

SIMPLE LAWSUIT IN SHARIA ECONOMIC DISPUTES (A Case Study of Decision Number 1/Pdt.G.S/2019/PA.Kds)

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ABSTRACT

As the activities of the Sharia economy develop, the number of Sharia economic dispute cases submitted to the Religious Court has increased. One of the cases decided by the Kudus Religious Court is the Breach of Contract Lawsuit with Decision Number 1/P.dt.G.S/2019/PA.Kds. The Supreme Court issued Regulation Number 14 of 2016 concerning Procedures for the Settlement of Sharia Economic Disputes, which includes simple lawsuits and ordinary lawsuits. Simple lawsuits are further regulated in Supreme Court Regulation Number 2 of 2015, which was later amended to Supreme Court Regulation Number 4 of 2019 concerning Procedures for the Settlement of Simple Lawsuits. This regulation aims to ensure that the resolution of Sharia economic disputes is simpler, faster, and less costly. This research aims to analyze the process and mechanism for resolving simple Sharia economic dispute lawsuits at the Kudus Religious Court, examine the judges' considerations in deciding Sharia economic dispute cases, and identify challenges in resolving Sharia economic disputes. The type of research used is field research with a qualitative approach, utilizing primary, secondary, and tertiary data. The results of the study show that the process and considerations of the judges in Decision Number 1/P.dt.G.S/2019/PA.Kds are in accordance with applicable regulations. However, the resolution of the case takes quite a long time. Therefore, judges in the Religious Courts are required to have competence in Sharia economic law to handle cases more effectively and efficiently.

Keywords: *Lawsuit, Simple Lawsuit, Ordinary Lawsuit, Sharia Economic Dispute*

A. INTRODUCTION

Economic activities have existed since Adam and Hawa were sent down to Earth by Allah SWT tens of thousands of years ago. They were the first to engage in economic activities by directly gathering resources from nature (food gathering) to meet their basic needs, particularly those related to clothing, shelter, and food. As the descendants of Prophet Adam and Eve increased, they adopted a nomadic lifestyle, moving from place to place to find and fulfill their needs. However, as their problems became more complex due to the depletion of natural resources and the challenges of processing them, they began to think about ways to address these issues.¹

According to Law Number 3 of 2006 concerning the Judiciary.² Affirming Article 49 letter i, the authority of the Religious Courts has been expanded from the previous Law Number 7 of 1989 concerning Religious Courts. The authority of the Religious Courts, which was initially limited to handling cases related to marriage, inheritance, wills, grants, endowments, and alms, is now expanded under Article 49 letter i to include economic matters such as zakat, infaq, and Sharia economic disputes.³

1 Abdul Manan, *Hukum Ekonomi Syariah* (Jakarta: Prenadamedia Group, 2016).1

2 Undang-Undang Republik Indonesia Pasal 49 Nomor 3 Tahun 2006 Tentang "Perubahan Atas Undang-Undang Nomor 7 Tahun 1989 Tentang Peradilan Agama" (2006).

3 Faturrahman Djamil, *Penyelesaian Pembiayaan Bermasalah Di Bank Syariah* (Jakarta: Sinar Grafika, 2014). 134

Regarding the above statement, the Religious Court has the right to resolve cases in the field of Sharia economics. For resolutions in non-religious court institutions, there are several alternative options that can be used to settle Sharia economic disputes, namely through arbitration and alternative dispute resolution.

In the breach of contract case found in Decision Number 1/Pdt.GS/2019/PA.Kds, the court ruled on a Simple Sharia Economic Lawsuit/Breach of Contract involving PT. BPRS Saka Dana Mulia against its customer who committed a legal act of breach of contract. In this context, humans are essentially beings who possess the traits of compliance, social desires, and the wish to keep up with the times.

This study aims to understand the process and mechanism of resolving simple lawsuits in Sharia economic disputes at the Class 1B Kudus Religious Court, as well as the judges' considerations in deciding simple lawsuit cases in Sharia economic disputes, and the challenges in resolving simple lawsuit cases in Sharia economic disputes.

