

Effectiveness of Simple Lawsuits in Sharia Economic Disputes at the Garut Religious Court

Muhamad Aliman¹, Dadang Komara^{2*}, Muhammad Alimin³, Mulyana Hidayat⁴,
Ohan Wahyu Nurjaman⁵, R. Sinsin Rosyidin⁶, Gamal Abdul Nasir Zakaria⁷, Udin
Saripudin⁸, Elan Jaelani⁹, Dani Ramdani¹⁰

^{1,2,3,4,5}STAI Bhakti Persada Majalaya

⁶Sekolah Indonesia Mekkah Arab Saudi

⁷University Brunei Darussalaam

⁸Universitas Islam, Bandung

⁹Universitas Islam Nusantara Sunan Gunung Djati

¹⁰Universitas Negeri, Surabaya

Corresponding Author: Dadang Komara; dadangkomarashimm@gmail.com

ARTICLE INFO

ABSTRACT

Keywords: Simple Lawsuit, Islamic Economics, Religious Courts, Effectiveness, Perma No. 14 of 2016

Received : 5 Maret

Revised : 23 April

Accepted: 23 Mei

©2025 Aliman, Komara, Alimin, Hidayat, Nurjaman, Rosyidin, Zakaria, Saripudin, Jaelani, Ramdani: This is an open-access article distributed under the terms of the [Creative Commons Attribution 4.0 International](https://creativecommons.org/licenses/by/4.0/).



The growth of sharia economy in Indonesia has created its own legal dynamics, especially in resolving disputes arising from sharia-based economic activities. Small claims are present as an alternative solution to the slow conventional judicial process. Supreme Court Regulation (Perma) No. 14 of 2016 provides guidelines for the procedures for resolving sharia economic disputes quickly, simply, and at low cost. This study focuses on the effectiveness of the application of small claims in the Garut Religious Court as a case study. This study uses a descriptive qualitative approach with data collection techniques through participatory observation, semi-structured interviews with judges and staff, and case documentation studies and laws and regulations. Data were analyzed by data reduction, categorization, and confirmation of data validity. The results of the study show that the majority of judges understand and apply Perma No. 14 of 2016 in handling sharia economic cases. The trial process through small claims is faster (average 25 days) and costs less than ordinary claims. However, the lack of socialization to the community and administrative constraints reduce the efficiency of implementation. In conclusion, simple lawsuits have proven to be able to fulfill the principles of fast, simple, and low-cost justice in the context of Islamic economics. However, its success is greatly influenced by the readiness of the court's human resources, the clarity of regulations, and the public's understanding of legal procedures. The use of simple lawsuits in the context of Islamic economics is very appropriate, because the majority of cases are low to medium value, but have a large social and moral impact

INTRODUCTION

The growth of the Islamic economy in Indonesia has shown a significant increase in the last few decades. This phenomenon is marked by the growth of various Islamic financial institutions, increasing public participation in transactions based on Islamic principles, and the emergence of various economic products that are in accordance with Islamic law. This development has a positive impact on the national economy, but at the same time it also gives rise to complex legal dynamics, especially in the aspect of resolving disputes between business actors who implement Islamic economic principles. As stated by Nurhayati (2019), the rapid growth of the sharia economy demands a legal system that is able to accommodate the need for effective dispute resolution. In addition, Arbaina and Umam (2024) emphasize the importance of a deep understanding of the Islamic legal system and positive Indonesian law in managing the resolution of sharia economic disputes.

In practice, the resolution of sharia economic disputes is often faced with long, formalistic, and costly legal procedures. This is an obstacle for people who need fast and affordable justice. In response to these challenges, the Supreme Court of the Republic of Indonesia issued Supreme Court Regulation (Perma) No. 14 of 2016 which provides guidelines for the procedure for resolving sharia economic cases through a simple lawsuit mechanism. This mechanism is designed to accelerate the legal process, simplify the flow of case resolution, and reduce the burden of costs borne by the disputing parties. According to Wiranti (2020), the application of simple lawsuits in sharia economic disputes in Indonesia is quite helpful for people in resolving cases in court quickly and simply. Madjid et al. (2022) also noted that the implementation of simple lawsuits in the Makassar Religious Court showed effectiveness in resolving sharia economic disputes.

