

ABSTRAK

Perkembangan ekonomi syariah di Indonesia meningkatkan potensi sengketa yang bersumber dari pelaksanaan akad mu'āmalah. Sejak berlakunya Undang-Undang Nomor 3 Tahun 2006, Pengadilan Agama berwenang menyelesaikan sengketa ekonomi syariah dengan mediasi sebagai tahapan wajib sebelum pemeriksaan pokok perkara. Penelitian ini bertujuan menganalisis implementasi prinsip *ḥifẓ al-māl* dalam proses mediasi sengketa ekonomi syariah di Pengadilan Agama Surabaya serta kontribusinya terhadap efektivitas mediasi pada Perkara Nomor 2261/Pdt.G/2024/PA.Sby.

Penelitian ini menggunakan metode kualitatif deskriptif dengan pendekatan yuridis normatif dan studi lapangan. Data diperoleh melalui studi dokumen dan wawancara, kemudian dianalisis menggunakan perspektif *maqāṣid al-syaṁ'ah*, khususnya prinsip *ḥifẓ al-māl*. Efektivitas mediasi dianalisis berdasarkan indikator tercapainya kesepakatan, kecepatan penyelesaian sengketa, dan kesesuaian proses mediasi dengan prinsip keadilan.

Hasil penelitian menunjukkan bahwa mediasi telah dilaksanakan sesuai ketentuan Peraturan Mahkamah Agung Nomor 1 Tahun 2016, namun implementasi prinsip *ḥifẓ al-māl* masih bersifat prosedural. Mediasi tidak menghasilkan kesepakatan damai dan belum mampu memberikan perlindungan harta secara optimal bagi para pihak. Oleh karena itu, diperlukan penguatan mediasi berbasis *maqāṣid al-syaṁ'ah* agar tercapai keadilan substantif dalam penyelesaian sengketa ekonomi syariah.

Kata Kunci: *ḥifẓ al-māl*, mediasi, sengketa ekonomi syariah, Pengadilan Agama.

ABSTRACT

The development of Islamic economic activities in Indonesia has increased the potential for disputes arising from the implementation of mu‘āmalah contracts. Since the enactment of Law Number 3 of 2006, the Religious Court has been granted authority to resolve Islamic economic disputes, with mediation as a mandatory stage prior to the examination of the merits of the case. This study aims to analyze the implementation of the ḥifẓ al-māl principle in the mediation process of Islamic economic disputes at the Surabaya Religious Court and to assess its contribution to mediation effectiveness in Case Number 2261/Pdt.G/2024/PA.Sby.

This research employs a qualitative descriptive method with a normative juridical approach and field study. Data were collected through document analysis and interviews, then examined using the perspective of maqāṣid al-syaṅ‘ah, particularly the principle of ḥifẓ al-māl. Mediation effectiveness was assessed based on the achievement of agreement, the speed of dispute resolution, and the conformity of the mediation process with principles of justice.

The findings indicate that mediation was conducted in accordance with Supreme Court Regulation Number 1 of 2016; however, the implementation of the ḥifẓ al-māl principle remains largely procedural. The mediation failed to produce a settlement and did not provide optimal protection of the parties’ assets. Therefore, strengthening mediation based on maqāṣid al-syaṅ‘ah is necessary to achieve substantive justice in resolving Islamic economic disputes.

Keywords: *ḥifẓ al-māl, mediation, Islamic economic dispute, Religious Court.*