

The Resilience of Sharia Consumer Protection in Digital Economy Disputes: Integrating Litigation, Non-Litigation, and Online Dispute Resolution (ODR)

Shofa Robbani¹, Muhammad Jauharul Maknun², Dina Anggraini³, Safira Najihah⁴

^{1,2,3,4} Universitas Nahdlatul Ulama Sunan Giri Bojonegoro

Article:

Submitted: May 13, 2026

Accepted: June 12, 2026

Published: June 30, 2026

Correspondence

Author: Shofa Robbani

|| ✉ shofa@unugiri.ac.id

© 2026 The Author(s).



This is an open-access article under the [CC BY-SA](https://creativecommons.org/licenses/by-sa/4.0/) license

Copyright (c) 2026

SYARAH: Jurnal
Hukum Islam &
Ekonomi

Keywords:

Sharia Consumer
Protection, Digital
Disputes, ODR, Non-
litigation, Litigation.

Abstract: This study aims to analyze the resilience of Sharia consumer protection in digital disputes through the roles of litigation, non-litigation, and *Online Dispute Resolution* (ODR). The method used is normative legal research employing legislative, conceptual, and comparative approaches, analyzed qualitatively through a literature review. The results show that digital consumer disputes are dominated by product nonconformity, unclear contracts, and fraudulent practices (*tadlis*), reflecting a gap between Sharia principles and digital practices. Litigation is considered ineffective due to lengthy procedures and high costs, while non-litigation methods are more flexible but limited in their implementation. ODR emerges as the most adaptive mechanism, although it remains weak in terms of regulation, independence, and the integration of Sharia principles. This study contributes by proposing a concept of legal resilience based on the integration of litigation, non-litigation, and ODR, as well as the development of a Sharia-based ODR model encompassing three main pillars: (1) a digital *ishlah* mechanism ensuring consensus-based and transparent resolution; (2) a panel of independent, Sharia-certified mediators; and (3) operational standards based on *maqāṣid al-sharī'ah* that avoid *gharar* and *tadlis* at every stage of the process. This model emphasizes substantive justice, transparency, and the public interest in the resolution of digital disputes.

Kata Kunci:

Perlindungan Konsumen
 Syariah, Sengketa Digital,
 ODR, Nonlitigasi, Litigasi.

Abstrak: Penelitian ini bertujuan menganalisis resiliensi perlindungan konsumen syariah dalam sengketa digital melalui peran litigasi, nonlitigasi, dan Online Dispute Resolution (ODR). Metode yang digunakan adalah penelitian hukum normatif dengan pendekatan perundang-undangan, konseptual, dan komparatif, serta dianalisis secara kualitatif melalui studi kepustakaan. Hasil penelitian menunjukkan bahwa sengketa konsumen digital didominasi oleh ketidaksesuaian barang, ketidakjelasan akad, dan praktik penipuan (*tadlis*) yang mencerminkan kesenjangan antara prinsip syariah dan praktik digital. Litigasi dinilai kurang efektif karena prosedur yang panjang dan biaya tinggi, sementara nonlitigasi lebih fleksibel namun terbatas implementasinya. ODR menjadi mekanisme paling adaptif, meskipun masih lemah dari aspek regulasi, independensi, dan integrasi prinsip syariah. Penelitian ini berkontribusi dengan menawarkan konsep resiliensi hukum berbasis integrasi litigasi, nonlitigasi, dan ODR, serta pengembangan model ODR berbasis syariah yang mencakup tiga pilar utama: (1) mekanisme *ishlah* digital yang memastikan penyelesaian berbasis mufakat dan transparansi; (2) panel mediator independen bersertifikat syariah; dan (3) standar operasional berbasis *maqāsid al-sharī'ah* yang menghindari *gharar* dan *tadlis* dalam setiap tahapan proses. Model ini menekankan keadilan substantif, transparansi, dan kemaslahatan dalam penyelesaian sengketa digital.

