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From Formal Jurisdiction to Effective Resolution: A Three-Layer Model for Sharia Economic Disputes

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Abstract

The expansion of Religious Court jurisdiction over sharia economic matters has strengthened certainty regarding the litigation forum, but forum certainty does not automatically produce consistent, efficient, and sharia-sensitive dispute resolution. This study examines the relationship between absolute jurisdiction, forum selection, coherence of legal sources, and procedural-institutional capacity in resolving sharia economic disputes in Indonesia. It applies normative legal research through statutory, conceptual, case, and functional comparative approaches. Legal materials are analysed through normative mapping, systematic interpretation, case analysis, and a limited comparison with scholarship on Islamic finance dispute resolution. The findings show that constitutional correction of forum dualism has strengthened the Religious Courts, yet residual problems remain in disputes involving collateral and third parties, the coordination of the Compilation of Sharia Economic Law, fatwas, and civil-law doctrine, procedural differentiation, and institutional capability. The article proposes a Three-Layer Jurisdictional Certainty Model integrating forum certainty, coherence of legal sources, and procedural-institutional effectiveness. The model treats formal jurisdiction as a foundation rather than an endpoint, requiring dispute resolution to be predictable, normatively coherent with sharia principles, procedurally proportionate, and legally enforceable. The findings support more consistent judicial reasoning, clearer dispute clauses, and stronger institutional governance for sharia economic adjudication across diverse transactions.

I. INTRODUCTION

Indonesia's sharia economy has moved far beyond a narrow banking sector. Islamic financing, insurance, capital-market instruments, pawn services, cooperatives, digital financial services, and a growing variety of commercial contracts now create legal relationships that combine national private law with sharia-based normative commitments. This expansion increases the probability of disputes involving default, collateral, restructuring, guarantees, execution, contract validity, and sharia compliance. The legal significance of dispute resolution is therefore no longer secondary to market development. A credible sharia economic system requires a forum that can identify the applicable law, understand the commercial structure of the transaction, and produce outcomes that are predictable and enforceable. Contemporary scholarship similarly treats Islamic finance as an institutional field in which legal design, regulatory support, and public authority affect the credibility of sharia-based transactions (Harahap, Risfandy, & Futri, 2023; Hariyanto et al., 2023; Ghozali et al., 2024).

The Indonesian legal architecture has progressively assigned this function to the Religious Courts. The amendment of the Religious Courts Law in 2006 placed sharia economic disputes within their absolute jurisdiction, and the subsequent amendment in 2009 preserved that structure. The Sharia Banking Law reinforced the arrangement for banking disputes, although the former explanation to its forum-selection clause created a period of uncertainty by mentioning the General Courts as a possible route. Constitutional Court Decision No. 93/PUU-X/2012 removed that source of litigation dualism. Recent genealogical analysis therefore correctly describes the decision as a constitutional consolidation of the Religious Courts' litigation authority rather than the original source of that authority (Susylawati, Susanti, Hamzah, & Madani, 2025). The central issue today is consequently different from the question asked immediately after the 2006 reform: formal jurisdiction is substantially clearer, but the quality and coherence of dispute resolution remain open to evaluation.

Three developments make that distinction important. First, the substantive sources used in sharia economic adjudication are plural. Judges

may need to coordinate statutes, the Compilation of Sharia Economic Law (KHES), financial-sector regulations, DSN-MUI fatwas, general contract doctrine, and fiqh reasoning. Hasanudin, Kamsi, and Anshori (2024) show that legal reasoning in Religious Court decisions can still reflect contestation between Islamic economic norms and civil-law sources. Recent work on KHES likewise identifies harmonisation challenges between codified rules and the continuing production of sharia economic fatwas (Yasardin & Kooria, 2025; Arifin, Neli, Abdussalam, & Yacob, 2025). The problem is not the existence of multiple sources as such. Legal pluralism is inherent in a national sharia economic system. The problem is whether those sources are organised through an intelligible hierarchy of reasoning so that similarly structured disputes do not receive inconsistent normative treatment.