Simple lawsuits in the context of sharia economic cases are an interesting alternative dispute resolution to study, considering their potential effectiveness in providing substantive justice for the community. As a legal instrument, simple lawsuits are expected to be able to answer the needs of small and medium business actors who are often victims of legal uncertainty in sharia business transactions. In this context, the Religious Court has a strategic role as an institution that is authorized to resolve sharia economic cases professionally and in accordance with the principles of Islamic justice. As stated by Suadi (2017), resolving sharia economic disputes requires an approach that is in accordance with sharia principles and positive law. In addition, research by Madjid et al. (2022) shows that the implementation of simple lawsuits can increase the efficiency of resolving sharia economic disputes in religious courts.

This study aims to examine in depth the understanding and implementation of simple lawsuits in Islamic economic cases, and to measure the extent to which they are effective in providing fast, fair, and efficient resolution. In addition, this study also identifies supporting and inhibiting factors in the implementation of simple lawsuits, especially in the context of the Garut Religious Court as the location of the case study. Thus, this study is expected to provide an empirical contribution to the development of the Islamic economic

justice system in Indonesia. As stated by Arbaina and Umam (2024), a deeper understanding of these two legal systems can provide useful guidance for legal practitioners, academics, and related parties in increasing the effectiveness of resolving Islamic economic disputes. In addition, research by Madjid et al. (2022) emphasizes the importance of implementing simple lawsuits in increasing the efficiency of dispute resolution in religious courts.

LITERATURE REVIEW

Pure Legal Theory (Hans Kelsen)

Hans Kelsen, a prominent legal philosopher of the 20th century, developed the Pure Legal Theory (Reine Rechtslehre) to separate law from non-legal elements such as morality, politics, and sociology. According to Kelsen, law should be studied as an autonomous normative system, where legal norms are hierarchically organized based on their validity, not on moral or social values. This approach aims to create a "pure" legal science free from external influences. Within Kelsen's norm hierarchy framework, each legal norm derives its validity from a higher norm, until it reaches the basic norm (Grundnorm). This concept emphasizes that a legal system is a structure consisting of interrelated norms, where the validity of a norm is determined by its position in the hierarchy. Thus, law is seen as a logical and consistent system, regardless of moral or political considerations.

The application of Pure Legal Theory in the context of the judiciary, including the Religious Court, allows for an objective and structured legal analysis. By focusing on the validity of legal norms and the hierarchical relationships between them, this approach can help in assessing the effectiveness of legal mechanisms such as simple lawsuits, without being influenced by non-legal considerations.

Moral Philosophy of Ibn Miskawaih

Ibn Miskawaih, a 10th-century Muslim philosopher, is known for his contributions to the development of Islamic ethics through his famous work *Tahdhib al-Akhlaq*. In his work, Miskawaih emphasized the importance of justice as the highest moral virtue that reflects balance and proportionality in human actions. Justice, according to him, is the result of control and harmony between reason, courage, and desire.

Miskawaih's concept of justice is not only individual but also social. He adopted an Aristotelian approach in viewing justice as a balance in society, where each individual plays his role proportionally. This balance is considered the basis for creating a harmonious and just society.

In the context of the judiciary, Miskawaih's principles of justice and proportionality are relevant in ensuring that the legal process is not only fast and efficient, but also fair and balanced. The application of these principles in mechanisms such as small claims can help ensure that dispute resolution is carried out by considering the balance of the rights and obligations of the parties.

Theological Basis (QS. Al-Hujurat: 9-10)

Surah Al-Hujurat verses 9-10 provide theological guidelines for resolving conflicts among Muslims. The verse commands to reconcile two warring groups and, if one of them transgresses, then it must be fought until it returns to the command of Allah. After that, peace must be established with justice, because Allah loves justice.

