



PUBLIC TRUST IN THE RELIGIOUS COURT TO HANDLE DISPUTE OF SHARIA ECONOMY

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Abstrak: Peradilan Agama kurang dimanfaatkan untuk pencarian keadilan dalam sengketa ekonomi syariah. Mereka hanya memanfaatkan Peradilan Agama untuk memecahkan masalah dalam hukum keluarga seperti perceraian, sengketa kewarisan, permohonan hak asuh anak, wasiat dan hibah. Kecenderungan ini menjadi tanda dari rendahnya kepercayaan publik terhadap Peradilan Agama. Tulisan ini menganalisis bagaimana kepercayaan publik kepada Peradilan Agama menjadi kendala utama dalam pemanfaatan pelayanan untuk menyelesaikan sengketa ekonomi syariah. Fokus penelitian ini pada data perkara ekonomi syariah yang diputuskan pada lima belas tahun terakhir dan wawancara dengan sejumlah hakim, pengacara, dan pelaku ekonomi syariah. Hasil penelitian menunjukkan bahwa tiga prasyarat yang menjadi dasar lemahnya kepercayaan publik terhadap Peradilan Agama: (1) sejarah perjalanan Peradilan Agama dan aturan perundang-undangan yang tidak lengkap untuk mendukung proses peradilan penyelesaian sengketa ekonomi syariah; (2) tuntutan budaya bisnis dalam penyelesaian sengketa yang cepat efektif dan efisien serta kurangnya sarana dan prasana pendukungnya serta; (3) literasi hukum yang rendah di kalangan pelaku ekonomi syariah untuk menyelesaikan sengketa syariah di Peradilan Agama. Kepercayaan publik menjadi sangat krusial bagi umat Islam dalam meningkatkan kesadaran dan kepercayaan pada lembaga Peradilan Agama. Tulisan ini bersifat umum sehingga dibutuhkan suatu kajian yang bersifat khusus untuk dapat melihat anatomi persepsi publik terhadap Peradilan Agama dalam penyelesaian sengketa ekonomi syariah.

Kata kunci: kepercayaan publik; Peradilan Agama; sengketa ekonomi syariah; literasi hukum, regulasi

Abstract: Religious court is not empowered to seek justice in settling sharia economic disputes. Practitioners of sharia economy lack the enthusiasm to demonstrate the importance of a religious court in solving sharia economic disputes. At the same time, Muslims have often utilized a religious court to solve problems in family law such as divorce, inheritance disputes, applications for child custody, probate, and grants. This trend indicates a lack of public trust in the religious court. This study analyzes how public trust is the main obstacle to improving religious court services to resolve sharia economic disputes. The research is based on sharia economic cases that have been decided in the last fifteen years and interviews with some judges, advocates, and practitioners of sharia economy. The research findings showed that there are three key points on which public trust in religious courts remains low: (1) The historical development of religious courts and the incompleteness of laws and regulations to support the judicial process in resolving sharia economic disputes, (2) The business demand to deal with disputes effectively and efficiently as well as the factor of the lack of the supporting facilities and infrastructures; and (3) lack of legal literacy among Islamic economic practitioners to resolve disputes. Public trusts are crucial for Muslims to raise awareness and belief in the religious court. This macroscopic study requires microscopic analysis to see the anatomy of public perception of religious courts in solving sharia economic disputes.

Keywords: public trust; religious court; dispute of sharia economy; law literacy, regulations

Introduction

The rapid development of Islamic financial institutions is not counterbalanced by the legal readiness, in this case, in a religious court, by which this institution is to provide justice and legal certainty in sharia economic disputes. The Financial Services Authority recorded that by 2022 there will be 14 sharia commercial banks, 20 sharia business units, and 163 sharia rural banks (*Bank Perkreditan Rakyat Syariah/BPRS*) with total assets of IDR 443.360 billion. Almost all of its transaction agreement is based on sharia contracts, possibly causing various Sharia economic disputes. To achieve justice, law enforcement agencies for parties with a dispute relating to the shariah economy are paramount. This is quite different from family law which is institutionally more established (Hariyanto, 2016: 98). The religious court significant role is crucial as the shariah economic disputes have proliferated since the growing interest of the people in Indonesia – especially the Muslim community – in Islamic business development.