B. LITERATURE REVIEW

Simple Lawsuit

In Article 1 paragraph (1) of Supreme Court Regulation Number 2 of 2015, it is stated that "Settlement of a simple lawsuit is a procedure in the court against a civil lawsuit with a maximum material value of Rp. 200,000,000.00 (two hundred million Indonesian Rupiah), which is resolved with simple procedures and evidence."⁴ Not only is expediency emphasized, but also juridical considerations, precision, thoroughness, as well as sociological considerations ensuring societal justice are taken into account. This principle includes speed in the process, speed in the outcome, and speed in evaluating the performance and productivity level of the judicial institution. Light costs refer to litigation expenses that are affordable for the community (Explanation of Article 2 Paragraph (4) of Law Number 48 of 2009). Light costs also imply that seeking justice through the judicial system is not just for those who hope for justice assurance within it, but there must be an assurance that justice is not costly, justice cannot be materialized, and justice is independent and free from other values that undermine its own value.⁵

The Supreme Court has refined the regulation by issuing Supreme Court Regulation (PERMA) Number 4 of 2019 concerning Amendments to PERMA Number 2 of 2015 concerning the Procedure for Resolving Simple Lawsuits, wherein the provisions of Article 1 number 1 and Article 3 paragraph (1) are amended, thus reading as follows: "The Settlement of Simple Lawsuits is a procedure for examination in the court against a civil lawsuit with a maximum material claim of Rp. 500,000,000.00 (five hundred million Indonesian Rupiah), which is resolved with simple procedures and evidence".⁶

The parties involved in the lawsuit are expected to handle the case independently without using the services of lawyers or advocates, and here the judges are required to implement a more intensive approach. Simple lawsuits are formed to avoid actions that are categorized as complex, and of course, aim to achieve a legal process that is simple, fast, and cost-effective in accordance with its principles.

4 Nevey Varida Ariani, "Gugatan Sederhana Dalam Sistem Peradilan Di Indonesia," *Jurnal Penelitian Hukum De Jure* 18, no. 3 (September 21, 2018): 381, diakses pada 9 November, 2022, <https://ejournal.balitbangham.go.id/index.php/dejure/article/download/502/pdf>.

5 M. Usrin, "Analisis Yuridis Asas Peradilan Sederhana Cepat Dan Biaya Ringan Dalam Sistem Peradilan Pidana" 16, no. 1 (2018): 64, diakses pada 9 November, 2022, <https://jurnal.unpal.ac.id/index.php/solusi/article/view/96/77>

6 Peraturan Mahkamah Agung Republik Indonesia, Nomor 4 Tahun 2019 "Perubahan Atas Peraturan Mahkamah Agung Nomor 2 Tahun 2015 Tentang Tata Cara Penyelesaian Gugatan Sederhana" (2019).

From the above thoughts, it is felt necessary to have a form of dispute resolution procedure known in countries that adhere to the common law system by granting authority to resolve cases based on the value of the disputed object, so that a quick, simple, and inexpensive dispute resolution can be achieved through a mechanism called a *small claims court*.

Simple lawsuits for breach of contract (*wanprestasi*) and/or tortious acts fall under the jurisdiction of courts within the general judiciary. The authority to adjudicate granted by the law to District Courts encompasses all forms of civil cases, unless specified by the law that certain cases fall under the jurisdiction of special courts, namely the Religious Courts, Commercial Courts, and Industrial Relations Courts. However, the Religious Courts can also accept, examine, and adjudicate disputes through the simple lawsuit pattern when the case falls under the category of simple lawsuits, especially in Sharia economic disputes, grants, zakat, endowments, infaq, alms when related to breach of contract and tortious acts.⁷

Legal Basis of Simple Lawsuits

PERMA Number 14 of 2016 regulates the Procedure for Resolving Sharia Economic Disputes. Additionally, there is also regulation on the Procedure for Resolving Simple Lawsuits governed by PERMA Number 2 of 2015, as amended by PERMA Number 4 of 2019. The reason for the amendment of the Supreme Court Regulation is due to the material element, which was originally maximum of Rp. 200,000,000.00, being increased to Rp. 500,000,000.00.