Second, certainty regarding the state-court forum does not eliminate non-litigation choice or every possible jurisdictional intersection. Commercial parties remain able to agree on negotiation, mediation, or sharia arbitration where the law permits it. Islamic commercial arbitration also raises questions about applicable law, sharia compliance, recognition, and coordination with national procedural rules (Bantekas, 2021; El Maknouzi, Jadalhaq, Abdulhay, & Alqodsi, 2023). In Indonesia, the distinction between an exclusive state-court jurisdiction and party autonomy in selecting a lawful non-litigation mechanism must be maintained. Difficulties may also arise where a sharia financing dispute is connected with collateral enforcement, auction measures, third-party claims, corporate guarantees, or legal relationships framed as tort. These intersections explain why Constitutional Court Decision No. 93/PUU-X/2012 solved an important problem but did not make jurisdictional analysis mechanical (Almaududi, 2024; Amirizal & Barus, 2022).

Third, institutional legitimacy depends on more than legal competence. Hariyanto (2022) finds that public trust in the Religious Courts is affected by regulatory completeness, business expectations of efficient dispute resolution, institutional facilities, and legal literacy. Procedural justice is also relevant. The principle that adjudication should be simple, speedy, and low-cost cannot be understood as a demand for speed at any price. Siregar, Pagar, and Harahap (2023), including Arifuddin Muda Harahap, connect that principle with the need for a meaningful time framework in Religious Court proceedings. In a related normative register, Hamzah, Ahyani, Azmi, Tanjung, and Lousada (2024), including Indra Utama Tanjung, emphasise that legal certainty and justice depend on a strong and accountable regulatory foundation. These propositions support the central argument of this article: jurisdiction becomes socially useful only when forum certainty is translated into coherent reasoning and proportionate procedure.

Existing studies are rich but fragmented. One stream examines the evolution of Religious Court jurisdiction and Constitutional Court Decision No. 93/PUU-X/2012 (Yahya, 2017; Susylawati et al., 2025). A second addresses forum choice and sharia arbitration (Irfan, Faizin, & Muslim, 2017; El Maknouzi et al., 2023). A third focuses on institutional trust, specialised adjudication, or procedural mechanisms (Manik, Yaswirman, Azheri, & Ikhwan, 2017; Hariyanto, 2022). A fourth concentrates on the legal sources applied to sharia transactions and the role of fatwas (Renie, 2021; Arsadani, Djamil, Jahar, & Sholeh, 2024; Hasanudin et al., 2024). Bibliometric research also shows that sharia economic dispute-resolution scholarship has expanded substantially, creating a need for more integrative analytical models rather than repeated descriptions of jurisdiction (Hariyanto & Hamzah, 2022).

The research gap lies in the absence of a framework that explains how formal jurisdiction is converted into comprehensive settlement certainty. Prior work tends to treat the forum, substantive legal sources, and institutional procedure as separate variables. This separation obscures an important causal sequence: a party may know which court has jurisdiction and still face uncertainty about the governing normative framework, procedural route, quality of reasoning, or enforceability of the outcome. This study therefore asks two questions. First, how should the present legal construction of Religious Court jurisdiction over sharia economic disputes be understood after constitutional and regulatory developments? Second, what normative and institutional requirements are necessary for that jurisdiction to generate predictable and effective dispute resolution? The article's novelty is a Three-Layer Jurisdictional Certainty Model consisting of forum certainty, coherence of legal sources, and procedural-institutional effectiveness. The contribution is not another claim that Religious Courts are competent, but a model for assessing whether that competence

works as a complete dispute-resolution architecture.

II. RESEARCH METHODS

This study uses normative legal research because its central questions concern the structure, coherence, and consequences of legal rules rather than the statistical performance of courts. The object of analysis is the normative architecture of sharia economic dispute resolution: rules of absolute jurisdiction, forum-selection provisions, substantive sharia economic sources, procedural instruments, and judicial decisions that clarify their interaction. The research does not calculate settlement rates, average case duration, user satisfaction, or judicial productivity. Accordingly, the term 'effectiveness' is used in a normative-institutional sense, namely the capacity of the legal and institutional framework to provide a determinate forum, an intelligible legal basis, proportionate procedure, and an enforceable outcome. This limitation prevents doctrinal findings from being presented as empirical claims about the performance of every Religious Court.

