

# Implementation of Small Claim Procedure in Settlement of Sharia Capital Market Dispute: An Effort to Create Legal Certainty and Its Challenges

Emma Rahmawati, Man S. Sastrawidjaja, Efa Laela Fakhriah and Lastuti Abubakar  
*Faculty of Law, Universitas Padjadjaran, Bandung, Indonesia*

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Abstract: Capital market is an alternative of financing and investment. Indonesia acknowledges sharia capital market as a part of general capital market system. If the civil claim arising out from the sharia transaction, dispute can be settled in several procedures, i.e. through the Religion Court or ADR. Capital market litigation is rarely found in practise due to several reasons: the formalistic of the procedures, indefinite period and the complexity of issues. Since the competency of Religion Court to examine sharia economic dispute is relatively new, the Supreme Court then issued Regulation No. 14 Year of 2016. Accordingly, the sharia economic dispute can be examined through regular procedure or through small claim procedure (SCP). SCP known as a simple examination provides a simple, prompt and low-cost procedure and legal certainty, however its implementation in sharia capital market dispute might be different with the other economic sharia dispute and it is important to be analyzes. This article will describe the implementation of SCP in Religion Court, especially in examining sharia capital market [civil] dispute. It will also elaborate the analysis of advantage and disadvantage in implementing SCP in sharia capital market [civil] dispute, the challenge faced by the Religion Court.

## 1 INTRODUCTION

Due to the borderless human relation over the world, economic transaction is unavoidable. Economic transaction in a form of investment or financing has growth rapidly over the years. Both investment and financing has contributed to the development of countries, including Indonesia. One of the vessel in development of the investment and financing is known as capital market.

In its expansion, investment proceeds at a rapid rate and the capital stock grows quickly. But rapid capital growth means that the amount of capital per hour of labour is growing. Equipped with more capital, labour become more productive. But the law of diminishing returns begins to operate (Douglas Mc Taggart (et.al), 2006). Thus, demonstrates the economic principle is strongly dominates capital market.

Although the capital market in Indonesia cannot be classified as the main economic indicator, but several facts have demonstrated the importance of Indonesian capital market for the country's development. Positive performance occurs in the

domestic capital market. On the stock market, the Composite Stock Price Index (CSPI) of the Indonesia Stock Exchange showed an upward trend, despite interspersed with some good turmoil arising from the external and domestic environment. In the range of 2004-2014, the JCI recorded a growth of 423%. Likewise, the IDMA Bond Index as an indicator of developments in market prices of Government Securities (SBN), has shown a stronger movement with yields on SBN that are quite attractive to investors. The number of companies that utilize the stock market as a source of funding also continues to increase, with the value of the stock market capitalization that continues to grow. Nevertheless, the outstanding value of corporate debt continues to increase (FSA/OJK, 2015). Capital market is expected to support banking system due to the reason that capital market can provides short term financing that banking can not provide.

Pursuant to its regulation, Law Number 8 of 1995 regarding Capital Market ("Capital Market Law") defines formally the capital market as "the activity concerned with the Public Offering and Trading of Securities, Public Companies relating to the issued Securities, as well as institutions and

professions that related to Securities.” The capital market itself is a market for a variety of long-term financial instruments that tradeable, such as notes (bonds), equities (stocks), mutual funds, derivative instruments and other instruments. The capital market is a funding facility for companies and other institutions (for example government, private sector and others) and as a means of investing activities. Thus, the capital market provides various means and infrastructure of buying and selling activities and other related activities. Financial instruments traded in the capital market are long-term instruments (a period of more than 1 year) such as stocks, bonds, warrants, rights, mutual funds, and various derivative instruments such as options, futures, and others (IDX, 2018).

In its development, Indonesian capital market also acknowledges sharia capital market as the part of the general capital market system. Both Sharia capital market system and conventional capital market system are not distinctly separated, since currently, both are governed by the same umbrella regulation, namely Capital Market Law. Sharia capital market is an activity in the capital market as regulated in the Capital Market Law which does not conflict with sharia principles. Thus, the Islamic capital market is not a system separated from the general capital market system. The sharia capital market is basically not different from the conventional capital markets, but there are some special characteristics of the sharia capital market in applying the sharia principles over its products and transaction.