To date, a study on the authority of the religious court in resolving sharia economic disputes has little attention to the aspects of public opinion, especially sharia economic practitioners to deal with sharia economic disputes in the religious court. A few studies tend to look at three things. *First*, there is an absolute authority in the religious court to settle and handle sharia economic disputes. There is still a dualism between the designated litigation institutions, including the district court and religious court (Jamaludin, 2020; Kamal, 2020; Musrifah & Khairunisa, 2020; Samin, 2020; Sufiarina, 2014; Yahya, 2017). *Second*, a study on the judge's consideration and *ijtihad* in deciding on legal disputes concerning sharia economic cases as an absolute authority (Hudawati, 2020; Osman & Abdillah, 2019; Rosidah & Karjoko, 2021; Sakti et al., 2021; Siswajanthi, 2021). *Third*, study on settling Islamic economic disputes through alternative resolution: mediation and arbitration through National Sharia Arbitration Board (*Badan Arbitrase Syariah Nasional/BASYARNAS*) and its correlation with the religious court (Apriyandanu, 2018; Faizal, 2021; Fitriyanti et al., 2020; Minardi, 2020; Rosidah & Mahfiana, 2020; Sulistyowati, 2015)

On point three, a few studies tend to analyze the religious court's authority to resolve sharia economic disputes from the legal perspective and the position of the religious court in resolving disputes instead of

conciliation, banking mediation and arbitration forums conducted by BASYRNAS or Otoritas Jasa Keuangan/OJK. These studies do not look at how public trust is maintained by sharia practitioners who come to religious courts if they experience conflicts and disputes in sharia economy in order to obtain a fair trial under sharia perspective.

It is a known fact that in the last 16 years, religious courts can only produce 1,641 regulations and peace certificates (putusan3.mahkamahagung.go.id) despite the fact that the number of disputes in the Islamic economic industry has increased substantially. Economic disputes continue to increase, and it is estimated that there were 1,200 sharia disputes in 2021. As the Financial Services Authority (OJK) reported, this number in the field is more significant (Mardi: 2020). This issue has emerged as a national issue in various media but has not been carefully researched. The news is reported the following: Kampung Kurma, illegal sharia investment under the sharia rules (Business Coil; 2020), Fraud cases involving sharia-compliant housing (DetikNew.com, 2021; Kompas.com, 2021); consumer dispute case for financial dominance (Bisnis.com, 2021). This issue was already studied by Hariyanto (2016), Karmawan (2020), and Mustofa (2019). These two main studies showed that lack of awareness about the use of religious courts and poor institutional performance of religious courts in handling cases of sharia economic disputes. In line with this, a thorough understanding of why the economic courts are limited to utilize in resolving Islamic economic disputes is very much needed.

This study aims to follow up on previous studies that are still limited and still examine normative aspects. In this study, a particular review of preconditions led to a bit of interest of practitioners of sharia economy in convincing religious court institutions to solve sharia economic disputes. The minor role of religious court institutions can be seen from institutional competence for one thing and the awareness of Islamic economic practitioners for another. These practitioners have difficulty running a business and dealing with legal problems. Various sharia economic disputes require a legal authority to settle from the sharia perspective.

Here are three arguments to support this study. *First*, empowering a religious court requires an adequate legal in providing an umbrella act for the various dispute resolution. *Second*, the religious court's ability to carry out legal functions is largely determined by the adequacy and

quality of human resources and infrastructure to meet the demand for business practitioners to settle disputes effectively. *Third*, the judicial process can run well with an adequate literacy level of Islamic economic practitioners in various aspects of sharia economic law.

Research Method

The lack of enthusiasm in the religious court in dealing with sharia economic disputes is a problem considering that its role as a special judiciary has absolute authority. At the ideal and sociological level, the religious court becomes the focus of Muslims' hopes to achieve justice and legal certainty in business activities according to sharia. Public trust in business practitioners is crucial for Muslims in raising awareness and fostering belief in the religious court. Indonesia is the country with the largest Muslim population in the world. It is the center of sharia economy in Southeast Asia, so there needs to be a guarantee of legal protection for justice and legal certainty in settling sharia economy.