INTRODUCTION

The development of digital technology in recent years has brought significant changes to the global economic transaction system, including in the Sharia economy sector. This transformation is marked by the increasing use of digital platforms such as e-commerce, Sharia fintech, and app-based marketplaces that facilitate various forms of transactions quickly and efficiently.¹ In Indonesia, the growth of the digital economy is showing a very rapid trend, in line with the increasing number of internet users and the public's adoption of digital financial services.² This phenomenon not only opens up great opportunities for the development of the Islamic economy but also raises various legal issues, particularly regarding consumer protection in digital

¹ Eys Putri Pembayun and Arifin Faqih Gunawan, "Perlindungan Hukum Terhadap Konsumen Dalam Transaksi Digital: Tinjauan Terhadap Implementasi UU Perlindungan Konsumen Di Marketplance," *Digital: Tinjauan Terhadap Implementasi UU Perlindungan Konsumen Di Marketplance* 3 (2025): 84–94. <https://doi.org/10.58819/jfh.v3i2.156>.

² Putu Yusi Pramandari and Made Ika Prastyadewi, "Ekonomi Digital Sebagai Pilar Pertumbuhan Ekonomi Nasional," *JUIMA: Jurnal Ilmu Manajemen* 14, no. 2 (2024): 169–176. <https://doi.org/10.63822/67z7cz79>.

transactions. Data from the Financial Services Authority (OJK) shows that total national Islamic banking assets as of December 2024 reached Rp980.30 trillion, with total financing disbursements amounting to Rp643.55 trillion, marking a 9.92% year-over-year increase.³ Meanwhile, outstanding financing from P2P lending fintech platforms including sharia-based ones reached Rp77.07 trillion by the end of 2024. On the e-commerce front, the Central Statistics Agency (BPS) reported that the number of e-commerce businesses in Indonesia had reached 4.4 million, with a total transaction value of Rp1,288.93 trillion in 2024.⁴ This rapid growth, on the one hand, drives Sharia-based financial inclusion, but on the other hand, it also increases the potential for consumer disputes that have not yet been optimally addressed.

From an Islamic legal perspective, economic activities must be grounded in the principles of justice (*'adl*), transparency, honesty, and must avoid elements of *gharar* (uncertainty), *riba*, and *tadlis* (fraud). However, the reality on the ground shows that digital transaction practices often do not fully reflect these values.⁵ Cases such as product discrepancies, fraud in online transactions, misuse of personal data, and the proliferation of illegal online lending indicate a disparity between the ideal norms (*das sollen*) in Islamic law and actual practices (*das sein*) in the digital economy.⁶ This situation creates vulnerabilities for consumers, particularly in the context of platform-based transactions, which tend to place consumers in a disadvantaged position due to information asymmetry.

On the other hand, the dispute resolution systems currently available are not yet fully capable of addressing the complexity of digital disputes. Litigation through the courts, although legally binding, is often considered ineffective because it is time-consuming, costly, and involves overly formalistic procedures.⁷ Alternative (non-litigation) dispute resolution methods such as mediation and arbitration do offer flexibility and efficiency, but their implementation remains limited and has not yet been fully integrated with the needs of digital transactions. Meanwhile, the development of *Online Dispute Resolution* (ODR) as a technology-based dispute resolution mechanism offers a more adaptive, faster, and more efficient solution;

³ Otoritas Jasa Keuangan (OJK), "Siaran Pers: Kinerja Positif Perbankan Syariah 2024," 2025.

⁴ Agnes Z. Yonatan, "Jumlah Usaha E-Commerce Indonesia Tembus 4 Juta Pada 2024," dalam GoodState, 2025.

⁵ Atik Devi Kusuma et al., "Gharar Dalam Transaksi Ekonomi : Analisis Hukum Islam Dan Implikasinya," *Jurnal Kajian Dan Penelitian Umum* 2 (2024). <https://doi.org/10.47861/jkpu-nalanda.v2i6.1413>.