Four approaches are combined. The statutory approach examines the Religious Courts Law and its amendments, the Sharia Banking Law, the Arbitration and Alternative Dispute Resolution Law, the Judicial Power Law, the Supreme Court regulations on KHES, court mediation, sharia economic case procedure, and small claims. The conceptual approach analyses absolute jurisdiction, forum selection, legal certainty, sharia compliance, source hierarchy, procedural proportionality, and institutional effectiveness. The case approach focuses on Constitutional Court Decision No. 93/PUU-X/2012 because it changed the constitutional configuration of forum selection in sharia banking litigation. Selected Religious Court and Supreme Court decisions are used only as doctrinal illustrations of current dispute patterns, not as a statistically representative dataset.

A functional comparative approach is added to strengthen the analysis. The comparison does not seek to transplant another country's court structure into Indonesia. Instead, it uses international and regional scholarship on Islamic finance dispute resolution to identify functions that a credible system must perform: clarify the relationship between state courts and arbitration, coordinate sharia and national legal sources, preserve enforceability, and provide specialised institutional competence (Bantekas, 2021; El Maknouzi et al., 2023). The comparative perspective is deliberately limited because the Indonesian Religious Courts operate within a distinctive constitutional and statutory framework. Comparison therefore serves as an evaluative lens for institutional functions, not as an argument that foreign rules should automatically replace Indonesian law.

Secondary materials were selected using relevance, recency, and index quality. The core literature is concentrated in the 2021-2026 period, while a limited number of publications from 2017-2020 are retained where they provide foundational analysis of the Constitutional Court decision, arbitration, or the early post-reform institutional debate. Journal literature was prioritised over books and non-peer-reviewed materials. The final academic journal set contains thirty-four articles. Twenty-eight are drawn from journals indexed in Scopus, while six recent Indonesian sources are retained for contextual analysis and the mandatory inclusion of relevant scholarship by Indra Utama Tanjung and Arifuddin Muda Harahap. Primary legal materials are treated separately and are not included in that journal-reference ratio.

The analysis proceeds in four stages. First, legal norms are mapped according to three functions: forum allocation, substantive-source coordination, and procedural-institutional support. Second, systematic interpretation is used to identify how the Religious Courts Law, Sharia Banking Law, arbitration rules, KHES, and Supreme Court procedural regulations interact. Third, Constitutional Court Decision No. 93/PUU-X/2012 and selected judicial materials are analysed to determine what the law has actually clarified and what jurisdictional intersections remain conceptually possible. Fourth, the identified strengths and gaps are synthesised into a prescriptive model and tested against recent literature on sharia finance, Islamic legal reasoning, arbitration, and judicial effectiveness.

Argumentative validity is maintained through source triangulation. Major propositions are, where possible, supported by a primary legal source, recent Scopus-indexed scholarship, and Indonesian contextual literature. The study also distinguishes positive law from authorial prescription. The Three-Layer Jurisdictional Certainty Model is not described as an existing statutory doctrine. It is a normative framework derived from the interaction of current law and the gaps documented in contemporary research.

This distinction is essential for transparent legal scholarship because it allows readers to separate what courts are presently required to do from what this article recommends for strengthening future dispute-resolution design.

III. RESULTS

A. The Existing Architecture of Religious Court Jurisdiction

The legal mapping shows that Religious Court authority over sharia economic disputes is constructed through several mutually reinforcing norms. The 2006 amendment to the Religious Courts Law added sharia economics to the court's absolute jurisdiction. The statutory explanation adopts a broad understanding of sharia economic activity, including Islamic banking, microfinance, insurance, reinsurance, mutual funds, securities, financing, pawn services, pension funds, and sharia business. The jurisdictional connector is therefore not the corporate identity of the parties or the commercial label alone, but a legal relationship conducted according to sharia principles. The 2009 amendment preserved this architecture. This broad statutory design explains why contemporary scholarship treats Religious Courts as part of Indonesia's economic-law infrastructure, rather than as institutions restricted to family law (Hariyanto, 2022; Susylawati et al., 2025).