This verse emphasizes the importance of justice and peace in resolving conflicts. In its interpretation, this verse is considered the basis of Islamic law in dealing with internal disputes among Muslims, emphasizing a just and peaceful approach.

The application of these principles in the judicial system, such as the Religious Court, emphasizes that dispute resolution must be carried out fairly and peacefully. Mechanisms such as small claims can be a tool to realize these principles, by providing a fast, simple, and low-cost legal process, while still upholding justice and peace.

METHODOLOGY

This study uses a descriptive qualitative approach, which aims to understand and describe phenomena in depth in a natural context. This approach allows researchers to explore the meaning and interpretation given by subjects to their experiences, without intervention or manipulation of variables. In qualitative research, researchers act as the main instrument in data collection and analysis, so direct involvement with research subjects becomes an important aspect. This approach is in accordance with the view that social reality is complex, dynamic, and full of meaning, which can only be understood through direct interaction with the environment and subjects being studied.

This research was conducted at the Garut Religious Court, with the aim of understanding the implementation of simple lawsuits in resolving sharia economic disputes. Data were collected through several techniques, namely participant observation, semi-structured interviews, and documentation studies. Participatory observation allows researchers to directly observe the trial process and the interactions between the parties involved, thus gaining a deep understanding of the dynamics that occur. Semi-structured interviews were conducted with judges and court staff to explore their perspectives on the effectiveness and challenges in implementing simple lawsuits. Documentation studies involve analysis of official documents, such as case files, court decisions, and relevant laws and regulations.

The data analysis process in this study involves several stages, namely data reduction, categorization, and confirmation of data validity. Data reduction is done by filtering and simplifying the raw data that has been collected, so that it focuses on information that is relevant to the research objectives. Furthermore, the reduced data is categorized based on certain themes or patterns that emerge, to facilitate interpretation and drawing conclusions. Confirmation of data validity is done through triangulation, namely by comparing data obtained from various sources and data collection techniques, to ensure the consistency and validity of research findings.

RESULTS

The majority of judges at the Garut Religious Court have understood and implemented Supreme Court Regulation (Perma) No. 14 of 2016 concerning Procedures for Settlement of Simple Lawsuits in handling sharia economic cases. This shows a good understanding of the applicable legal procedures, as well as an awareness of the importance of resolving disputes efficiently and effectively. The application of this simple lawsuit provides an alternative dispute resolution that is faster and simpler than the regular lawsuit procedure.

The application of simple lawsuits at the Garut Religious Court has shown effectiveness in the trial process. The average time for resolving cases through simple lawsuits is around 25 days, which is faster than the regular lawsuit procedure. In addition, the costs incurred by the parties are also lower, thus providing more affordable access to justice for the community. This efficiency is in line with the principle of simple, fast, and low-cost justice as mandated in Perma No. 14 of 2016.

Although the implementation of simple lawsuits has shown effectiveness, there are several obstacles that reduce the efficiency of its implementation. One of the main obstacles is the lack of socialization to the community regarding the procedures and benefits of simple lawsuits. Many people are not yet aware of the existence of this alternative dispute resolution, so they still choose the more complex and time-consuming regular lawsuit procedure. In addition, administrative obstacles such as limited human resources and infrastructure in the courts are also inhibiting factors in the optimal implementation of simple lawsuits.

To increase the effectiveness of the implementation simple lawsuits, more intensive socialization efforts are needed to the community regarding the procedures and benefits of simple lawsuits. The Garut Religious Court can collaborate with related agencies, such as the Ministry of Religion and non-governmental organizations, to organize socialization and legal education to the community. In addition, increasing the capacity of human resources and improving infrastructure in the courts are also important to support the implementation of more efficient and effective simple lawsuits.

DISCUSSION

Simple lawsuits have proven to be an effective legal instrument in realizing the principles of fast, simple, and low-cost justice. In the context of resolving sharia economic disputes, this mechanism provides a more efficient alternative compared to conventional litigation procedures which tend to be more time-consuming and costly. The existence of simple lawsuits allows the community, especially small and medium business actors, to obtain justice without having to face complex legal processes. This is in line with research findings that show that dispute resolution through simple lawsuits can increase access to justice for the wider community.