The data were obtained from a qualitative research process related to public trust toward religious court, which is seen from the lack of decisions and peaceful settlement of sharia economic disputes in the last 15 years (putusan3.mahkamahagung.go.id). Secondary data were acquired through media coverage accessed through the internet (Amiruddin, 2012). These data have become evidence that illustrates the lack of public trust in the religious court to handle sharia economic disputes. This study involves sharia economic practitioners and judges involved in the contract process and the settlement of sharia economic disputes. Respondents in this study include leaders of Islamic economic institutions, sharia cooperatives, and judges selected randomly based on job diversity in the context of public trust in religious courts to settle sharia economic disputes.

This study is based on complete data, ranging from verdicts in sharia economic dispute, mapping news and reports from secondary sources, conducting interviews, and Focused Group Discussions (FGD). Secondary sources are obtained by reading online information and reports, which are further recorded and mapping data collected thematically (Sugiyono, 2009). The offline interviews were conducted with the heads of Islamic economic institutions and judges, as well as maintaining health protocols. Some of the other online interviews were conducted using video calls through the WhatsApp application. FGD

was held using zoom media with the board of the Sharia Economic Community (MES) association, the administrator of the Indonesian Sharia Lawyers Association (APSI), to dig up data on how public trust in the religious court handles sharia economic disputes.

Data were analyzed using Huberman's techniques (1990) to describe the significant phases of data analysis: data reduction, data display and data verification. The data collection used a selection and sorting of data by thematic mapping techniques. Furthermore, the data were displayed in tables and narrative quotations while maintaining the originality of the data (Ali, 2013). Data verification was done by using triangulation. Restatement methods and description to analyze the structured data. Restatements are performed by re-quoting informant statements in the interview excerpts to present a point of view on public trust (Ali, 2012). The description was done by mapping the pattern of public distrust of the religious court in resolving sharia economic disputes. All these stages became the basis for the collection of the research findings.

Dynamics of Religious Court Authority in Resolving Sharia Economic Disputes in Indonesia

The religious court develops dynamically over time and is influenced by the guidance of religious norms expressed by a particular part of the population, ranging from the need for ethnocultural identification to authority, religious leaders, efficiency and the high cost in the secular court (Mukhametzaripov, 2020; Idri, 2009; Karmawan, 2020). Therefore, the religious court is maintained so that legal trust and certainty can be realized effectively and efficiently in ensuring public confidence for justice seekers (Azheri, 2018; Gofar, 2017; Marzuki et al., 2021). Although the power of the religious court significantly weakens, the existence of a religious court is still demanded by Muslim communities and believers whose initial role is counselling, reconciliation (Mukhametzaripov, 2020), and mediation processes (Musjtari et al., 2019). The religious court is a special judicial institution within the framework of a law that is given absolute flexibility to resolve civil disputes among Muslims. It ensures the functioning or non-functioning of religious associations normally. It refers to the thought of religious norms in the modern era to prevent and guarantee the rights of religious believers in the resolution of sharia economic disputes (Mukhametzaripov, 2020).

The values of Islamic justice are philosophically and substantively different from substantive judicial normative law. The normative law or civil procedures composed with an approach of individualism, secular, and the optical properties of the nature of legal dispute becomes a fundamental differentiator over Islamic justice (Gofar, 2017; Isti'annah & Kusnadi, 2019). In line with that, the religious court tends to be based on the philosophical values of Islam (Gofar, 2017), where the religious court also has authority in resolving disputes regarding sharia fields, such as divorce and economic disputes (Azheri, 2018). In other words, the religious court can facilitate conflict resolution based on religious norms in accordance with people's social context (Gofar, 2017; Mawardi & Riza, 2019; Mukhametzaripov, 2020). Mukhametzaripov (2020) further said that religious courts in certain situations could also be utilized as an element of religious gathering with inherent functions designed to meet the needs of religious organizations and social groups which are just and humane.

The rapid development of sharia business activities and the development of Islamic financial institutions have given rise to potential disputes between the parties (Kasim, 2021; Rosidah, 2020; Khasanah et al., 2021). In Indonesia, the passage of the Law of the Republic of Indonesia No.3/2006 concerning religious courts is a response to one form of the Indonesian government in response to the increasing cases of sharia economic disputes to date (Al Hasan, 2019). The basic principles in resolving sharia economic disputes must be based on mediation to provide benefits for the parties involved in a dispute and have to conform to the moral and cultural values of the community. The disputes are supposed to be resolved quickly, correctly, and cheaply so as not to take a lot of energy, time, and thought through the concept of *al-tahkīm*, and if this cannot be settled, the resolution of sharia economic disputes can use *al-qadā* (Masriani, 2016; Masse & Rusli, 2018; Vinet & Zhedanov, 2010). Therefore, sharia economic disputes must be resolved in different ways. Dispute resolution in Islamic law is known as *sulh* and *tahkīm* which discovers ways to reconcile through litigation and nonlitigation (Kasim, 2021).

