

ABSTRACT

Ida Nursaadah. RECONSTRUCTION OF MEDIATION LAW IN RESOLUTION OF SHARIA ECONOMIC DISPUTES IN RELIGIOUS COURTS, under the guidance of Prof. Dr. H. Takdir Rahmadi, S.H., LL.M., as the Promoter and Dr. Evita Isretno Israhadi, S.H, M.H, M.Sc., as Ko. Promoter.

Mediation that produces peace has not been the best and most effective solution for resolving sharia economic disputes in the Religious Courts, the majority of which are sharia banking disputes. This is due to problems with legal structure, legal substance and legal culture in resolving sharia economic disputes. One of them is the use of procedural law that applies in general courts which is also used in religious courts in resolving sharia economic disputes. The law that is envisioned is the reconstruction of mediation law in resolving sharia economic disputes in the Religious Courts which is truly in accordance with Islamic law and the realization of peace through litigation mediation in the future in the Religious Courts.

The theoretical framework used in this research is rule of law theory, legal system theory, and dispute resolution theory. The literature review used is sharia economic law and sharia economics obtained from various sources.

1) What is the legal basis for mediation in resolving sharia economic disputes in Religious Courts?, 2) Why is mediation in resolving sharia economic disputes in Religious Courts still not effective?, 3) What is the legal reconstruction of mediation in resolving sharia economic disputes in Religious Courts?

This type of research is normative-empirical research, namely researching the norms in positive law that apply now, namely the legal model of mediation in resolving sharia economic disputes and its regulation in accordance with the desired law, namely the legal model for mediation of sharia economic disputes that is truly according to Islamic law. This research is descriptive in nature using primary data and secondary data in the form of primary, secondary and tertiary legal materials.

The results of his research are the need for legal reconstruction of mediation in resolving sharia economic disputes in the Religious Courts, including legal structure, legal substance and legal culture, as well as being linear with other regulations governing dispute resolution in accordance with Islamic law and the legal needs of society, so that it can create peace for the parties. parties to the dispute.

Key words: legal reconstruction, mediation, sharia economic disputes, court religion