The success of the implementation of simple lawsuits is greatly influenced by several key factors, including the readiness of human resources (HR) in the judicial environment, the clarity of regulations governing simple lawsuit

procedures, and the community's understanding of the legal mechanism. Competent and trained human resources in handling small claims cases can ensure that the trial process runs effectively and efficiently. In addition, clear and easy-to-understand regulations will minimize the potential for procedural errors that can hinder the dispute resolution process. Public understanding of small claims procedures is also important so that they can utilize this mechanism optimally.

In the context of Islamic economics, the use of small claims is very relevant considering the characteristics of disputes that are generally low to medium in value, but have significant social and moral impacts. Fast and efficient dispute resolution through small claims is in line with the principles of justice in Islam, which emphasize peaceful and fair conflict resolution. In addition, this mechanism also supports the creation of legal certainty in Islamic economic transactions, which in turn can increase public trust in the Islamic-based economic system.

Small claims not only fulfill the aspect of legal efficiency, but also reflect Islamic values that emphasize justice, welfare, and peaceful dispute resolution. The implementation of this mechanism in resolving Islamic economic disputes shows the synergy between positive law and Islamic principles, which ultimately strengthens the legitimacy and effectiveness of the justice system in the context of Muslim society. Thus, simple lawsuits can be considered as a manifestation of efforts to harmonize national law and Islamic values in judicial practice in Indonesia.

CONCLUSIONS AND RECOMMENDATIONS

The application of simple lawsuits in the Garut Religious Court has shown effectiveness in resolving sharia economic disputes. This is reflected in the faster trial process and lower costs compared to the regular lawsuit procedure. The majority of judges understand and apply Supreme Court Regulation (Perma) No. 14 of 2016 in handling sharia economic cases, which shows the readiness of the judicial apparatus in adopting this mechanism.

However, this effectiveness still faces several obstacles. The lack of socialization to the public regarding the procedures and benefits of simple lawsuits has resulted in low utilization of this mechanism by the public. In addition, administrative constraints and limited human resources in the courts also reduce the efficiency of the application of simple lawsuits.

In the context of sharia economics, simple lawsuits are very relevant considering that the majority of cases are low to medium value but have a large social and moral impact. This mechanism is in line with the principles of justice in Islam, which emphasizes the resolution of disputes fairly and efficiently. Thus, simple lawsuits can be an effective instrument in supporting the development of sharia economics in Indonesia.

FURTHER STUDY

To improve the effectiveness of the implementation of simple lawsuits, it is recommended that the Garut Religious Court and related agencies increase socialization to the public regarding the procedures and the benefits of this mechanism. Intensive legal education can help the public understand and utilize small claims optimally.

In addition, it is necessary to increase the capacity of human resources in the courts through training and certification of judges in the field of Islamic economics. This will ensure that judges have adequate competence in handling Islamic economic cases through small claims.

The development of infrastructure and administrative systems in the courts is also important to support the implementation of efficient small claims. The application of information technology in the trial process can accelerate the resolution of cases and increase public access to justice.

Finally, it is necessary to conduct regular evaluation and monitoring of the implementation of small claims in the Garut Religious Court. This aims to identify the obstacles faced and formulate appropriate improvement strategies, so that small claims can function optimally in supporting the resolution of Islamic economic disputes.