Then there is the Supreme Court Regulation (PERMA) that directly relates to the procedural guidelines for resolving Sharia economic conflicts, including:⁸

1. PERMA Number 2 of 2015 concerning Simple Lawsuits
2. PERMA Number 2 of 2008 concerning the Compilation of Sharia Economics
3. PERMA Number 14 of 2016 concerning Procedures for Resolving Sharia Economic Disputes
4. PERMA Number 5 of 2016 concerning Certification of Sharia Economic Judges
5. PERMA Number 1 of 2016 concerning Mediation

The Procedure for Resolving Simple Lawsuits

PERMA Number 2 of 2015 concerning the Procedure for Resolving Simple Lawsuits, hereinafter abbreviated as PERMA Number 2 of 2015. The term “simple lawsuit” is commonly referred to as a *small claim court*, which refers to lightweight civil lawsuits with a quick dispute resolution process.⁹ However, it must not compromise the accuracy of examination and assessment of law and justice. Simplicity and expeditiousness in examination should not be manipulated to distort the law, truth, and justice; everything must be in accordance with the law. Some limitations have been set forth in PERMA Number 2 of 2015. For instance, in filing a lawsuit, the maximum value of the subject matter is Rp. 500,000,000.00 (five hundred million Indonesian Rupiah) with a simple evidentiary process and presided over by a single judge. The maximum timeframe for resolving these cases is 25 days. The verdict is final and binding at the first instance.

The procedure for filing a simple lawsuit also does not require legal representation by a lawyer or advocate, as in regular civil lawsuits. However, both parties (Plaintiff and Defendant)

7 Muhammad Noor, “Penyelesaian Gugatan Sederhana Di Pengadilan (Small Claim Court) Berdasarkan Peraturan Mahkamah Agung Nomor 2 Tahun 2015,” *Yudisia: Jurnal Pemikiran Hukum Dan Hukum Islam* 11, no. 1 (2020): 57, diakses pada 11 November, 2022, <https://journal.iainkudus.ac.id/index.php/Yudisia/article/view/6692>

8 Amran Suadi, *Penyelesaian Sengketa Ekonomi Syariah : Teori Dan Praktik* (Jakarta: Kencana, 2017). 28

9 Shanti Riskawati, “Peraturan Mahkamah Agung Nomor 2 Tahun 2015 Tentang Tata Cara Penyelesaian Gugatan Sederhana Sebagai Instrumen Perwujudan Asas Peradilan Sederhana, Cepat, dan Biaya Ringan,” *VeJ, Fakultas Hukum, Universitas Brawijaya Malang* 4, no. 1 (2018): 136, diakses pada 12 November, 2022, <https://journal.unpar.ac.id/index.php/veritas/article/view-/2917>

with or without legal representation must be present during the trial. Therefore, a lawsuit cannot be filed if the Defendant's place of residence or domicile is unknown. Using the services of a lawyer will certainly incur considerable costs. This rule actually emphasizes that parties do not need to use the services of a lawyer to make the judicial process more effective and efficient (*litigation of efficiency*). Because simple lawsuits are not designed as disputes, but rather as a quick and straightforward solution to the legal issues faced by the parties involved.¹⁰ Simple lawsuits fall within the jurisdiction or scope of the General Court. Not all cases can be resolved by filing a simple lawsuit.¹¹

The legal procedure and stages in resolving simple lawsuits, as regulated in Article 5 paragraph (2) of PERMA Number 2 of 2015 and its Amendment to PERMA Number 4 of 2019, are as follows:¹²

1. Simple lawsuits are examined and adjudicated by a single judge appointed by the chief judge
2. The stages of resolving a simple lawsuit include:
 - a. Registration
 - b. Examination of the completeness of the simple lawsuit
 - c. Appointment of a single judge and appointment of a Substitute Registrar
 - d. Preliminary Examination
 - e. Determination of trial date and summoning of parties
 - f. Trial examination and preliminary efforts
 - g. Evidence presentation
 - h. Verdict

Specifically regarding the registration of lawsuits, based on PERMA Number 1 of 2019 concerning the Implementation of Electronic Trials (*e-court*), which regulates that all cases are registered through *e-court*, whether they are regular civil cases or simple lawsuits. In relation to this, Article 6A of PERMA Number 4 of 2019 states: "*Plaintiffs and Defendants may use case administration electronically in the Court in accordance with the provisions of the laws and regulations*".