In *murābahah* contracts, debtors who are in the process of instalment payment agreements and auctions of collateral goods often experience obstacles (Ridwan et al., 2021), such as business disputes in

the case of sharia mortgages (KPR) in Yogyakarta (Jamal et al., 2021), and disputes on the capital market (Daulay, 2021). Zain & Rosidah (2018) also said that the religious court is important in resolving sharia business disputes such as bad credit land loans. Although the parties have agreed to resolve disputes through arbitration bodies, they must still get approval from the head of the state religious court. In line with that, economic disputes also arise to applying for contracts in banking, especially in conventional and Islamic banks, where these problems lie in the credit process that obscures the rights and obligations between parties (Budiharto & Sismarwoto, 2020). The authorized institution is the religious court to settle sharia economic disputes and for the settlement of nonlitigation pathways resolved through deliberation and mediation through BASYARNAS (Muhaimin et al., 2021).

The resolution of economic disputes requires good legal protection. The decreasing religious court exertion lies in the unavailability of adequate laws and regulations to be used as the basis of a legal ruling. Law No. 3/2006 on the religious court in a hierarchical manner, there is still a legal vacuum due to the absence of derivative rules that can ensure the given absolute authority by which this can run as it should be. The absolute authority of the religious court is outlined in Article 49, letter (i) of the Religious Court Law, stating that a sharia economy is an act or business activity that is carried out according to the principles of sharia, such as banks, microfinance institutions, insurance, reinsurance, investment funds, bonds and medium-term securities, securities, and so on. The regulations of sharia disputes are illustrated in the following table 1:

Table 1. Legal Norms in Handling Sharia Economic Disputes in Indonesia

No.	Regulations	Influences on Handling Sharia Economic Disputes
1	Regulations No.3/2006 on Religious Court, article 49 (i)	The first legal source of the absolute authority of religious courts in the sharia economic dispute resolution
2	Regulations No. 21/2008 on Sharia Banking	Giving rise to the dualism of sharia economic dispute resolution through district courts and religious courts

No.	Regulations	Influences on Handling Sharia Economic Disputes
3	Constitutional Court No.93/PUU/X/2012	The judgement of the Constitutional Court declaring the settlement of sharia disputes is the absolute authority of the Religious Court
4	The Regulation of Supreme Court of the Republic of Indonesia No. 2/2008 on Compilation of Sharia Economic Law (KHES)	A guideline for judges in adjudicating disputes as a material law of sharia economic law and non-binding to society at large
5	Supreme Court Regulation No. 14/2016 on Procedures for Settlement of Sharia Economic Cases	A guideline for judges in adjudicating sharia economic disputes, as a formal law (procedural law) for simple cases and non-binding to society at large
6	Supreme Court Regulation No. 1/2016 on Mediation Procedure in Court	The rule for the implementation of judicial mediation, where all Islamic economic cases must be carried out through peaceful efforts by the mediator and non-binding to society at large
7	Supreme Court Regulation No. 1/2019 on the administration of cases and proceedings in court electronically	A guideline in conducting trials electronically with E-Court media and non-binding to society at large
8	Supreme Court Regulation No. 4/2019, changes to Supreme Court Regulation No. 2/2015 regarding Resolution Procedures against Lawsuits	A guideline in carrying out the trial against lawsuits, including sharia disputes where the material claim has a value under IDR 500,000,000 and is non-binding to society at large

The authority of the religious court in resolving disputes in sharia economy should be strengthened by the emergence of laws and regulations at the bottom. For example, Government Regulations provide more technicalities on how Islamic economic practitioners can take advantage of the access to achieve justice when having a dispute.