⁶ Sofia Tio Ardana and Yudi Kornelis, "Penyalahgunaan Data Pribadi Pada Pinjaman Online Di Indonesia : Analisis Perlindungan Dan Sanksi Hukum," *Jurnal Perundang Undangan Dan Hukum Pidana Islam* 9, no. 1 (2024): 1–11. <https://doi.org/10.32505/legalite.v9i1.8398>.

⁷ Faris Makarim Pranotoputera, Asep Husni, and Muhamad Kholid, "Urgensi Penguatan Dasar Hukum Dan Lembaga Penyelesaian Sengketa Alternatif Di Indonesia Ilmu Hukum, INOMATEC : Jurnal Inovasi dan Kajian Multidisipliner Kontemporer, 01, no. 03, CV. Ruang Publikasi Ilmiah (2026): 844–863. <https://doi.org/10.70294>.

however, its existence in Indonesia particularly within the context of the Islamic economy still lacks a strong and specific normative foundation.⁸

Several previous studies have addressed consumer protection in digital transactions as well as the effectiveness of dispute resolution through various legal mechanisms. However, most of these studies remain partial and have not comprehensively examined the integration of Sharia consumer protection principles with digital dispute resolution mechanisms, particularly within the framework of legal resilience. For example, Pangesti (2020) examined ODR from the perspectives of positive law and Islamic law in general but did not propose a concrete and operational Sharia-based ODR model.⁹ Similarly, Solikhin (2023) discusses the urgency of implementing ODR in e-commerce in Indonesia, but his study remains limited to aspects of positive law and has not addressed the internalization of fiqh muamalah principles into the ODR system.¹⁰ The limitations of these two studies point to a significant gap: there is currently no systematic study that integrates legal resilience, ODR mechanisms, and the principles of maqashid sharia into a single comprehensive analytical framework.

Furthermore, studies that specifically bring together ODR and the principles of fiqh muamalah within a single operational framework remain very limited. Pangesti (2020) has indeed discussed ODR from two perspectives simultaneously positive law and Islamic law but his study remains at the descriptive-normative level and does not produce a Sharia-based ODR model that can be concretely implemented.¹¹ Hatibie (2025) comprehensively addresses the transformation of the judicial system through ODR in the digital economy era, but does not touch upon the Sharia dimension at all; his entire analysis is based solely on the framework of positive law and procedural efficiency.¹² Musaffa (2021) offers a comparative study between litigation and ADR from an Islamic law perspective; however, the scope does not include ODR as a digital instrument and does not examine how the values of *ishlah*, *hifz al-mal*, or the prohibition of *gharar* can be technically integrated into digital dispute resolution

⁸ Munira et al., "Alternatif Penyelesaian Sengketa Perdata Di Era Digital: Upaya Perlindungan Merek Dalam Ekosistem E-Commerce Indonesia," *Semarang Law Review (SLR)* 6, no. 2 (2025), <https://doi.org/10.26623/slr.v6i2.12621>.

⁹ Ayu Dear Pangesti et al., "Social Media Campaign: Thrifting Sebagai Pencegahan Limbah Tekstil Fast Fashion," *Jurnal Flourishing* 3, no. 1 (2023). <https://doi.org/10.17977/um070v3i12023p17-21>.

¹⁰ Riyadus Solikhin, "Perkembangan Dan Urgensi Penerapan Online Dispute Resolution (ODR) Dalam Penyelesaian Sengketa Perdagangan Elektronik Di Indonesia," *Padjadjaran Law Review* 11 (2023) : 65–79. <https://doi.org/10.56895/plr.v11i1.1235>.

¹¹ Pangesti et al., "Social Media Campaign: Thrifting Sebagai Pencegahan Limbah Tekstil Fast Fashion."