Indonesian sharia capital market has growth in the last two decades, as of the first issuance of Sharia Reksadana in 1997. Since then, many sharia product has launched and broader community pay more attention to the sharia capital market (FSA MPPMS, 2015). In connection with the development plan of sharia capital market, the legal system shall be strengthened, both in material and formal laws. In the context of formal law, the law enforcement shall also be conducted in the event of dispute is occurred, and it shall be resolved through dispute settlement. As the consequence of its high risk and high return characteristic, capital market is potentially arising many legal disputes. If the civil claim arising from the sharia transaction basis, such dispute can be settled in several procedures, i.e. through the Religion Court or through alternative dispute settlement body. The Religion Court is entitled to examine and render decision in respect of sharia economic dispute. Up to this moment, capital market civil claim through court is rarely found due to several reasons, including the formalistic of the procedures, indefinite period and the complexity of

issues filed by the party. Since the competence of Religion Court to examine sharia economic dispute is relatively new, the Supreme Court then issued an implementing regulation, namely, Regulation No. 14 Year of 2016 regarding Settlement Procedures of Sharia Economic Dispute. Under such Supreme Court Regulation, the sharia economic dispute can be examined through regular procedure or through small claim procedure. The small claim procedure known as a simple examination which provides a simple, prompt and low-cost procedure in order to obtain legal certainty for the disputing party, however the implementation of such small claim procedure in sharia capital market dispute might be a little bit different if it compares to the other type of economic sharia dispute and this is important to be analyzes in serving an ease of doing business for relevant parties and creating legal certainty in capital market.

Accordingly, this article will describe several issues regarding the implementation of small claim procedure in Religion Court, especially in examining sharia capital market [civil] dispute. Further, it will also elaborate the analysis of advantage and disadvantage in implementing the small claim procedure in sharia capital market [civil] dispute, including the challenge faced by the Religion Court in create legal certainty.

## **2 IMPLEMENTATION OF SMALL CLAIM PROCEDURE IN EXAMINING SHARIA CAPITAL MARKET [CIVIL] DISPUTE**

Islam is Rahmatan lil’alamiin, which means Islam is grace for all human, hence every principle in Islam provides benefit for human. Guidance of human relation named as muamallah, including in economic activity. Investment as one of the form of muamalah is very useful since it will bring high capital gain. Capital market provides investment and financing with high risk and high return. That is the reason why capital market shall be perfectly regulated. In the frame work of sharia capital market, the comprehensive regulation shall be applied, both basic sharia principle/laws and national laws.

The application of sharia principles in the capital market certainly originated from the Qur’an as the highest source of law and the Haditsh of the Prophet Muhammad. Furthermore, from these two sources of law the ulamas conducted interpretations which

were later called jurisprudence. One of the discussions in jurisprudence is the discussion of muamalah, which is the relationship between people related to commerce. Based on that the Islamic capital market activities are developed on the basis of muamalah fiqh. There is a rule of muamalah fiqh which states that basically, all forms of muamalah may be carried out unless there is an argument which prohibits it. This concept is the principle of the Islamic capital market in Indonesia (IDX, 2018). As an important Islamic Financial System, Islamic Capital Market has witness a tremendous growth the recent years. Basically, Islamic equity and SUKUK together made up commodities being traded in Islamic Capital Market. (Ahmad, Maiyaki, Yussof in Ahmad Maudu Maiyaki, 2013).

Indonesian Sharia capital market recognizes several sharia instrument, as follows: debt instrument (mudharabah sharia bonds/SUKUK), equity instrument (shares), and other instrument (sharia reksadana, sharia exchange traded fund, EBA Sharia, DIRE sharia). Sharia capital market shall be conducted in accordance with the sharia principle in capital market. Pursuant to Article 1 point 2 of FSA Regulation No. 14/POJK.04/2015 regarding the Application of Sharia Principle in Capital Market, sharia principle in capital market is Islamic sharia principle in activity of sharia capital market pursuant to Fatwa of Dewan Syariah Nasional-Majelis Ulama Indonesia, save as, that such Fatwa is not contravene with such FSA Regulation and/or other FSA Regulation based on Fatwa of Dewan Syariah Nasional-Majelis Ulama Indonesia. General Description of Sharia Capital Market.