Regulatory support of absolute authority in handling sharia disputes is the Supreme Court of the Republic of Indonesia Regulation No. 2/2008 Compilation of Sharia Economic Law (KHES), Supreme Court Regulation No. 14/2016 on Procedures for Settlement of Sharia Economic Cases. The weakness of supreme court rules (*Peraturan Mahkamah Agung/PERMA*) is more binding on (judges), and it is significantly different from the law that generally binds to all levels of society. This was supported by an interview with the judge of the Pamekasan Religious Court:

In addition to Law No.3/2006 and Article 55 of Law No.21/2008. the judges also use another law, Law No. 21/2008, which supports the resolution of sharia economic disputes through PERMA, which supports this authority. Sharia banking must improve the system and properly implement contract agreements, because the judge only develops the existing theories. The judge uses *ijtihad* to adjudicate when there is no regulation (interview with FH, 2021).

The strategy of dispute resolution in the Islamic banking law that is not regulated in one specific article and even the authority of the religious court is only put in the explanation of the article will become an essential lesson in dispute regulation in the future. The need for regulations to increase public trust in the religious court should have complete regulations such as the Sharia Economic Law. It is a material law and the procedural law of a religious court that regulates the procedures for proceedings in the court in handling sharia economic dispute cases. It is not just a supreme court regulation that is only binding on judges and parties during the proceeding. In case of dispute, it is necessary to synchronize and interconnect between laws and regulations governing Islamic economic governance and management. Regulations that ensure the availability of human resources and facilities in religious courts that support the process of the sharia economic dispute in accordance with a fast, simple, low-cost principle through adopting technological developments in electronic courts, including e-Courts enforcement, tighten the trigger so that sharia financial practitioners can trust religious court in resolving sharia economic disputes, as stated by the members of Regional Executive Board (*Dewan Pimpinan Wilayah/DPW*) the Sharia Economic Community:

Sharia financial practitioners must commit to the rules that the legislature and government have passed. So, there is no chance to negotiate on a dispute that has occurred in sharia finance. Suppose the dispute resolution in the contract needs to be enforced by parties, such as binding laws. In that case, it is necessary to have an escort from the Panel of Judges who guards everything about the regulation of Islamic finance. In the realm of laws, judges must be ready to try sharia economic cases with an understanding of material law and procedural law (R.H, 2022).

The religious court has exercised its authority in resolving disputes in the field of family law and sharia economy in accordance with Law No. 3/2006 jo Law No. 50/2009 because it already has a long history of handling family law cases. When doing a contract or agreement, the parties are given the freedom to choose which dispute resolution will be taken, but if they fail, they will take the dispute to the religious court. The religious court is a judiciary with absolute competence in handling sharia disputes stated in the religious court law, strengthened by the constitutional court decision No. 93/PUU/X/2012 (Wahyudi, 2019; Yahya, 2017).

The interpretation of article 55 of the Islamic Banking Law leads to polemics in the community related to resolving sharia economic disputes. Of course, this causes a bad response to show public distrust in government because it is considered inconsistent in the formulation of sharia economic dispute resolution rules in the religious court law and sharia banking law before reaffirming in the constitutional court judgement. However, this still affects the public perception of how government legislation makes policies in the Islamic economic law (Hong, 2013)

Eventually, the resolution of economic disputes can be made in the religious court, as suggested by law. Therefore, there needs to be a sustainable guarantee due to the potential development of sharia economic markets at the national and global levels (Khasanah et al., 2021). The constructive steps are supposed to be taken among Islamic economic practitioners, courts and nonlitigation institutions such as OJK, BASYARNAS, Sharia Mediator Association, and sharia lawyers in the Indonesian Sharia Lawyer Association (*Asosiasi Pengacara Syariah Indonesia/APSI*). These urge the government to enact a sharia economic law in regulating all aspects of the sharia economy in a codification of law. Thus, inconsistencies and disharmonies can be avoided.

Human Resources and Infrastructure of Religious Court

Resources are a crucial factor determining the quality of service in the Religious Court. The weakness of human resources affects the public's perception of the performance of the Religious Court in resolving sharia economic disputes. At least there are three things as the basis of the weakness of human resources. *First*, limited skills (competencies) are a weak point. In this case, this refers to a few judges who have the competence to resolve sharia economic disputes. The adjudicated judge must have competency certification as a sharia economic judge (Hariyanto, 2014). The practitioners of sharia economy are reluctant due to the expectation to handle disputes with the principle of simple and fast like an alternative dispute resolution.