The Sharia Banking Law adds sector-specific confirmation. Its litigation clause places sharia banking disputes within the Religious Courts, while its contract-based provision recognises dispute settlement according to the agreement of the parties so long as the mechanism does not conflict with sharia principles. The previous explanatory text became problematic because it listed the General Courts among the possible mechanisms. Constitutional Court Decision No. 93/PUU-X/2012 removed that explanatory basis. The result is a clearer distinction between two normative categories. The allocation of jurisdiction among state courts is governed by mandatory rules of judicial competence; party autonomy may operate in the selection of lawful non-litigation mechanisms, but it cannot reallocate absolute competence from one state-court environment to another. This distinction is consistent with the post-decision literature (Yahya, 2017; Susylawati et al., 2025).

The first result is therefore that Indonesian law no longer suffers from the same formal litigation dualism that characterised the controversial explanation to the Sharia Banking Law. This finding is significant because some discussions continue to use the language of a general 'forum choice' without distinguishing between litigation and non-litigation. The law now supports a more precise formulation: Religious Courts are the designated litigation forum for sharia economic disputes falling within their statutory competence, while negotiation, mediation, and arbitration may remain available when legally valid. This interpretation protects both jurisdictional certainty and contractual autonomy. It also prevents a false choice between court authority and sharia arbitration, which perform different institutional functions (Irfan et al., 2017; Bantekas, 2021; El Maknouzi et al., 2023).

B. Residual Jurisdictional Intersections and Source-Coherence Problems

The second result is that stronger litigation certainty does not eliminate every jurisdictional intersection. A sharia financing relationship may be embedded in a larger legal structure involving mortgage or fiduciary security, auction procedures, guarantors, corporate affiliates, bankruptcy-related questions, or claims brought by third parties who did not sign the underlying sharia contract. Research on murabaha and fiduciary security illustrates how a sharia contract may rely on general security-law mechanisms (Hidayah, Muslim, & Azis, 2021). Amirizal and Barus (2022) similarly show that sharia banking disputes carry both conventional legal consequences and an additional normative commitment to sharia-sensitive protection. Jurisdiction must therefore be determined through the principal legal relationship, the identity and position of the parties, the relief requested, and the statutory allocation of the particular claim, not merely by searching for the word 'sharia' in the contract.

The analysis identifies a related risk of claim-fragmentation. A claimant may characterise a dispute as tort, auction illegality, unlawful execution, or third-party ownership, while the factual controversy remains closely connected with a sharia financing contract. The opposite risk also exists: not every dispute involving an Islamic bank is necessarily a sharia economic dispute within Religious Court competence, particularly where the principal issue arises from a legally independent relationship. The model therefore requires a functional jurisdiction test. Courts should identify the source of the disputed obligation, the legal basis of the remedy, the status

of the claimant, and whether adjudication requires determining rights created by a sharia transaction. Almaududi (2024) is important here because it demonstrates that jurisdictional contact points can persist even after Constitutional Court Decision No. 93/PUU-X/2012.

A third result concerns the coherence of substantive legal sources. The existence of KHES substantially improves the court's legal infrastructure, but it does not create a closed code. Sharia economic disputes may simultaneously engage statutes, Supreme Court regulations, Financial Services Authority rules, contract clauses, DSN-MUI fatwas, and general civil-law doctrine. Hasanudin et al. (2024) document contestation between Islamic economic sources and civil-law references in judicial reasoning. Renie (2021) explains that fatwas may influence positive law through regulatory absorption, while Arsadani et al. (2024) and Hasanudin et al. (2023) show that contemporary Islamic economic legal reasoning continues to develop methodologically. The normative challenge is therefore not to eliminate plurality, but to make the relationship among sources explicit and reviewable.

Recent research strengthens this conclusion. Yasardin and Kooria (2025) identify gaps between KHES and contemporary DSN-MUI fatwas, while Arifin et al. (2025) emphasise the contextual character of KHES as a product of Indonesian ijtihad. Ghozali et al. (2024) and Hidayah et al. (2022) show that regulatory treatment of particular financial products can affect their sharia character. Ahyani et al. (2026), whose authors include both Arifuddin Muda Harahap and Indra Utama Tanjung, conceptualise DSN-MUI fatwas as instruments of financial governance whose practical effect depends on institutional context. These findings support a source-coherence requirement: courts should identify whether a fatwa has been incorporated into binding regulation, whether KHES directly governs the issue, and what role fiqh or civil-law doctrine plays in filling rather than overriding a normative gap.