## 2.1 General Review of Capital Market [Civil] Dispute

As mentioned earlier, capital market is full of risk, including financial and legal dispute risk. In preventing both risk, the party in capital market firstly applying risk management system, but somehow in several cases, it cannot prevent the occurrence of breach of law. Capital Market Law stipulates the breach of law in capital market are: administrative law, penal or criminal and civil law. If the legal system in capital market running well then no party will be threatened, but if the breach of law is occurred, then it might threat other party, this situation called as legal dispute. In order to maintain legal certainty, legal dispute shall be legally settled. The capital market is a complex activity which is full of legal and economic (business) aspects, and therefore capital market shall be highly regulated.

Although the role of the capital market towards development is relevant, the legal dispute among the parties is potentially occurred. This is a special concern for business law practitioners and legal academics.

There are various criticisms of dispute resolution in the capital market, which are generally based on the argument that there is no case in the capital market that has been resolved through the court, the indefinite long term and protracted process are some of the reasons, as well as argument that the Indonesian capital market is relatively new (Jusuf Anwar, 2005). This clearly needs an improvement to create legal certainty in law enforcement in accordance with capital market objectives, whereas to maintain a fair, orderly and efficient capital market. The gap between the law in stipulation and the law in reality shall be reduced.

A dispute is a conflict between rights and obligations that must be resolved to restore the situation to normal conditions, which is one of the dispute resolution functions. In relation to the sharia capital market dispute, following are the available remedies that can be elected by disputed parties: 1. Litigation, through regular formal procedure as stipulated by Indonesian Civil Procedure, or small claim procedure as stipulated by SCR No. 14/2016 *jo.* with SC Regulation No. 2 Year of 2015 re: Small Claim Procedure (“SCR No.2/2015”), 2. Alternative dispute resolution as Law No. 30 Year of 1999 *jo.* Regulation of FAS (OJK) No. 1 Year of 2014 re: Alternative Dispute Resolution Body (“RFAS 1/2014”) and other relevant regulation.

The formal procedure in settling the dispute called as litigation. Litigation defined as: “1. the process of carrying on a lawsuit the attorney advised his client to make a generous settlement offer in order to avoid litigation; 2. The lawsuit itself.” (Bryan A. Garner (.ed), 2009).

Litigation in sharia capital market dispute is entitled to be examined and rendered by the Religion Court as its absolute competence. This is stipulated under Article 49 paragraph (1) of the Law Religious Courts as new extended authority. Such article states that Religion Court in entitled and authorized to examine, render and settle first instance court civil claim among moslem in: a. marriage; b. legacy; c. testamentary; d. grant; e. wakaf; f. zakat; h. sadaqah; and i. sharia economic. Sharia economic is any action or activity conducted in accordance with sharia principle, inter alia: sharia banking, sharia micro finance institution, sharia insurance, sharia reinsurance, sharia reksadana, sharia bonds (obligasi) and sharia MTN, sharia securities, sharia financing, sharia pledge, sharia pension fund and sharia business.

The abovementioned is in line with Article 1 of SCR No. 14/2016 which states that "Islamic Economics is a business or activity conducted by individuals, groups of people, business entities that are legal entities or not legal entities in order to meet commercial and non-commercial needs according to sharia principles. The Sharia Economic dispute is a case in the field of Islamic economics including sharia banks, sharia microfinance institutions, sharia insurance, sharia reinsurance, sharia mutual funds, sharia bonds, commercial papers, sharia futures, sharia securities, sharia financing, sharia pledge, sharia financial institution pension funds, sharia business, including commercial wakaf, zakat, infaq, and shadaqah, both contingent and voluntary". Furthermore, if the sharia economic study viewed from the general fiqh muamalah, than the sharia economic is wider than what is stated in abovementioned regulation. It shall including all rights, object, ownership, agreement performed under the muamalah principle (Ahmad Zaenal Fanani, 2014).

Pursuant to the abovementioned, any sharia economic dispute in capital market area such as sharia reksadana, sharia bonds, sharia MTN, sharia securities, sharia financing, sharia commercial papers, sharia futures, sharia securities, sharia financing and related sharia business, is entitled to be settled through Religion Court.

## **2.2 Sharia Capital Market Dispute Settlement through Regular Procedure**

The judicial is an obligation established by Allah SWT and a Sunnah of the Prophet that shall be applied. Then, it is an obligation to clearly understand any dispute filed and execute it if it is strongly true. That Summary Script of Al Qadla Ummar Bin Khatab is basic principle in performing litigation in Religion Court (H.M. Fauzan, 2015). It stating that the judicial procedure is important in settling dispute, especially in finding the truth. Now days, it is known as litigation procedure.