3. The resolution of a simple lawsuit must not exceed 25 (twenty-five) days from the first trial date.

Sharia Economic Dispute

According to the general Indonesian language dictionary, "sengketa" translates to dispute, argument, altercation, disagreement, discord, and case. Conflict itself, etymologically derived from the word "*conflict*", originates from the Latin word "*confligere*", meaning "*to shock each other*" or conflict arises when there are parties that "shock each other", in other words, violence. Additionally, the word "conflict" also has several definitions, including "*a fight, a collision, a struggle, a contest, opposition of interest, opinions or purposes, mental strife, agony*".¹³ In terminology, a dispute is a conflict between two or more parties that arises from differing

10 Peraturan Mahkamah Agung, "Pasal 4 Ayat 4 Peraturan Mahkamah Agung Nomor 2 Tahun 2015, 'Tata Cara Penyelesaian Gugatan Sederhana Berbunyi : Penggugat Dan Tergugat Wajib Menghadiri Secara Langsung Setiap Persidangan Dengan Atau Tanpa Didampingi Oleh Kuasa Hukum.'" (2015).

11 Wasis Priyanto, "Pemeriksaan Gugatan Sederhana (Small Claim Court)," *Wasis so Nice* : 1-2, diakses pada 12 November, 2022, <https://adoc.pub/queue/pemeriksaan-gugatan-sederhana-small-claim-court.html>.

12 Peraturan Mahkamah Agung Republik Indonesia, Pasal 5 Ayat (2) Tahun 2015 dan Nomor 4 Tahun 2019 "Perubahan Atas Peraturan Mahkamah Agung Nomor 2 Tahun 2015 Tentang Tata Cara Penyelesaian Gugatan Sederhana" (2019).

13 Akhmad Rifa'i, "*Konflik Dan Resolusinya Dalam Perspektif Islam*," *Jurnal Millah Edisi Khusus, Fak. Dakwah UIN Sunan Kalijaga Yogyakarta*, (2010): 172-173, diakses pada 12 November, 2022, <https://journal.uin.ac.id/Millah/article/view/5248>

perceptions of an interest or ownership right, which can result in legal consequences for both parties and legal sanctions against one of them.¹⁴ As explained in the Quran, Surah An-Nisa, verse 35:

وَإِنْ خِفْتُمْ شِقَاقَ بَيْنِهِمَا فَأَبْعَثُوا حَكَمًا مِّنْ أَهْلِهَا وَحَكَمًا مِّنْ أَهْلِهَا إِنْ يُرِيدَا إِصْلَاحًا يُّوقِفِ اللَّهُ بَيْنَهُمَا إِنَّ اللَّهَ كَانَ عَلِيمًا خَبِيرًا

"And if you fear dissension between the two, send an arbitrator from his people and an arbitrator from her people. If they both desire reconciliation, Allah will cause it to happen between them. Indeed, Allah is ever Knowing and Acquainted [with all things]."

In general, economics, as defined by Samuelson, is the study of human behavior in relation to the utilization of scarce productive resources to produce goods and services and distribute them for consumption. Sharia economics, on the other hand, is the effort or activity undertaken by individuals, groups of people, legal entities, or non-legal entities to fulfill commercial and non-commercial needs according to Sharia principles.¹⁵

Resolution of Sharia Economic Disputes

In dealing with issues or disputes, the resolution mechanisms between Sharia and conventional economies differ. In conventional economies, disputes are typically resolved through District Courts or the National Arbitration Board. In contrast, within Sharia economics, disputes are settled according to Sharia procedures and laws.

In principle, the authority to examine and adjudicate disputes lies solely with the judicial bodies under the jurisdiction of the judiciary, culminating in the Supreme Court. Therefore, disputes in Sharia economics are resolved through the legal process. This resolution is referred to as dispute settlement through litigation. However, as explained in Law Number 30 of 1999 concerning Arbitration and Alternative Dispute Resolution, there is the possibility for parties to settle disputes using non-judicial institutions, such as arbitration or mediation.¹⁶

a. Litigation

Litigation settlement is a dispute resolution process conducted through the courts.¹⁷ The embodiment of the legal function is the existence of the judiciary, a formal institution provided by the state. Parties involved in Shariah economics disputes can resolve them through the courts. The presence of the judiciary represents the legal function in dispute resolution and serves as a means to uphold justice.

