

ABSTRACT

Eko Priadi. Student ID Number 135010112111006/10220011. *Advocate Position in Non-litigation Dispute Settlement of Sharia Economic in the Legislation System of Indonesia*. Thesis. Double Degree Program Between Faculty of Law of Brawijaya University and Sharia Faculty of Maulana Malik Ibrahim State Islamic University of Malang.

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Keywords: Advocate, Sharia Economic, Non-Litigation Dispute Settlement.

The growth of Sharia Economic accelerating in last three decades is also affecting the increasing of potential disputes on sharia economic field. For the purposes of fast, effective and efficient dispute settlement, the disputing parties tend to prefer non-litigation dispute settlement through alternative dispute settlement procedure (ADsP). Usually, the parties using the professional services of an Advocate to help resolving their disputes or legal issues.

This study consists of two problem, (1) how is advocate positions on non-litigation settlement of sharia economic disputes in the regulations in Indonesia, and (2) how is legal implication of advocate in non-litigation settlement of sharia economic disputes in the regulations in Indonesia. This research is a normative legal research conducted by the statue approach. In addition, the analysis of legal sources made by the method of grammatical interpretation and systematic interpretation.

The results showed that in non-litigation disputes settlement of sharia economic, advocate stand as the representative who provide legal services to run power, represent, and/or do any legal action in the interest of his client. Moreover, advocate can act as the legal consultant, negotiator, mediator, conciliator, and arbiter. The position of advocate in non-litigation disputes settlement of sharia economic has some legal implication as follows: (1) the legal absent of standard requirement for conciliator, negotiator, and mediator in regulation No. 30/1999 is affecting the vacuum of norm which causing the space of law to the advocate for implementing their role to settle the non-litigation disputes of sharia economic; (2) according to the section 5 regulation No. 18/2003 about advocate, there is an unclear position of advocate as law enforcer.