Litigation Settlement of sharia capital market dispute through regular formal procedure is conducted in accordance with the Indonesia Civil Procedure Law as general procedure. Civil procedural law is procedure to enforce material civil law through the decision of court judge. In other words, civil procedural law is a regulation determines how to guarantee the implementation of material civil law. More concretely it is said that the civil procedural law regulates how to file a claim of rights, examines, renders and executes the court

decision. Other definition states that civil procedure law is also called formal law, legal rules determine and regulate how to exercise civil rights and obligations as regulated in material civil law (Sudikno Mertokusumo, 1998).

In the civil procedure law, disputing parties shall have direct legal relation towards the disputed issue. Under the civil procedure law, the initiative of claim shall be brought by a party or several parties who "feel" that their rights or interests are violated, such party called as the plaintiff or the plaintiffs (Retnowulan Sutantio et.al, 1997). The claimed party is known as defendant.

In resolving disputes through the litigation process based on civil procedural law in the District Court/Religion Court, in general the civil cases are divided into 3 phases, namely: a. Preliminary phase. At this phase the actions taken are the preparation of a lawsuit, the act of registering a lawsuit pursuant to the relative and absolute competency, paying court fees (down payment), administrative proceedings of the court, the process of summoning parties to scheduled hearings and others, b. Examination phase. At this phase a trial is examined, namely the reading / submission of a lawsuit, mediation efforts, submission of answers, replik, duplik, verification of proof, conclusions and the decision by the judge, c. The Execution phase, namely the actions related to the execution of the decision (execution) (Linda Rachmainy, et.al., 2014). There are some legal remedies available against such first instance court decision, namely: a. Ordinary Remedy (Verstek, Appeal, Kasasi); and b. Extraordinary Remedy (Judicial Review and Darden Verzet). The time period in examination through court is indefinite, but the Supreme Court instructing the judge to examine the civil claim in first instance court is not later than 6 (six) months. Pursuant to a research study, it is concluded an important principle in sharia economic dispute, the Islamic personality principle cannot be applied, if parties (although non moslem) have consent to be bound to sharia principles in their transaction, then the voluntary submission principle shall be applied (Ummi Azma, 2017). That is a specific principle which different with the other Islamic dispute, although such principle is quite debatable in practice, since the purpose of Islamic dispute settlement is to perform Islam in kaffah.

## **2.3 Sharia Capital Market Dispute through Small Claim Procedure**

Under SCR No. 14/2016, a lawsuit in a sharia economic case can be filed orally or in writing in

printed or electronically case registration. A case examined using small claim procedure of sharia economic cases is with a maximum value of Rp. 200,000,000.00 (two hundred million rupiahs). Examination as mentioned above is examined refer to SCR No. 2/2015, except specifically otherwise under SCR No. 14/2016.

Referring to the requirements, lawsuit related to default or unlawful acts in the capital market field, can be examined and decided by a small claim procedure, provided that it is not: a. cases where the settlement of the dispute is carried out through a special court as stipulated in the legislation; or b. disputes over land rights, as stipulated in Article 3 of SCR No. 2/2015. However, there are other principle requirements that shall be fulfilled, namely: a. a simple lawsuit is filed against a case of breach of contract and / or unlawful conduct with a material claim at the maximum amount of Rp. 200,000,000, - b. that the parties to a small claim consist of plaintiff and defendant who are respectively one party, unless they have the same legal interest, c. against the defendant whose place of residence is unknown, a small claim procedure cannot be filed, d. plaintiff and defendant in small claim lawsuit domiciled in the same court jurisdiction, e. the plaintiff and the defendant must attend directly to each trial with or without being accompanied by an attorney (Ema Rahmawati, 2018). Other important stipulation is the examination of the lawsuit under the small claim procedure shall be conducted not later than 25 days. The procedure of the small claim procedure is basically consist of 3 phases: a. The preliminary phase: registration, appointment of judge, examination of claim by single judge to decide whether the claim is small claim or not, etc; b. The examination phase: claim, mediation remedy, verification of proof, decision; c. the Execution phase. The only available legal remedy against the decision is objection, and the decision of objection is final and binding and there is no other legal remedy available. Considering characteristics of disputes and the parties in the capital market, it seems that the use of this small claim procedure is very limited. Reviewing the value of material claim at maximum of Rp. 200,000,000, - is relatively small for investment transactions in the capital market. Of course this number only coverage small investors and has not reached large investors. Furthermore, restrictions on the requirements of the plaintiff and the defendant shall in the same domicile/the same court jurisdiction is also relatively difficult requirements for disputes in the capital market. In

the era of online trading systems, each party majorly come from a different legal domicile.