From a juridical perspective, the resolution of Shariah economic disputes can be brought to the Religious Court because Shariah economic disputes fall under the absolute authority of the Religious Court. As stipulated in Article 49 of Law Number 3 of 2006 concerning Amendments to Law Number 7 of 1989 concerning Religious Courts as amended by Law Number 50 of 2009, which states: The Religious Courts are tasked and authorized to examine, adjudicate, and settle cases at the first instance among individuals who adhere to

14 Muaidi, "Penyelesaian Sengketa Dalam Hukum Ekonomi Syari'ah," *Tafaqquh : Jurnal Hukum Ekonomi Syariah Dan Ahwal as Syahsiyah* 3, no. II (2018), diakses pada 13 November, 2022, <http://ejournal.kopertais4.or.id/sasambo/index.php/tafaqquh/article/-view/3082>

15 Peraturan Mahkamah Agung Republik Indonesia, Nomor 2 Tahun 2008 Tentang "Kompilasi Hukum Ekonomi Syariah" (2008).

16 Erie Hariyanto, "Penyelesaian Sengketa Ekonomi Syariah Di Indonesia," *Iqtishadia* 1, no. 1 (2014): 42, diakses pada 14 November, 2022, <https://www.neliti.com/id/publications/90450/-penyelesaian-sengketa-ekonomi-syariah-di-indonesia>

17 Amran Suadi, *Penyelesaian Sengketa Ekonomi Syariah : Teori Dan Praktik* (Jakarta: Kencana, 2017). 15

Islam in the field of: Marriage, Waris, Wasiat, Hibah, Wakaf, Zakat, Infaq, Shadaqah, and Sharia Economics.¹⁸

Furthermore, explained in the explanation of Article 49 letter (i) of Law Number 3 Year 2006 that Shariah economics is actions or business activities conducted according to Shariah principles. The scope of Shariah economics includes: Shariah banks, Shariah microfinance institutions, Shariah insurance, Shariah reinsurance, Shariah mutual funds, Shariah bonds and medium-term Islamic securities, Shariah securities, Shariah financing, Shariah pawnshops, Shariah financial institution pension funds, and Shariah businesses. Therefore, any case related to Shariah economics falls within the absolute jurisdiction of the Religious Courts to examine, decide, and settle it.

b. Non-Litigation

In addition to resorting to the judicial or litigation process, disputing parties can resolve their cases through non-litigation avenues or out-of-court settlements. As stipulated in Article 58 of Law Number 48 of 2009 concerning Judicial Power.

In other provisions, it is also mentioned that parties have the possibility to settle disputes using institutions other than the court (non-litigation), such as arbitration or mediation (conciliation). This is emphasized in the explanation of Law Number 30 of 1999 concerning Arbitration and Alternative Dispute Resolution.¹⁹

Dispute resolution outside the court, generally referred to as Alternative Dispute Resolution (ADR), has now been integrated into court proceedings. According to PERMA Number 1 of 2016 regarding mediation procedures in court, mediation is a peaceful, appropriate, effective way of resolving disputes that can provide broader access for parties to obtain satisfactory and fair resolutions. It enhances public access to justice while implementing the principles of simple, fast, and low-cost judicial administration. Some argue that ADR represents the third wave cycle of business dispute resolution.

Business dispute resolution in the era of globalization is characterized by moving quickly, employing informal procedures, and being put into motion swiftly. Since 1980, Alternative Dispute Resolution has been developed as a breakthrough solution to the shortcomings of resolution through litigation and arbitration, which drain resources, funds, time, mental energy, and executive efforts.²⁰ Based on these reasons, alternative options are sought to resolve disputes outside the litigation process. There are several forms of dispute resolution through Alternative Dispute Resolution, including:²¹ mediation, compromise, conciliation, expert determination, and Mini Trial (Both parties agree to appoint an advisor to provide an opinion).

In the explanation of Article 3 paragraph (1), it is mentioned that settling disputes outside of court based on peace or through arbitration is still permitted. However, the arbitrator's decision only has executory power after obtaining permission or an order for execution from the court.²² To support dispute resolution through arbitration, on October 23, 1993, the Indonesian Islamic Arbitration Board (Badan Arbitrase Muamalat Indonesia - BAMUI) was officially established. Since 2002, it has been renamed as the National Sharia

18 Undang-Undang Republik Indonesia Pasal 49 Nomor 3 Tahun 2006 Tentang "Perubahan Atas Undang-Undang Nomor 7 Tahun 1989 Tentang Peradilan Agama" (2006).

