

ABSTRACT

The solving of the dispute of syariah banking based on act no. 21 year 2008

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The issue related to the religion court authority in syariah bank field is concerning in procedural law and case procedural solution in religion court. Which procedural law will be applied in solving of syariah banking dispute in religion court. The issue in this research is the cause of the dispute that occurs in syariah bank. The solving process of syariah bank dispute based on act No. 21 year 2008 and the obstacle in solving it.

This research used juridical normative approach, that analyzed the secondary data from secondary law materials by understand the law as the positive norms in legislation which relates to the issue of this research.

The research result that the cause of syariah bank dispute are : (i) non performing loans. (II) lack of society knowledge (III) lack of syariah bank concern towards customers complaints and (IV) placing customers as the weak parties. Further, the solving of this problem used 2 methods, which are : litigation and non-litigation. The obstacle factors in solving the dispute of syariah banking are : the incomplete of supporting institution, the effectivity and the efficiency. Religious court banking needs the regulational system which is suitable to its operational characteristics and Indonesian people legal culture which have not understood about the existence of religious court as the substantiation which is able to solve the dispute syariah banking eventually, it is suggested that although there are some methods are able to be applied in solving the dispute in syariah banking. However it should be obey the rules and regulation. Further more, non litigation method is the best method that is able to be applied in solving this problem. The last but not least, there should be a good cooperation between banyuwangi and religion court in order to achieve the appropriate law enforcement.