c. Wasiat d. Grant e. Wakaf f. Zakat g. Infaq h. Sadaqah, and i. Islamic Economics.

Especially on sharia economy, the explanation of Article 49 letter i mention that the reference to sharia economy is "the act or the business activities carried out according to Islamic principles." The basic principle which distinguishes sharia sharia economy with conventional economics is pleasure (freedom of contract), ta'awun, free of usury, free gharar tadlis free, free gambling, the objects are lawful and trustworthy. Economic sector sharia shall include Islamic banks, Islamic microfinance institutions, Islamic insurance, reinsurance sharia,

\(^{11}\) M. Yahya Harahap, Kedudukan, Kewenangan dan Acara Perdilan Agama, Hal. 93.
Islamic mutual funds, Islamic bonds and commercial paper, medium-term Islamic securities sharia, Islamic finance, pawnshops sharia, pension funds Islamic financial institutions, and Islamic business.

In the context of sharia economy, the Religious Courts have absolute competence to examine, decide and resolve the matter between the parties involved in the agreement (contract) in the event of a dispute between them. The Islamic economic disputes can occur, among others: (a) the parties to a transaction on the lawsuit tort lawsuit for cancellation of the transaction; and (b) the third party and the parties to a transaction of cancellation of the transaction, the cancellation of the deed of encumbrance, resistance confiscation and / or seizure of execution as well as the cancellation of the auction.

In examining economic disputes sharia Religious Court must examine the deed of covenants made by the parties. In connection with the authority of religious courts in resolving disputes Islamic bank financing, has appeared in Article 49 of Law No. 3 of 2006 regarding the duties and authority of religious courts in check, decide and resolve cases first level between those Muslims who one field in the formulation of the article in question is economics sharia, which in the sharia economy, including matters pertaining to islamic business.

E. Settlement Financing Bank Syariah On Religious Court of Bengkulu

Settlement of disputes financing of Islamic banks in the Religious Court of Bengkulu implemented based on the absolute authority of religious courts, as previously described above, which is then amplified by the otherwise not legally binding clarification of Article 55 paragraph (2) of Law Number 21 Year 2008 concerning Islamic Banking the substance of which provides the option of islamic banking dispute resolution where the parties portend dispute settlement under the terms of the contract with the settlement of disputes carried out in addition to the religious courts by the Constitutional court in Decision Number 93 / PUU-X / 2012. Thus the option of choice is meant by the elucidation of Article 55 paragraph (2) of Law No. 21 of 2008, has not had a substantive meaning because of the choice of dispute resolution has been
declared does not have binding force, so that if there is a dispute of Islamic banking, it is litigation Religious Court authorized.

Substantially the content of the contract on dispute settlement dispute Islamic banking financing other than the Religion Court was contrary to Article 49 of Law No. 3 of 2006 on the Amendment of Law Number 7 of 1989 concerning the Religious Courts, and contrary also to Article 55 paragraph (1) Act No. 21 of 2008 concerning Islamic Banking, which in substance states that the dispute settlement Islamic banking is done by the court within the Religious court, it is then reinforced by Article 55 (3) of Law Number 21 Year 2008 concerning Banking Sharia which are substantially stated that the dispute must not conflict with islamic principles. Additionally whereabouts selection dispute resolution makes the non-fulfillment of legal certainty in resolving disputes Islamic finance, because it is possible that the parties to the dispute are not satisfied with the decision handed down by the court in religious courts then soughted settlement of disputes through the courts in the general court.

Philosophically dispute settlement Islamic bank financing in the religious courts is because Islamic finance has become uptake of Islamic law in the field of muamalat already in force in Indonesia for a long time, and the Islamic bank financing as a part of the Islamic economic it is highly appropriate if the settlement of his case conducted by the court religion. If the settlement is not through the religious court, then this is analogous to a contract who is married with Islam, but divorce using non-Islamic law.

In juridical authority to resolve disputes Islamic bank financing, based on legislation, namely Article 49 of Law No. 3 of 2006 on the Amendment of Act No. 7 of 1989 on Religious Courts. In addition it is Article 55 (1) and paragraph (3) of Law Number 21 of 2008 concerning Islamic Banking which is substantially arranged that the dispute settlement Islamic banking is done at the religious court.

In Sociological, dispute settlement Islamic bank financing, as part of an Islamic economic implemented as a form of community needs.