### **3 ADVANTAGES, DISADVANTAGES OF SCP AND CHALLENGE FACE BY THE RELIGION COURT IN EXAMINING SHARIA CAPITAL MARKET DISPUTE**

As mentioned earlier, there is a small number of capital market cases examined and rendered by the court. Many factors have contributed to such circumstance. If there is no breach of law is occurred, the capital market is in ideal performance. The current problem is, there is breach of law occurs but no party is intending to file for civil claim to indemnify their loss. IPO cases of PT Krakatau Steel, Tbk and PT Katarina Utama, Tbk are several proofs reflecting the absence of civil claim in the occurrence of breach of law (although currently the shares of PT Krakatau Steel, Tbk. is listed in Jakarta Islamic Index, those cases are not specifically sharia capital market cases at the beginning).

Pursuant to a recent research, success in the field of capital market litigation requires high analytical skills not only in the field of law, but also in economics and finance. Public companies that have been involved longer in the capital market will generally have better understanding of rules in the capital market sector to protect their interests and have more funds to hire the best legal consultants to respond the lawsuit filed by the individual plaintiffs. On the other hand, for individual shareholders, there is small chance of having sufficient funds and understanding of the law to defend their rights. Such inequality will certainly affect the perception of individual shareholders regarding the potential of his victory in court (Pramudya A. Oktavinanda, 2015).

Theoretically, it is stated that if in the view of the defendant, the plaintiff is expected to get a higher winning number than the number predicted by the plaintiff himself, then the defendant will likely prefer to settle the case amicably since the litigation costs are generally also greater compared to the costs of resolving disputes amicably. The probability of the plaintiff's victory will depend a lot on the plaintiff's ability to prove the loss suffered along with the legal basis that the defendant has breached (the more complicated the issue, the more costs needed), the defendant's ability to prove otherwise (i.e. that the plaintiff's position is wrong or baseless), and the ability of the judiciary to understand the

complexity of the issues (because there is always the possibility of the application of wrong regulation). The cost component includes among others: court fees, professional consultant fees (law, accountant, finance, appraisal services), reputation fees, other administrative costs, and opportunity costs from other activities that can be carried out if the parties no litigation is necessary (Pramudya A. Oktavinanda, 2015).

Some studies have explained that the small claim procedure is suitable for business disputes. The mechanism of fast events suspected as measures to encourage the acceleration of economic growth in Indonesia to speed up dispute resolution and is able to provide benefits to the community to get the means of dispute resolution that is efficient and effective in order to create justice implemented the principle of simple, fast and inexpensive as stated in Act OF and expected by the community as justice seeker (Anita Afriana dan Efa Laela Fakhriah, 2016).

Referring to a small claim procedure if it is applied in sharia capital market dispute, it certainly has advantages and disadvantages. Small claim procedure is provided specifically for simple cases that use simple evidence and simple verification of evidence. Meanwhile, in certain capital market transaction usually involving large amount of fund, such as initial public offering, bonds issuance and etc. Accordingly, the small claim procedure is suitable only for retail investor transaction case.

The advantages in applying the small claim procedure in sharia capital market case, are: a. definite and short period provided (no later than 25 days), so it accommodates prompt decision for the disputing parties; b. the small claim procedure applying simple procedure which commonly desired by the disputing party [investor]; c. the available remedy against the judge decision is objection, and the decision of objection is final and binding, thus it serves legal certainty to the disputing parties; d. the small claim can be filed to any religion court over the country, save as it fulfils the relative and absolute competency; e. small claim procedure is relatively less cost.

However, despite of the advantages in applying the small claim procedure to sharia capital market dispute, there are also some disadvantages, as follows: a. limitation of claim amount is relatively small for certain capital market transaction, and it only covers retail consumer; b. simple verification of proof might not be appropriate for examining more complicated disputes; c. the limitation of number of plaintiff and defendant cannot be applied in massive transaction dispute; d. the civil claim cannot be filed

against the unknown domicile of the defendant; the limitation of the same court domicile jurisdiction is quite inflexible, considering that in this online trading system era, parties can be connected over the world.