19 Erwin Munthe Eko Priadi., "Keabsahan Putusan Badan Arbitrase Syariah Nasional Dalam Penyelesaian Sengketa Ekonomi Syariah Di Indonesia," *Iqtishaduna: Jurnal Ilmiah Ekonomi Kita* 8, no. 1 (2019): 3, diakses pada 14 November, 2022, <https://ejournal-stiesyariah-bengkalis.ac.id/index.php/iqtishaduna/article/view/148>

20 M. Yahya Harahap, *Beberapa Tinjauan Mengenai Sistem Peradilan Dan Penyelesaian Sengketa* (Bandung: Citra Aditya Bakti, 1997). 280-281

21 M. Yahya Harahap, *Hukum Acara Perdata* (Jakarta: Sinar Grafika, 2015). 289

22 Jimmy Joses Sembiring, *Cara Menyelesaikan Sengketa Di Luar Pengadilan* (Jakarta: Transmedia Pustaka, 2011). 55

Arbitration Board (Badan Arbitrase Syariah Nasional - BASYARNAS), serving as an arbitration institution handling dispute resolution in the field of Sharia economy.²³

RESEARCH METHODS

This type of research involves field research using a qualitative approach. The data sources include primary, secondary, and tertiary sources. Data collection techniques involve interviews and documentation. Data analysis is based on the interviews conducted in the field, which are then summarized by the researcher in narrative form. The final step involves verifying the obtained data to draw credible conclusions.

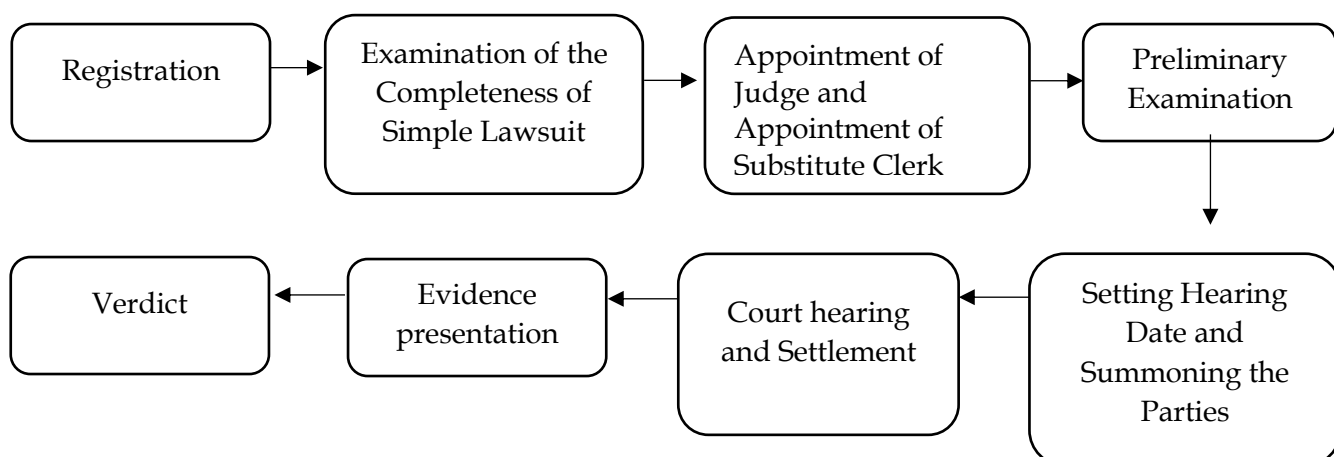
RESULT AND DISCUSSION

The Mechanism of Simple Lawsuit Settlement in Sharia Economic Disputes at Class 1B Religious Court in Kudus, Case Number 1/Pdt.G.S/2019/PA.Kds

The verdict Number 1/Pdt.G.S/2019/PA.Kds, the lawsuit filed by the plaintiffs in this case is a simple Sharia economic lawsuit for breach of contract related to Sharia financing agreements, namely murabahah financing agreements between the plaintiffs as creditors of PT. BPRS Saka Dana Mulia Kudus and the defendants as debtors. Based on Article 49 letter (i) of Law Number 3 Year 2006, the Religious Court has the authority to examine, adjudicate, and settle first-instance cases among Muslims in the field of Sharia economics.

In the process of filing a simple lawsuit in case Number 1/Pdt.G.S/2019/PA.Kds itself, it complies with the regulations of the Supreme Court Regulation Number 2 of 2015, which has been updated to Supreme Court Regulation Number 4 of 2019, which provides explanations regarding the regulations of settlement with a simple model. The process of resolving simple disputes is quite different from resolving disputes in the usual manner. The stages of resolution are as follows: registration, examination of all documents, notification of fees, notification of the single judge, preliminary examination, notification of hearing schedule and summoning of parties, hearing examination, presentation of evidence, decision-making and preparation of trial records, legal remedies, examination of objection application documents if one of the parties objects, objection examination, and implementation of the decision.