The court's ruling religion in resolving disputes Islamic bank financing are thought to have sense of fairness because it explored the origin.
of the emergence of the engagement between the parties is of a financing agreement between the creditors in this case is the Islamic banks with the debtor, where the contract in question is the financing agreement with Islamic principles, so if there is proper if the dispute is resolved by the agency in charge of civil affairs specialized in the field of sharia. Similarly, the religious courts according to any one of the islamic economic sphere of competence.

Linkages to the above in terms of implementation is that the Religious Court of Bengkulu as a judicial institution executing judicial authority has implemented the decision of the Constitutional Court Number 93 / PUU-X / 2012 to resolve the case of Islamic banking, with a mechanism that starts from the time a case registered, in this case at the Religious Court of Bengkulu, the case is registered is the submission of application execution encumbrance by islamic banks in the Religious Court of Bengkulu, which was then the Religious Court summoned the parties to appear in court on aanmaning implemented at the latest as of 8 (eight) days from the registration Religious Court case, in the next session of the aanmaning embrace the mediation to the parties so that the parties in this case is the defendant of execution that do not implement the obligations as stipulated in the contract agreement financing to meet its obligations voluntarily. Based on the research results, related to the verdict, the trial aanmaning where the parties do not meet the agreement, Judge Religious Court has not issued a decision, because that becomes the decision was that financing agreement of the parties, and the certificate of mortgages in the head certificates are irah-irah (executorial title) "For the sake of justice by Almighty God".

In addition to this, in order to support the task of resolving disputes Islamic bank financing, religious courts have also conducted training at the officers, which in this case includes judges, clerks and bailiffs in the Religious Court, the dispute resolution sharia economy which include well completion islamic banking disputes, whether conducted at the training Center of the Supreme Court, and the training is done in the workplace (the Religious Court of Bengkulu), and has also melakukansosialisasi Act, both of Law No. 21 of 2008 concerning Islamic Banking, as well as the Law on Religious Courts.
concerning the assignment authority in resolving the case in economics sharia in with it the Islamic banking disputes, as referred to in Article 49 of Law No. 3 of 2006 on the Amendment of Act No. 7 of 1989 on Religious Courts. In addition, Class IA Religious Court of Bengkulu City has as socialization, the Constitutional Court decision No. 93 / PUU-X / 2012 Islamic bank and its customers.

On the other hand, with regard to the implementation of the decision of the Constitutional Court Number 93 / PUU-X / 2012, based on research on Muammalat Bank Indonesia, although there is dispute financing with customers in the city of Bengkulu, but stated that Muammalat Bank Indonesia as the shari'a banking legally bound by legislation, will conduct dispute resolution (Aash-Shulhu) financing problems with customers in the Religious to the principle of fair, family, win-win solution and solved comprehensively in togetherness.

Although Article 49 of Law No. 3 of 2006 on the Amendment of Act No. 7 of 1989 on the Religious Court has authorized the sharia economic dispute resolution, which includes disputes regarding Islamic banking as a new authority which is owned by the Religious Courts, but the implementation has not been found Islamic banking financing dispute case was registered in the Religious Court of Bengkulu.

The Court of Religion Affairs of Bengkulu City as a judicial institution executing the judicial authority has implemented the decision of the Constitutional Court Number 93/PUU-X /2012 to resolve the case of Islamic banking, with a mechanism that was started from a case is registered, in this case at The Court of Religion Affairs of Bengkulu, cases registered are filing the petition encumbrance by syariah banks in The Court of Religion Affairs of Bengkulu, which was then The Court of Religion Affairs summoned the parties to appear in court on aanmaning that implemented at the latest as of 8 (eight) days from the registration to The Court of Religion Affairscase, in the aanmaning session embrace the mediation to the parties so that the parties in this case is the defendant of execution that do not implement the obligations as stipulated in the contract agreement financing to meet its obligations voluntarily. Based on the research results, related to the verdict, the trial aanmaning where the parties do not meet the agreement, Judge of The Court of Religion Affairs has not issued
a decision, because that becomes the
decision was that financing agreement of
the parties, and the certificate of
mortgages in the head certificates are
irah-irah (executorial title) "For the sake
of justice by Almighty God".

In addition to this, in order to
support the task of disputes settlement of
syariah financing bank, the religious
courts have also conducted training at
the officers, which in this case includes
judges, clerks and bailiffs in The Court
of Religion Affairs, related to the
dispute settlement of syariah economy
which include well the settlement
of syariah banking disputes, and has also
implement the Law socialization, both
of Law No. 21 of 2008 concerning
Syariah Banking as well as the Law on
The Court of Religion Affairs.