The resulting hierarchy is functional rather than simplistic. Binding statutes and regulations govern within their legal competence. KHES provides a specialised judicial reference for sharia economic relations. DSN-MUI fatwas carry different legal effects depending on whether and how they have been transformed into positive regulatory norms, but they remain important for identifying sharia standards and the normative content of financial products. General civil-law doctrine may assist where compatible and where specialised sharia rules do not fully regulate the issue. Fiqh scholarship can support interpretation, particularly in questions of contract character and sharia principle. The essential requirement is judicial explanation. A judgment should show why a source is legally relevant, not simply list several sources without clarifying their normative relationship.

C. Procedural-Institutional Gaps and Comparative Lessons

The third group of results concerns procedure. Supreme Court Regulation No. 14 of 2016 recognises that sharia economic disputes can proceed through simplified or ordinary procedures depending on the characteristics of the case, while general court mediation rules remain relevant. This differentiated design is important because sharia economic litigation ranges from relatively simple payment disputes to complex cases involving multiple contracts, collateral, accounting records, expert evidence, and several legal relationships. Small-claim procedure can reduce cost and time where factual and legal issues are limited, but simplification becomes counterproductive when it prevents adequate examination of a complex transaction. The principle of simple, speedy, and low-cost justice, as analysed by Siregar et al. (2023), therefore requires proportionality rather than procedural uniformity.

The institutional dimension is equally important. Public trust depends on competence, administrative reliability, and the ability of judgments to communicate a coherent legal basis (Hariyanto, 2022). Manik et al. (2017) proposed specialisation as a response to the professional demands of sharia economic adjudication. The present research does not conclude that a separate court must be created, but it confirms the functional need behind that proposal. Judges handling complex sharia finance disputes require continuing exposure to contemporary contracts, collateral, accounting structures, financial regulation, and evolving sharia standards. Court staff and mediators require similar procedural competence. Institutional effectiveness thus includes training, assignment policy, access to specialised resources, consistent publication of decisions, and usable judicial data.

Comparative literature confirms that Islamic finance dispute resolution works best when forum design, governing law, and enforcement are

coordinated. Transnational scholarship on Islamic finance arbitration shows that disputes can become unstable where parties invoke sharia principles while procedural and enforcement systems operate through different legal categories (Bantekas, 2021; El Maknouzi et al., 2023). This does not imply that Indonesia should copy international arbitration practice. It indicates a functional lesson: the dispute-resolution system should inform parties at the contracting stage about the competent forum, the effect of arbitration clauses, the applicable sharia standards, and the legal route for enforcement. Preventive certainty at the drafting stage reduces jurisdictional disputes after default.

The results also show that sharia economic dispute resolution should be connected with broader regulatory development. Dahlan et al. (2023) demonstrate that sharia banking law has evolved through political, institutional, and market stages, while Harahap et al. (2023) and Hariyanto et al. (2023) emphasise the wider social objectives of Islamic finance. Dispute resolution is one part of that regulatory ecosystem. A system that provides sharia-compliant products but produces inconsistent dispute outcomes will weaken the credibility of the market. Conversely, reliable adjudication can support financial inclusion and contractual trust. This explains why the Three-Layer Model does not treat court jurisdiction as an isolated procedural issue. Jurisdiction is connected to the substantive and institutional quality of the entire sharia economic legal order.

The central result can therefore be stated precisely. Indonesia has largely solved the first-generation problem of formal litigation dualism, but it still faces a second-generation problem of settlement certainty. This second-generation problem is composed of residual jurisdictional intersections, source pluralism without sufficiently explicit coordination, and procedural-institutional variation. Each dimension can undermine the others. Clear forum rules are of limited value if judges apply inconsistent normative foundations; coherent substantive law is insufficient if procedure is disproportionate or institutional capacity is weak. The results therefore justify moving from a binary question, 'which court has jurisdiction?', to a layered question, 'what conditions allow jurisdiction to generate a predictable, sharia-sensitive, proportionate, and enforceable resolution?'.