Second, one drawback to handling sharia economic disputes is mainly caused by the Religious Court as a judiciary intended for Muslims that becomes a reference for resolving civil disputes between Muslims. To deal with sharia economic disputes is a new set of things as the enactment of the religious court law in 2006 compared to the authority in settlement of family law that has existed hundreds of years ago. Therefore, these will be collective responsibilities in developing human resource quality (Syarif, 2019; Yanti et al., 2016).

Third, the Supreme Court's commitment from time to time since the enactment of the religious court law has gone up and down regarding policies in the development of human resources and infrastructure. It has increased significantly in religious court buildings throughout Indonesia in the last ten years. This is a plus point in handling sharia economic disputes because the building is significant for sharia cooperatives or banking.

The Supreme Court's policy stakeholder is the key to changing modern religious courts' character. It should always follow the development of dynamic sharia economic agreements and the ability to handle a fast-paced environment with professionalism and accountability (S.L., 2022).

As a new field in Indonesia, the government and Islamic economic practitioners do not realize that dispute resolution is essential to ensure sustainability, and most have not felt the importance (Subramanian, 2017). There is a variety of contracts. If a person has participated in a contract agreement, he has indirectly bent to Islamic law, so there is no need to choose the district court as a place to resolve sharia disputes.

There is no reason for religious court judges to reject cases because there is no fundamental law. Therefore, the readiness of human resources such as judges and clerks of court who are experts in the sharia economy becomes a certainty, as stated by a religious court judge's interview:

The Supreme Court's efforts in improving the quality of judges are made through the training of sharia economic judges and the policy of the leadership who asked to continue the Master of Sharia Economy. Resolving sharia economic disputes through nonlitigation pathways is inevitable because there are regulations providing opportunities to relate to it. The basis for implementing sharia economic dispute examination is PERMA No.2/2015 concerning settling simple lawsuits. PERMA has been updated PERMA No. 4/2019, so both regulations are seen because not all changes. PERMA No.4/2016, then a reference from KHES. The regulation of sharia OJK and the fatwa by DSN MUI can be used as a reference because there is a legal basis. Therefore, judges may not reject cases because there is no fundamental law. Also, consideration of the decision of the panel of judges must look at the data and facts that occurred during the trial examination process (F.H, 2021).

In society, sharia economic disputes concern: *First*, disputes between sharia economic institutions and sharia financing with their customers are different from family law in the field of *mu'amalah*, which is possible to have an agreement with non-Muslim parties; *Second*, sharia economic disputes between sharia financial institutions may arise when sharia financing institutions use equity financing to one customer that allows disputes; *Third*, sharia economic dispute between Muslims concerns the authority of Islamic personalities where the contract agreement is firmly stated that the business activities carried out according to the principles of sharia provisions (Karmawan, 2020). Plurality and a variety of parties involved in the sharia economy require judges always to update their knowledge in Islamic economic law.

Some of the sharia economic disputes are resolved by the parties outside the court or nonlitigation (Kamal, 2020), but if they get stuck, they come to a religious court. Also, a dispute is resolved by third parties to be more efficient, and there is no other dispute afterwards and has legal force protected by the State and the law through religious court. Promoting religious courts in the community is essential to provide complete information about the institution's role. One of them is that the institution can also resolve sharia economic disputes. As stated by the Director of Indonesian Shariah Bank Indonesia of Pamekasan:

In the contract, all clauses or articles listed in case of disputes will be resolved in the religious court. The first step in the event of a sharia dispute is done through a consensus process and in accordance with the provisions stated in the contract agreement. A dispute can be resolved through negotiation, mediation, and arbitration in the future (M.M, 2022).

The Supreme Court of Indonesia 2010 has improved the infrastructure of Court facilities. For instance, some infrastructures represent of handling sharia economic disputes by adopting information technology-based services. Moreover, Supreme Court also develop capacity-building to improve the quality of human resources, including educating some judges in handling family cases and sharia economy. There are many judges who have continued to the master and doctoral levels in Islamic economic law (Suadi, 2021). The Supreme Court makes efforts to increase public trust, such as: (1) educating and deepening the public's understanding of religious court institutions, which have implemented IT-based services through E-Court and SIPP and the regulation of the Supreme Court of the Republic of Indonesia No.14/2016 on Procedures for Resolving Sharia Economic Cases, with a single judge and simple procedures; (2) evaluating policies based on people's perceptions and experiences by conducting a series of community literacy surveys on the main duties and functions of the religious court, to design further a model of sharia economic dispute resolution with simple and fast principle, and (3) implementing policies democratically by always involving the community in decision-making and Islamic economic practitioners in the religious court, especially those related to the socialization of handling sharia economic disputes (Wahyuningsih, 2011).

