

Konflik dan akomodasi : perluasan kewenangan peradilan agama di Indonesia 1989-2006 = Conflict and accommodation expansion of religious judiciary authority in Indonesia 1989-2006

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Abstrak

Skripsi ini mengkaji kebijakan politik pemerintah terhadap perluasan kewenangan peradilan agama di Indonesia pada tahun 1989-2006, khususnya dari kewenangan terbatas di bidang hukum keluarga hingga meliputi hukum ekonomi. Sejak era kolonial hingga awal Orde Baru, peradilan agama mengalami banyak kendala yang disebabkan oleh sistem hukum yang berlaku, hubungan pemerintah dan kelompok Islam, dan kondisi politik. Tetapi dalam perkembangannya, tingginya kesadaran hukum masyarakat Islam melahirkan urgensi terhadap eksistensi peradilan agama dan formalisasi kewenangannya. Hal ini diakomodasi pemerintah yang melahirkan peraturan perundang-undangan tentang peradilan agama dalam sistem hukum nasional.

Metode yang digunakan adalah metode sejarah. Pertama, penulis mengumpulkan sumber berupa arsip pemerintah, surat kabar sezaman, peraturan perundang-undangan, buku, dan jurnal. Selanjutnya, sumber-sumber tersebut diverifikasi kedalam sumber primer dan sekunder. Setelah itu, penulis melakukan interpretasi terhadap sumber. Langkah terakhir adalah merekonstruksi hasil penelitian dengan analisis politik hukum dan pendekatan perundang-undangan.

Berdasarkan penelitian, disimpulkan bahwa eksistensi peradilan agama dan kewenangannya tidak terlepas dari kepentingan politik pemerintah dan kesadaran hukum umat Islam. Perluasan kewenangan peradilan agama di bidang ekonomi syariah merupakan bentuk adaptasi pemerintah terhadap perkembangan dan kontribusi perbankan syariah dan lembaga keuangan syariah terhadap perekonomian negara setelah krisis moneter pada akhir era Orde Baru.

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This undergraduate thesis examines the governments policy of expanding the religious judiciary competence in Indonesia from 1989 until 2006, especially from limited competence in the field of family law and expand to economic law. From the colonial era to early of New Order, religious judiciary experienced many obstacles caused by national legal system, government and Islamic groups relations, and political condition. However, in the next period, heightened legal awareness of Muslims courage an urgency to the existence of religious courts and formalization of its absolute competences. It was accommodated by between government which created law supremacy about religious judiciary in the national legal system.

The method used is historical method. First, author collected resources of government archives, newspaper, law supremacy, books, and journals. Then, the sources were verified into primary and secondary sources and compared to each other. After that, the sources were interpreted based on author's perspective. Finally, author reconstruct the results with legal political and statute approach.

Based on research, it is concluded that the existence and competence of religious judiciary was inseparable from political interests of government and legal awareness of Muslim society. The expansion of jurisdiction in the field of sharia economic influenced by adjustment of government in Reformation era to the rapid development and contribution of syariah banking and financial institutions to the state after monetary crisis

in the end of New Order reign.