Pursuant to the abovementioned, the implementation of small claim procedure upon sharia capital market dispute is one of milestone in creating ease of doing business, hence it provides a simple, prompt and less cost procedure desired by the parties, although in certain requirement is not quite suitable for capital market transaction. However there is a huge challenge for the religion court in holding its competency to examine and render decision concerning the sharia capital market civil claim.

In connection with the competency of Religion Court in examining and rendering the capital market sharia dispute, it shall be considered the current position of the Indonesian Religion Court. A study has elaborated that the Religion Court has several strengths, i.e. well human resources with high knowledge of sharia, the Religion Court is available in any city over the countries and it is easy to be accessed, the majority religion of Indonesia is Moslem and therefore the enthusiasm in applying the Islamic principles is relatively high. Moreover, despite of the above, there are several factors that might be the lack factors in supporting the existence of the Religion Court. Those are as follows: there is no specific regulation of the sharia economic except what is regulated under SCR No. 2 Year of 2008 re: Compilation of Sharia Economic, majority of the human resources in the Religion Court is having sharia educational background and accordingly they have less understanding in economic, both micro and macro (Renny Supriyatni and Andi Fariana, 2017). Concerning that the sharia capital market is also full of the financial aspects and not only sharia aspects, this become of the challenge faced by the Religion Court in relation to its competency in examining sharia capital market case.

Some challenges are faced by the Religion Court after the amendment of its competencies. The following are the opportunity of Religion Court: a. institutionally, the existence of Religion Court is strengthened due to the additional of competencies, accordingly, the position of Religion Court shall be higher and at the same level with the other court; b. the Religion Court shall prepare its human resource to give best services especially the capability of sharia economic knowledge; c. the Religion Court shall improve the facility and infrastructure to be ready to serve public more (Ahmad Zaenal Fanani, 2014).

Based on the abovementioned description, it can be concluded that the main challenge faced by the Religion Court is the human resources issue. If the challenges is perfectly responded by the Religion Court by rapidly and constantly improving the capability of the human resources both in procedural and material law, the Religion Court is potentially deemed to be one of the appropriate court to settle the sharia economic dispute, including sharia capital market dispute. The improvement is a must, since sharia capital market dispute is full of sharia economic aspect and legal aspect which substantially dynamic and complex.

#### 4 CONCLUSIONS

Sharia capital market dispute is one of the sharia economic dispute that is entitled to be examined by the Religion Court through regular procedure or small claim procedure. Small claim procedure pursuant to SCR No. 14/2016 *jo.* SCR No.2/2015 is applicable in examining the sharia capital market dispute through the Religion Court, upon certain specific requirements, *inter alia*, maximum amount of claim is Rp. 200.000.000,-, disputing parties shall be in the same court jurisdiction, and the period of examination is not later than 25 days, the only available legal remedy is objection and the decision of the objection is final and binding. This settlement provides legal certainty due to its simple, prompt and less cost procedure.

The advantages in applying the small claim procedure in sharia capital market case, are: a. definite and short period provided (no later than 25 days), so it accommodates prompt decision for the disputing parties; b. the small claim procedure applying simple procedure which commonly desired by the disputing party [investor]; c. the available remedy against the judge decision is objection, and the decision of objection is final and binding, thus it serves legal certainty to the disputing parties; d. the small claim can be filed to any religion court over the country, save as it fulfils the relative and absolute competency; e. small claim procedure is relatively less cost.

However, despite of the advantages in applying the small claim procedure to sharia capital market dispute, there are also some disadvantages, as follows: a. limitation of claim amount is relatively small for certain capital market transaction, and it only covers retail consumer; b. simple verification of proof might not be appropriate for examining more complicated disputes; c. the limitation of number of

plaintiff and defendant cannot be applied in massive transaction dispute; d. the civil claim cannot be filed against the unknown domicile of the defendant; the limitation of the same court domicile jurisdiction is quite inflexible, considering that in this online trading system era, parties can be connected over the world. Further, huge challenges are faced by the Religion Court in examining and rendering its decision in sharia capital market dispute due to the complexity of sharia economic aspect and legal aspect.

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