IV. DISCUSSION

A. The Three-Layer Jurisdictional Certainty Model

The first layer is forum certainty. Its purpose is to ensure that the dispute-resolution pathway can be identified before and after a dispute arises. At the contract stage, sharia financial institutions should use dispute clauses that distinguish litigation from non-litigation mechanisms and avoid language that reintroduces an invalid choice between state-court environments. The clause should identify whether negotiation or mediation is a preliminary step, whether sharia arbitration is selected, and what happens if the non-litigation process fails. When litigation is required, statutory rules of absolute jurisdiction control. This layer also requires a functional test for difficult cases involving guarantees, collateral, auctions, or third parties. The court should examine the source of the obligation and the relief requested rather than rely on labels. This approach preserves the constitutional achievement of Decision No. 93/PUU-X/2012 without converting Religious Court jurisdiction into an overbroad monopoly.

Forum certainty also requires coordination with arbitration and enforcement. A valid arbitration clause should not be treated as an attack on Religious Court authority, because arbitration operates outside the allocation of jurisdiction among state courts. At the same time, the consequences of arbitral selection, including judicial support, recognition, and execution, must be predictable. Comparative scholarship on Islamic commercial arbitration shows that uncertainty often arises when parties invoke sharia law as a governing norm without specifying how it interacts with national mandatory rules and enforcement systems (Bantekas, 2021; El Maknouzi et al., 2023). The Indonesian solution should therefore be contractually and institutionally explicit. Financial institutions, lawyers, arbitrators, and courts should use a common vocabulary distinguishing governing law, sharia standards, litigation jurisdiction, arbitration, and enforcement.

The second layer is coherence of legal sources. The model proposes a reasoning sequence rather than a rigid ranking detached from subject matter. Judges should begin with binding legislation and sectoral regulation, identify specialised provisions in KHES, examine the legal relevance of DSN-MUI fatwas, and use general civil law or fiqh scholarship in a clearly articulated supplementary

role. The precise order may vary by issue, but the judgment must explain the function of each source. This responds directly to the contestation identified by Hasanudin et al. (2024) and to the harmonisation problem described by Yasardin and Kooria (2025). It also respects the dynamic character of sharia economic reasoning documented by Renie (2021), Arsadani et al. (2024), and Hasanudin et al. (2023). Coherence is therefore achieved through disciplined justification, not by pretending that one source can answer every contemporary financial problem.

This layer is where the scholarship of Indra Utama Tanjung and Arifuddin Muda Harahap has particular relevance. Hamzah et al. (2024), with Tanjung as a co-author, link legal certainty and justice to strong and accountable regulatory foundations. Ahyani et al. (2026), co-authored by Harahap and Tanjung, show that fatwa-based financial governance depends on institutional translation rather than doctrinal production alone. Applied to adjudication, these insights mean that sharia compliance should be made visible in judicial reasoning. A court should explain how a fatwa or sharia principle enters the legal analysis, whether through statutory incorporation, contractual adoption, regulatory reference, or interpretive relevance. This method avoids two extremes: treating fatwas as automatically equivalent to legislation, or ignoring their normative significance in transactions explicitly structured as sharia-compliant.

The third layer is procedural-institutional effectiveness. A dispute-resolution system must match procedure to case complexity. Relatively simple payment claims may use simplified procedure, while multi-contract financing, disputed collateral, technical accounting, or complex sharia-compliance issues require ordinary examination. Mediation should remain available where the dispute can be resolved consensually, but mediation should not be used merely to produce a settlement statistic. The simple, speedy, and low-cost principle requires reasonable duration and accessible procedure while preserving the parties' ability to present material legal and factual issues (Siregar et al., 2023). The model therefore treats speed as one element of effectiveness, not as its sole measure.

Institutional effectiveness additionally requires specialisation without necessarily requiring a new court. The Supreme Court can develop competence through structured certification, continuing education, case-assignment policy, judicial knowledge resources, and systematic publication of leading sharia economic decisions. Judges should have access to updated KHES analysis, DSN-MUI fatwas, financial regulation, and comparative jurisprudence. Mediators handling sharia economic disputes need sufficient understanding of the transaction to identify whether settlement terms are legally and sharia-compliant. Court administration should support electronic filing, reliable document management, and transparent case information. These measures directly address the trust and capacity concerns described by Hariyanto (2022) and the professionalisation rationale behind the special-court proposal of Manik et al. (2017).

