

ABSTRACT

Mariyatul Kiftiyah. *"Analysis of Decision of Fight Against Law (PMH) and Default in Resolving Sharia Economic Case Number 624.K/AG/2017 And Number 882/Pdt.G/2010/PA.Sit."* Advisors: (I) Dr. Hj. Gusti Muzainah, SH.,MH. (II) Dr. Hj. Hayatun Na'imah, SH.,MH. Thesis, Law of Sharia Economics Study Program, Postgraduate UIN Antasari Banjarmasin, 2018.

Keywords: Sharia Economics, Religious Courts, Unlawful Acts, Default

A civil case with a legal basis for the unlawful act is the absolute authority of the court within the General Courts. After the enactment of Law No. 3 of 2006 then there is an extension and change of authority of Religious Court. The extension of the authority includes the addition of the authority to solve the sharia economic case.

The main problem of this research is the settlement of sharia case based on lawsuit against law and wanprestasi. Besides, the researcher also raised the problem about the comparison of Conformity of Religious Court Decision Number 882 / Pdt.G / 2010 / PA.Sit.dan decision of kasasi No. 624. K / Ag / 2017 and with regulation concerning Sharia Banking and Islamic law. The research was conducted descriptively by using data analysis technique through qualitative approach. In this study the authors analyze the practice of Musyarakah financing between PT.Bank Rakyat Syariah Situbondo analyze the settlement of disputes in the Religious Courts. The authors conclude that there are deviations of Islamic law as well as the profit sharing made by the Sharia Bank. In addition there are also deviations of Islamic law and the principle of justice in the decision of Religious Court Situbondo No. 882 / Pdt.G / 2010 / PA Sit.