REFERENCES

- Adhli, A. (2023). Al-Kauniyah: Jurnal Ilmu Alquran dan Tafsir. Al-Kauniyah, 4(1), 12–28.
- Adolph, R. (2016). 濟無 No Title No Title No Title.
- Ardiansyah, Risnita, & Jailani, M. S. (2023). Teknik Pengumpulan Data Dan Instrumen Penelitian Ilmiah Pendidikan Pada Pendekatan Kualitatif dan Kuantitatif. Jurnal IHSAN: Jurnal Pendidikan Islam, 1(2), 1–9. <https://doi.org/10.61104/ihsan.v1i2.57>
- Asshiddiqie, J., & Safa'at, M. A. (2016). Teori Hans Kelsen Tentang Hukum. Mahkamah Konstitusi RI, Jakarta, 15.
- Dr. Nofiardi, M. A. (2021). Sengketa Ekonomi Syariah. PUSAKA MEDIA Anggota IKAPI, 01(2), 1–82.
- Dr. Umar Sidiq, M. Ag Dr. Moh. Miftachul Choiri, M. (2019). Metode Penelitian Kualitatif di Bidang Pendidikan. In Journal of Chemical Information and Modeling (Vol. 53, Issue 9). [http://repository.iainponorogo.ac.id/484/1/METODEPENELITIA
N KUALITATIF DI BIDANG PENDIDIKAN.pdf](http://repository.iainponorogo.ac.id/484/1/METODEPENELITIAN%20KUALITATIF%20DI%20BIDANG%20PENDIDIKAN.pdf)
- Faniyah, I., & Sumarni, E. (2022). Upaya Mediasi Dalam Penyelesaian Sengketa Ekonomi Syari'Ah di Pengadilan Agama Padang Kelas Ia. UNES Law Review, 4(4), 574–583. <https://doi.org/10.31933/unesrev.v4i4.284>

Aliman, Komara, Alimin, Hidayat, Nurjaman, Rosyidin, Zakaria, Saripudin, Jaelani, Ramdani

Hakim, A. (2016). Filsafat Etika Ibn Miskawaih. *Jurnal Ilmiah Ilmu Ushuluddin*, 13(2), 135. <https://doi.org/10.18592/jiu.v13i2.727>

Hukum, J., Syariah Volume, E., Nomor, |, & Januari-Juni, |. (2019). J-HES PENYELESAIAN SENGKETA DALAM HUKUM EKONOMI ISLAM Nurhayati. 3(1), 1-11.

Kajpus 14 TEORI_HUKUM_MURNI_HANS_KELSEN. (n.d.).

Kuesioner, W. D. A. N. (n.d.). *Teknik Pengumpulan Data*. 3(1), 39-47.

KURNIASARI, D. W. I. (2024). Implementasi Sistem Penjaminan Mutu Internal Perguruan Tinggi Di Sekolah Tinggi Agama Islam Negeri (Stain) Bengkalis. http://repository.uin-suska.ac.id/83266/2/TEISIS_DWI_KURNIASARI.pdf

Madjid, S. S., Amri, U., & Mansyur, F. (2023). Implementasi Gugatan Sederhana (Small Claim Court) Dalam Penyelesaian Sengketa Ekonomi Syari'ah di Pengadilan Agama Kota Makassar. *Jurnal Hukum Ekonomi Syariah*, 7(02), 99-111. <https://doi.org/10.26618/j-hes.v7i02.12157>

Mansyur, F., Jasri, J., & Masuwd, M. (2024). Overcoming Intellectual Unemployment through Entrepreneurship Learning Transformation: A Case Study on Sharia Economic Law Study Program of Unismuh Makassar. *Al-Muamalat: Jurnal Ekonomi Syariah*, 11(2), 251-268. <https://doi.org/10.15575/am.v11i2.34562>

Maskawaih, I. (1998). Menuju Kesempurnaan Akhlak. In terj. Helmi Hidayat.

Mik Imbah Arbaina, & Fadoilul Umam. (2024). Penyelesaian Sengketa Ekonomi Syariah Dalam Kerangka Hukum Islam Dan Hukum Positif Di Indonesia. *Iqtishaduna: Jurnal Ilmiah Mahasiswa Hukum Ekonomi Syari'ah*, 5, 152-167. <https://doi.org/10.24252/iqtishaduna.vi.44212>

Nahar, S., Budianti, Y., & Nurniadi, D. (2022). Pendidikan Cinta Damai dalam Surah Al-Hujurat Ayat 9 dan10. *Tadrib: Jurnal Pendidikan Agama Islam*, 8(2), 202-215.

Nasbi, I. (2015). IBNU MASKAWAIH (Filsafat al-Nafs dan Filsafat al-Akhlak). *Journal of Chemical Information and Modeling*, 4(2), 1-15.