The Process and Stages of Filing A Simple Lawsuit



23 Tri Setiady, "Arbitrase Islam Dalam Respektif Islam Dan Hukum Positif," *Fiat Justisia Jurnal Ilmu Hukum* 9, no. 3 (2015): 343, diakses pada 14 November, 2022, <https://jurnal.-fh.unila.ac.id/index.php/fiat/article/view/604/543>

The Considerations of the Judge in Deciding Sharia Economic Dispute Cases in the Simple Lawsuit Case at the Class 1B Religious Court of Kudus in Case Number 1/Pdt.G.S/2019/PA.Kds

The judge's considerations in deciding the case were based on the arguments presented by the plaintiffs, stating that the defendants neglected their obligation to pay installments to PT BPRS Saka Dana Mulia Kudus. It was clear that there was an agreement or contract in the debt transaction. The plaintiffs had given the defendants a grace period to settle the financing agreement, but until the case was brought to court, the defendants had only made a few installment payments. During the trial, the defendants admitted their negligence in making the payments, citing a slowdown in their business. Due to the defendants' actions, they were deemed to have breached the agreement or committed a breach of contract, causing material harm to the plaintiffs. Based on these facts, the judge ruled in favor of the plaintiffs in the simple lawsuit, ordering the defendants to refund the remaining installments to the plaintiffs.

The Challenges in Resolving Simple Lawsuit Cases in Sharia Economic Disputes

With the existence of Sharia economic dispute rulings resolved through the simple lawsuit procedure in the litigation path, religious courts must prepare themselves, especially in terms of enhancing human resources and preparing regulations related to Sharia economic disputes. Based on this notion arises the question of how far the development of Sharia economics in Indonesia has progressed, and what challenges should Religious Courts face?

The diversity of Sharia-based business models will inevitably lead to numerous potential disputes, making the aspect of legal protection crucial. This responsibility falls on the Religious Courts as institutions with absolute authority to handle Sharia cases. This authority poses a unique challenge for the religious judicial apparatus, especially the judges. These judges are required to understand all cases within their jurisdiction. This is in line with the adage "*ius curia novit*", which means the judge is presumed to know the law, thus the judge cannot refuse to examine a case on the grounds of unclear or insufficient legal basis. The necessity for judges to constantly enrich their legal knowledge also serves as a moral responsibility for the claim that what has been decided by the judge must be considered correct. Along with this, every judge in the Religious Courts is required to delve deeper into and master the issues of Sharia economics.

The next challenge concerns the requirement for judges of the Religious Courts to obtain Sharia Economics Judge Certification. This involves the issuance of certificates to judges who have been deemed to have passed the administrative selection, demonstrating competence, integrity, and training to become Sharia economics judges by the Supreme Court of the Republic of Indonesia. The certification of Sharia economics judges aims to enhance the effectiveness of handling Sharia economic cases in the Religious Courts/Sharia Courts as part of the efforts to enforce Sharia economic law that upholds justice.

C. CONCLUSION

1. Legal Basis:
 - The resolution process for Sharia economic disputes through the simple lawsuit route aligns with PERMA Number 4 of 2019, which amended PERMA Number 2 of 2015.
2. Expanded Court Authority:
 - The Sharia Court is now empowered to:
 - Impose attachment of assets.
 - Accept lawsuits against defendants outside the plaintiff's jurisdiction.
 - Allow plaintiffs to appoint legal advisors from the defendant's domicile.
3. Time Frame and Monetary Limit:

- A specific time frame for resolving cases is established.
- The maximum value for a simple lawsuit is increased from Rp. 200,000,000 to Rp. 500,000,000.
- 4. Electronic Hearings:
 - The process permits electronic hearings to streamline case management.
- 5. Judge's Considerations:
 - In case number 1/Pdt.G.S/2019/PA.Kds, the judge deemed the plaintiff's claims valid and binding.
 - The defendants were held liable for litigation costs.
- 6. Challenges:
 - Religious Court judges must comprehensively understand all cases under their jurisdiction.
 - Judges are required to obtain Sharia Economics Judge Certification to enhance competence in resolving such disputes.

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