B. Interaction Between the Layers and Institutional Trust

The model's main analytical contribution is the proposition that the three layers are sequentially interdependent. Forum certainty answers where a dispute should go, but it cannot guarantee how the dispute will be reasoned. Source coherence determines the legal framework, but it cannot compensate for a procedure unable to handle the complexity of evidence or parties. Procedural-institutional effectiveness can improve case management, but it cannot cure an invalid forum or incoherent normative basis. Weakness in one layer therefore reduces the value of the others. This interdependence explains why reform should not be evaluated by counting new regulations. The relevant question is whether rules of forum, substantive reasoning, and institutional process operate as one pathway from contract drafting to final enforcement.

Institutional trust is an outcome of that pathway. Economic actors are more likely to use a forum when they can predict jurisdiction, understand the sources that will govern their contract, and anticipate a proportionate procedure. Hariyanto's (2022) findings on public trust can therefore be interpreted as a systemic rather than merely reputational problem. Trust is produced by legal literacy, consistent decisions, efficient administration, and professional competence. Syamsudin (2021), although writing in consumer dispute resolution, similarly demonstrates that institutional fragmentation and uncertainty can weaken legal protection. The lesson for sharia economic adjudication is that trust should be treated as a product of coherent

design. Public communication about jurisdiction and leading decisions is part of judicial effectiveness, not a separate public-relations activity.

The model also clarifies the relationship between sharia identity and national legal certainty. Islamic finance operates within the Indonesian legal system, but its products derive normative legitimacy from sharia principles. Hidayah et al. (2022), Ghozali et al. (2024), and Supriyatni and Nurjamil (2021) demonstrate that regulatory and contractual design can affect whether a financial practice remains consistent with its claimed sharia character. A dispute forum that mechanically applies general civil-law concepts without examining that character risks undermining the parties' legitimate expectations. Conversely, a court that invokes sharia terminology without explaining its positive-law relevance risks unpredictability. Source coherence provides a middle path: it preserves sharia substance through legally accountable reasoning.

C. Novelty, Policy Implications, and Research Agenda

The novelty of the Three-Layer Jurisdictional Certainty Model lies in shifting the reform agenda from institutional ownership of disputes to the production of settlement certainty. The literature has already established that Religious Courts have jurisdiction, that public trust remains a challenge, that multiple legal sources are used, and that arbitration remains relevant. The model connects those findings in a structured sequence. Its first layer protects the constitutional certainty achieved after forum dualism. Its second layer makes plural legal sources judicially manageable. Its third layer tests whether procedure and institutional capacity are proportionate to contemporary financial disputes. This synthesis is different from a generic recommendation to 'strengthen the Religious Courts' because it identifies what must be strengthened and how the elements depend on each other.

The policy implications are concrete. The Supreme Court should consider technical guidance on jurisdictional screening for sharia economic cases, including claims involving collateral, third parties, and ancillary civil-law relationships. It should also encourage a transparent methodology for citing KHES, DSN-MUI fatwas, sectoral regulations, civil-law doctrine, and fiqh in judgments. Leading decisions should be easily searchable and classified by contract type and legal issue. Training should be linked to actual case complexity rather than general Islamic economics. Financial institutions and contract drafters should standardise dispute clauses that distinguish litigation from arbitration and mediation. These reforms can be implemented incrementally within the existing legal architecture and do not require reopening the settled question of Religious Court competence.

This normative study also identifies an empirical agenda. Future research should test each layer with court data and user experience. Forum certainty can be studied through jurisdictional objections, dismissal patterns, and disputes involving ancillary collateral. Source coherence can be evaluated through systematic coding of judgments to identify how courts use KHES, fatwas, civil law, and fiqh. Procedural-institutional effectiveness can be measured through case duration, mediation outcomes, simplified-procedure use, enforcement, judicial specialisation, and perceptions of litigants and practitioners. The bibliometric expansion identified by Hariyanto and Hamzah (2022) creates an opportunity to move from descriptive publication growth to cumulative empirical evidence. Such research would determine whether the normative model accurately predicts where settlement uncertainty is produced in practice.