F. CONCLUSION
The Court of Religion Affairs Class IA
Bengkulu City has implemented the
Constitutional Court Decision Number:
93 / PUU-X / 2012 with the dispute
settlement dispute of syariahbank
financing in Bengkulu, have also given
training on Judges, Clerks and Bailiffs
of The Court of Religion Affairs Class
IA Bengkulu city, either which was held
at the Training Center of the Supreme
Court and in the workplace (Class IA

The Court of Religion Affairs
Bengkulu).

Biligiografy

Books

Al-Quran dan Terjemahannya Juz 1-30,
2002, Departemen Agama RI, Jakarta,
Lembaga Penerjemah Kitab Suci Al-Quran
Departemen Agama.

Abdul, Muhammad Mannan, 1993, Ekonomi
Islam: Teori dan Praktek (Dasar-
dasar Ekonomi Islam), diterjemahkan
oleh M. Nastangin, Yogyakarta: Dana
Bhakti Wakaf.

Amin, Muhammad Suma, 2008, Menggali
Akar Mengurai Serat Ekonomi &
Keuangan Islam, Tangerang: Kholam
Publishing.

Antonio, Syafii Muhammad, Muhammad
Syafi’i Antonio, 2008, Bank Syariah
Dari Teori Ke Praktik, Jakarta: Gema
Insani.

An-Nabahan, Muhammad, 2002, Sistem
Ekonomi Iskam: Pilihan Setelah
Kegagalan Sistem Kapitalis dan
Sosialis, Yogyakarta: UII Press, Cet
Ke-3.

Basir, Cik, 2009, Penyelesaian Sengketa
Perbankan Syari’ah di Pengadilan
Agama dan Mahkamah Syar’iyah,
Jakarta: Kencana Prenada Media
Group.

Edwin, Mustafa Nasution dalam Mokh.
Syaiful Bahri, 2003, Ekonomi
Syari’ah dalam Sorotan, Jakarta:
Permodalan Nasional Madani.

Edwin, Mustafa Nasution, et.al., 2006,
Pengenalan Eksklusif: Ekonomi
Islam, Jakarta: Kencana.


**B. Instrumen Hukum dan Perundang-undangan**

Undang-Undang Dasar Negara Republik Indonesia Tahun 1945.

Undang-Undang RI No. 48 Tahun 2009 tentang Kekuasaan Kehakiman.

Undang-Undang RI No. 7 Tahun 1989 tentang Peradilan Agama.

Undang-Undang RI No. 24 Tahun 2003 tentang Mahkamah Konstitusi.

Undang-Undang RI No. 3 Tahun 2006 tentang Perubahan Atas Undang-Undang No. 7 Tahun 1989 Tentang Peradilan Agama.

Undang-Undang RI No. 21 Tahun 2008 tentang Perbankan Syari'ah.

Undang-Undang RI No. 50 Tahun 2009 tentang Perubahan Kedua Atas Undang-Undang No. 7 Tahun 1989 Tentang Peradilan Agama.

Undang-Undang RI No. 8 Tahun 2011 tentang Perubahan Atas Undang-Undang Nomor 24 Tahun 2003 tentang Mahkamah Konstitusi.

Undang-Undang RI No. 12 Tahun 2011 tentang Pembentukan Peraturan Perundang-undangan.

Putusan Mahkamah Konstitusi No. 93/PUU-X/2012.

**C. Internet**

Aldaulah.unisby.ac.id, diunduh Pada Selasa 20 September 2016, Pukul 09.00 WIB.

Agustianto, *Ekonomi Syariah dan Peradilan Agama*, diunduh Pada Senin, 12 September 2016, Pukul 09.00 WIB.

http://artikelsiana.com/2015/01/pengertian-keadilan-macam-macam-keadilan.html, diunduh Pada Selasa 20 September 2016, Pukul 09.00 WIB.

http://www.google. Ekonomi syariah, diunduh Pada Senin 12 September 2016, Pukul 09.00 WIB.

http://www.badilag.net, diunduh Pada Senin 12 September 2016, Pukul 09.00 WIB.

http://www.jimly.com/makalah/namafile/135/Konsep_Negara_Hukum_Indonesia.pdf, diunduh Pada Minggu, 10 Oktober 2016, Pukul 09.00WIB.