Trust Towards Religious Court in Resolving Sharia Economic Disputes

Public trust closely refers to the community's attitude and response to government activities, institutions, policies, and officials (Rian Andhika, 2018). This trust is usually influenced by how the government regulates and treats society in its lives (Nunkoo et al., 2012). In this regard, the increase of public trust is determined by many aspects such as integrity, competence, reliability, consistency, honesty, and

government accountability as the main components of community assessment (Khosravi, 2020; Hong, 2013; Im et al., 2014). Public trust in government is specifically identified by the characteristics, processes, and dimensions to which the public views the government as doing the right things in its duties, being fair and putting the public interest first (Hong, 2013). Previous public perceptions can also influence public trust, so people's experience becomes an essential indicator in building trust (Chen et al., 2015). However, a lack of trust in government leads to distrust in society. At this point, public trust arises due to a shift in values in the society, which come about scepticism and public disappointment towards the authority and the government's poor performance (Foster & Frieden, 2017).

Building public trust between the community and the government has a variety of impacts, such as satisfaction, interaction, support, and community cooperation in a voluntary project (Wu et al., 2016; Salim et al., 2017). Generally, high public trust encourages a close relationship between society and government and asks people to be more open and have a clearer understanding. In addition, greater trust can give rise to many alternatives and motivations for people to follow the institution's decisions well and obediently (Silalahi, 2011). In line with that, in Indonesia, public trust in institutions increases public acceptance of established policies and regulations, making people more prepared and open to complying with public policies (Widaningrum, 2017). Public trust is an important thing always to be maintained by the government owing to inappropriate policies and the government's inability to meet community expectations. This raises distrust in the community and reduces public support for government activities (Hardin, 2013). Therefore, three ways can increase public confidence: 1) educating and deepening people's understanding, 2) evaluating policies based on people's perceptions and experiences, and 3) implementing policies democratically (Wahyuningsih, 2011).

Legal awareness and enthusiastic business practitioners are decisive factors in ensuring how the religious court handles sharia economy disputes. The awareness of sharia economic practitioners remains low to resolve sharia financial disputes to require an intersection in which their needs are emphasized to settle disputes with a fast, simple, and low-cost principle and guarantee privacy among parties. It will, therefore,

show trust towards the religious court among justice seekers in the sharia economy. The total number of cases is so limited. After 16 years, there were 1,641 judges' rulings on sharia economic disputes compared to the data of family law cases in the religious court, which reached 4,749,428 cases in 2021 (putusan3.mahkamahagung.go.id). Public knowledge of legal justice in sharia economy and public assistance in the search for justice remains at a low level, as illustrated in table 2:

Tabel 2. Number of Sharia Economic Disputes in Indonesia in 16 years, 2006- 2021

No.	Year	Number of Disputes
1	2006	6
2	2007	4
3	2008	1
4	2009	1
5	2010	3
6	2011	5
7	2012	5
8	2013	6
9	2014	21
10	2015	13
11	2016	87
12	2017	139
13	2018	208
14	2019	270
15	2020	361
16	2021	331
TOTAL		1.641

There are around 412 first-level religious courts in districts and cities and 29 religious high courts in the province (Religious Court Magazine, 2021). These institutions are essential to keep the communication and socialization to the community at the farthest point to obtain justice according to sharia in resolving sharia economic disputes. At the same time, this requires adopting the values of resolving disputes out of court

with a fast and efficient principle that does not govern a rigid procedural law with a long-term implication.