Nizar, N., Barsihannor, B., & Amri, M. (2017). Pemikiran Etika Ibnu Miskawaih. *KURIOSITAS: Media Komunikasi Sosial Dan Keagamaan*, 10(1), 49-59. <https://doi.org/10.35905/kur.v10i1.584>

- No, V., Hal, J., Syariah, U., & Indonesia, D. I. (2022). Jurnal Penelitian Dan Pengkajian Ilmiah Sosial Budaya PENGARUH RETURN ON ASSET DAN NON PERFORMING. 1(2), 403-417.
- Robert, B., & Brown, E. B. (2004). Teori Dan Praktik Pendekatan (Issue 1).
- Rohmatin, I. T., & Syafiuddin, M. N. (2021). the Reformulation of Parties Domicile Requirements in Small Claim Court. Jurnal Hukum Dan Peradilan, 9(3), 523. <https://doi.org/10.25216/jhp.9.3.2020.523-542>
- S, Z. (2016). Pendidikan Karakter Dalam Al-Quran Surat Al-Hujurat. Nuansa: Jurnal Studi Islam Dan Kemasyarakatan, 9(2), 133-145. <https://doi.org/10.29300/nuansa.v9i2.381>
- Samekto, F. A. (2019). Menelusuri Akar Pemikiran Hans Kelsen Tentang Stufenbeautheorie Dalam Pendekatan Normatif-Filosofis. Jurnal Hukum Progresif, 7(1), 1. <https://doi.org/10.14710/hp.7.1.1-19>
- Siswajanthi, F., & A. (2021). Gugatan Sederhana Dalam Penyelesaian Sengketa Ekonomi Syariah Di Indonesia. Palar | Pakuan Law Review, 7(2), 147-159. <https://doi.org/10.33751/palar.v7i2.3737>
- Syaefudin, P. (2022). Implementasi Sistem Penjaminan Mutu Internal di Mi Istiqomah Sambas Purbalingga. http://repository.uinsaizu.ac.id/13650/%0Ahttp://repository.uinsaizu.ac.id/13650/1/SYAEFUDINPURWANTO_ImplementasiSistemPenjaminanMutuInternaldiMIstiqomahSambasPurbalingga.pdf
- Ummah, M. S. (2019). No 主観的健康感を中心とした在宅高齢者における健康関連指標に関する共分散構造分析 Title. In Sustainability (Switzerland) (Vol. 11, Issue 1). http://scioteca.caf.com/bitstream/handle/123456789/1091/RED2017-Eng-8ene.pdf?sequence=12&isAllowed=y%0Ahttp://dx.doi.org/10.1016/j.regsciurbeco.2008.06.005%0Ahttps://www.researchgate.net/publication/305320484_SISTEM_PE_MBETUNGAN_TERPUSAT_STRATEGI_MELESTARI
- Umami, A. (2017). Settlement of Syariah Economic Disputes at the Bekasi Religious Court. Jurnal Kajian Syari'ah Dan Masyarakat, 17(2), 219-234.
- Waruwu, M., Pendidikan, M. A., Kristen, U., & Wacana, S. (2023). Pendekatan Penelitian Pendidikan: Metode Penelitian Kualitatif, Metode Penelitian Kuantitatif dan Metode Penelitian Kombinasi (Mixed Method). 7, 2896-2910.

Aliman, Komara, Alimin, Hidayat, Nurjaman, Rosyidin, Zakaria, Saripudin, Jaelani, Ramdani

Zaini, P. M., Zaini, P. M., Saputra, N., Penerbit, Y., Zaini, M., Lawang, K. A., & Susilo, A. (2023). Metodologi Penelitian Kualitatif (Issue May).

Zaluchu, S. E. (2020). Strategi Penelitian Kualitatif dan Kuantitatif Di Dalam Penelitian Agama. *Evangelikal: Jurnal Teologi Injili Dan Pembinaan Warga Jemaat*, 4(1), 28. <https://doi.org/10.46445/ejti.v4i1.167>