

Kewenangan Pengadilan Agama dalam Melakukan Eksekusi Putusan Badan Arbitrase Syariah Nasional (Studi Kasus Sita Eksekusi Kantor Cabang Bank Syariah X di Jakarta Selatan oleh Pengadilan Agama Jakarta Pusat) = The authority of the Religious Court to Execute the Private Forfeited Property by the Decision Power of National Sharia Arbitration Board (The Case Study of The Seizure Execution by Court Power of the Central Jakarta Religious Court to the property of the Islamic Bank Branch X in South Jakarta)

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Abstrak

ABSTRAK

Skripsi ini membahas kewenangan Pengadilan Agama dalam memeriksa, memutus dan menyelesaikan sengketa perbankan syariah, khususnya kewenangan melaksanakan eksekusi putusan Badan Arbitrase Syariah Nasional (Basyarnas) serta hambatan pelaksanaan eksekusinya. Metode penelitian ini adalah metode penelitian kepustakaan dengan ditunjang wawancara. Penelitian ini bersifat diskriptif normatif karena bersifat menerangkan dan menganalisis data serta peraturan perundang-undangan. Hasil penelitian menyimpulkan bahwa Pengadilan Agama berwenang memeriksa, memutus dan menyelesaikan sengketa perbankan syariah, berwenang melaksanakan eksekusi putusan Badan Arbitrase Syariah Nasional (Basyarnas), sedangkan hambatan dalam kasus ini berupa hambatan yang bersifat yuridis dan administratif. Hasil penelitian juga menyarankan bahwa perlu amandemen Undang-Undang No. 30 Tahun 1999 untuk memastikan bahwa eksekusi putusan Basyarnas merupakan kewenangan mutlak Pengadilan Agama. Juga menyarankan agar fatwa-fatwa Dewan Syariah Nasional Majelis Ulama Indonesia (DSN MUI) tentang penyelesaian sengketa ekonomi syariah harus segera diubah atau dicabut.

ABSTRACT

This skripsi discusses the Religious Court authority to examine, decide and resolve the Islamic banking disputes, in particular on execution of the Award of the National Sharia Arbitration Board (Basyarnas) as well as obstacle in the implementation. This research using a legal normative methodology, which explained and analyzed the data on legislation or other legal documents. The method supported by the data which are derived from legal literatures on law libraries and doing some interviews. The research concludes that the Religious Court has the authority to execute the National Sharia Arbitration Board (Basyarnas) awards, while the constraints in this case are juridical and administrative nature. The results also suggest that the necessary amendments to the Law No. 30 of 1999 to ensure that the seizure execution of Basyarnas award is the absolute authority of Religious Courts. Also suggested that the fatwas National Sharia Board of Indonesian Ulema Council (DSN-MUI) on the settlement of sharia economic disputes should be modified or revoked.