Community and state life will feel that the law conforms to the intrinsic values of Islam. The emergence of legal compliance is just obedience for fear of sanctions if the rule of law is not in accordance with the values in the community (Lathifah, 2020). The resolution of sharia economic disputes to create justice according to sharia is supposed to be implemented because the Indonesian population is 85% Muslim. By establishing a special sharia economy court in religious justice, Muslims will be closer to their religious law, and this will cause a sense of calm and security. Also, if there is a dispute between customers and banks, this can be resolved using sharia principles. This is in line with Gofar's statement in Mukhametzaripov (2020), establishing religious courts to maintain trust and legal certainty. It is paramount to implement Islamic law that can run effectively and efficiently to prevent and guarantee the rights of sharia economic practitioners to deal with sharia economic disputes. Similarly, the following details are based on the results of an interview with the Sharia Supervisory Board BPRS SPM:

In essence, the religious court implements the legislation. In this case, the law plays an important role as a social engineering tool. Also, the readiness of the religious court judges has a significant function in handling cases of sharia economic disputes. The Islamic financial institutions have executed the contract by reviewing the Sharia Supervisory Board (DPS) to ensure its validity. Indeed, in settling disputes, the banking parties prefer to settle in an amicable agreement to accelerate the settlement and return of losses of Islamic financial institutions. It is particularly worrying that settlement through the court will ruin the friendship, which is one of the factors where there are only a few cases prosecuted in the religious court (M.Z., 2022).

Legal culture refers to the values, attitudes and ideas in the society where the law must be practised. At this point, most Indonesian society is Muslim, so the sharia economic disputes are ideally resolved through the religious court (Apriyandanu, 2018). The values of the Islamic court differ substantively from normative laws formulated with an approach of individualism and secularism in which such laws are mostly applied in the Indonesian judiciary that still adopts Dutch colonial law. Islamic court is eventually based on Islamic philosophical values (Gofar, 2017) so that this will be accepted by the community, especially business

practitioners, just how to pack and socialize with the community to improve literacy on the role of the religious court in settling sharia economic disputes.

The increase of public literacy on the products of Islamic economic institutions is not followed by efforts to heighten the awareness of practitioners and consumers of the Islamic finance industry to resolve disputes to the religious court that will provide justice and legal certainty in accordance with Islamic law (Osman & Abdillah, 2019).

Two channels are offered to disputing parties in the litigation and non-litigation lines. These provide opportunities for them to facilitate resolution outside the religious court, such as mediation, arbitration, and collateral confiscation before going to the religious court as the last bastion of the development of sharia economic law in Indonesia. This absolute authority needs to follow the active participation of the government – the supreme court. The stakeholders of the sharia economy also need to synergize the enforcement and development of sharia economic law, which will later impact the national economy's development in general because a guarantee of government dispenses justice and apply the principles of legal certainty.

A higher public trust will encourage a close relationship between the sharia economic practitioners and the religious court. Structured and concrete steps are becoming more frequently required to eliminate the conditions that lead to a low interest in Muslims in utilizing religious court institutions to settle sharia economic disputes with the socialization and involvement of sharia economic practitioners in religious court programs. In this study, there are two essential things in developing Islamic economic law. *First*, material and formal sources of law in resolving sharia economic disputes are to ensure justice and legal certainty of sharia economic practitioners. *Second*, socialization is significant in increasing public literacy about the existence of a religious court that has absolute authority to resolve sharia economic disputes. The institution can organize a modern "E-Court" judiciary in the field sharia economy field that demands justice, guarantees legal certainty, offers fast service and provides a low-cost.

Conclusion

The lack of public trust in the religious court is caused by: (1) incomplete history, laws and regulations and disharmony between laws and regulations governing the authority to resolve sharia economic disputes; (2) cultural demands in business to resolve disputes with an effective and efficient principle as well as the lack of supporting facilities and infrastructures; and (3) low level of legal literacy among sharia economic practitioners to resolve sharia disputes in religious courts and the tendency to choose a nonlitigation path in resolving sharia economic disputes with the reason of asset security. Rebuilding public trust is imperative for Muslims in raising awareness and confidence in a religious court, a particular judicial institution for Muslims in the civil field. There needs to be synergy between government, supreme court, and sharia economic practitioners to increase public trust in religious courts so that sharia economic law in Indonesia can be developed and enforced.

In this study, microscopic analysis is much needed to see the anatomy of public perception of religious courts in resolving sharia economic disputes in some regions in Indonesia due to the diversity of cultural characteristics in provinces, regencies and cities. This study is conducted through a macro analysis which is generally based on data on the lack of sharia economic cases decided by the religious court in the last 15 years compared to family law cases. However, the percentage increases significantly.

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