More broadly, the model offers a contribution to comparative Islamic finance dispute resolution. Indonesia's experience shows that assigning a specialised state-court jurisdiction can solve one form of uncertainty while leaving source and procedure questions unresolved. Other jurisdictions may organise Islamic finance disputes differently, but the functional requirements remain recognisable: competent forum, coherent governing norms, proportionate procedure, and enforceable outcomes. International arbitration literature reaches a similar conclusion from a different institutional direction (Bantekas, 2021; El Maknouzi et al., 2023). The Three-Layer Model therefore provides a framework for comparative dialogue without suggesting that Indonesia should abandon the constitutional and institutional distinctiveness of its Religious Courts.

V. CONCLUSION AND RECOMMENDATIONS

This study concludes that Religious Court jurisdiction over sharia economic disputes in Indonesia has reached a stage of substantial

formal consolidation. The statutory expansion of jurisdiction, sector-specific confirmation in sharia banking law, and Constitutional Court Decision No. 93/PUU-X/2012 have created a much clearer litigation architecture than existed during the period of forum dualism. The constitutional correction should therefore be understood as a major achievement, but not as the end of institutional development. The contemporary problem is second-generation settlement certainty: how a formally competent forum coordinates the legal sources of sharia transactions, manages disputes of different complexity, addresses ancillary legal relationships, and produces outcomes that are legally enforceable and normatively credible.

The first answer to the research questions is that absolute jurisdiction must be distinguished from contractual choice of non-litigation mechanisms. Parties may agree on negotiation, mediation, or sharia arbitration where lawful, but they cannot use a contract to reallocate mandatory competence between state-court environments. Difficult disputes involving collateral, guarantees, auctions, third parties, or claims framed under general civil law require a functional jurisdictional analysis based on the source of the obligation, the parties, and the remedy sought. This approach protects both jurisdictional certainty and legitimate commercial autonomy.

The second answer is the Three-Layer Jurisdictional Certainty Model. Layer one, forum certainty, requires clear litigation allocation, valid non-litigation clauses, and a functional test for jurisdictional intersections. Layer two, coherence of legal sources, requires transparent coordination of statutes, sectoral regulation, KHES, DSN-MUI fatwas, general civil law, and fiqh reasoning. Layer three, procedural-institutional effectiveness, requires differentiated procedure, meaningful mediation, judicial competence, reliable administration, publication of decisions, and enforceable outcomes. The model's central proposition is that formal jurisdiction produces genuine legal certainty only when all three layers operate together.

The Supreme Court should develop technical guidance for jurisdictional screening and source-based judicial reasoning in sharia economic cases, strengthen specialised judicial education, and improve classification and accessibility of sharia economic decisions. Financial institutions and legal practitioners should revise dispute-resolution clauses so that litigation, arbitration, and mediation are conceptually separated and legally accurate. Regulatory coordination should also reduce inconsistencies between KHES, DSN-MUI fatwas, and evolving financial-sector rules. These recommendations are consistent with the broader requirement of accountable legal certainty emphasised in scholarship involving Indra Utama Tanjung and with the simple, speedy, and low-cost principle examined by Arifuddin Muda Harahap and co-authors (Hamzah et al., 2024; Siregar et al., 2023; Ahyani et al., 2026).

The study is limited by its normative design. It does not measure the frequency of jurisdictional objections, the success rate of mediation, the duration of sharia economic cases, the consistency of all Religious Court judgments, or user satisfaction. Those limitations define the next research stage rather than weaken the doctrinal contribution. Empirical testing should compare courts, contract types, procedural routes, and enforcement outcomes to determine which layer generates the greatest uncertainty in practice. Until such evidence is available, the Three-Layer Model offers a disciplined basis for reform: jurisdiction should be assessed not by the formal possession of authority alone, but by whether the legal system can transform that authority into a predictable, sharia-sensitive, procedurally proportionate, and enforceable resolution of economic disputes.

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