¹² Harun Setiawan Hatibie, "Revolusi Penyelesaian Sengketa Digital : Transformasi Sistem Peradilan Melalui Online Dispute Resolution Di Era Ekonomi Digital," *Al-Zayn: Jurnal Ilmu Sosial & Hukum* 3 (2025): 9920–9934. <https://doi.org/10.61104/alz.v3i6.2694>.

platforms.¹³ Although valuable, these three studies share a common weakness: none of them offers a systematic legal reconstruction that bridges the gap between ODR technology and the substance of *maqāṣid al-sharī'ah*. This indicates a significant *research gap* that warrants further investigation.

Conceptually, resilience in Sharia-based consumer protection can be understood as the legal system's ability to adapt, respond, and remain effective in protecting consumer rights amid the dynamics and complexity of digital transactions. Therefore, an approach is needed that not only relies on conventional legal mechanisms but also integrates technological innovations such as ODR with the fundamental values of Islamic law. This approach is expected to create a consumer protection system that is more responsive, adaptive, and equitable.

This research is important to conduct, both from an academic and practical perspective. Academically, this study is expected to contribute to the development of research on Islamic economic law, particularly regarding the integration of Sharia principles and technological innovations in dispute resolution. From a practical standpoint, the results of this research are expected to serve as a reference for regulators, business actors, and the public in building a more effective consumer protection system in the digital age. Additionally, this research offers a new perspective through a legal resilience approach that is still rarely utilized in studies of Islamic law and economics.

Based on the above discussion, it can be affirmed that Sharia-based consumer protection in digital disputes still faces various challenges, both from a normative and an implementation perspective. The gap between the ideal principles of Islamic law and the practice of digital transactions, as well as the limitations of existing dispute resolution mechanisms, indicate that this topic is of high urgency and warrants further research. Therefore, this study focuses on analyzing the resilience of Sharia-based consumer protection in digital disputes through the roles of litigation, non-litigation, and *Online Dispute Resolution (ODR)* regarding digital platforms.¹⁴

RESEARCH METHOD

This study employs a normative legal research approach, focusing on the examination of legal norms, principles, and concepts related to Sharia consumer protection in digital disputes. The selection of this method is based on the characteristics of the issues under study, namely those related to the analysis of legal rules, Sharia principles, and the development of dispute resolution mechanisms in a

¹³ Muhammad Ulul Albab Musaffa, "Optimalisasi Penyelesaian Sengketa Dalam Perspektif Hukum Islam Dan Sistem Hukum Indonesia : Studi Komparatif Antara Litigasi Dan Alternative Dispute Resolution (ADR)," *Az Zaqqa'* 2 (2021). <https://doi.org/10.14421/g1674m86>.

¹⁴ Khulafi Ahdian, "Integrasi Prinsip Islam dan HAM dalam Mewujudkan Ekosistem E-Commerce Berkeadilan Di Era Digital," *USRAH: Jurnal Hukum Keluarga Islam* 7 (2026): 229–244. <https://doi.org/10.46773/Usrah>.

digital context; thus, a conceptual and juridical approach is more appropriate than a quantitative approach.¹⁵

The approaches used in this study include several methods, namely: (1) *the statutory approach*, which is used to examine various regulations related to consumer protection and dispute resolution, such as Law No. 8 of 1999 on Consumer Protection and regulations related to the digital economy; (2) *the conceptual approach*, used to analyze the concept of consumer protection from the perspective of Islamic law, including the principles of maqashid al-sharia; and (3) *the comparative approach*, which is used to compare dispute resolution mechanisms through litigation, non-litigation, and *Online Dispute Resolution (ODR)* in the context of Sharia-based consumer protection.

The primary data in this study consists of key legal sources such as legislation, fatwas, and principles of Islamic law relevant to the research topic. Meanwhile, secondary data was obtained from scholarly literature, including books, accredited national journals (SINTA), reputable international journals (indexed in Scopus), and previous research findings related to consumer protection, Islamic economics, and digital dispute resolution. In addition, the author also used tertiary data such as legal dictionaries and encyclopedias to clarify the concepts used.

Data collection was conducted through a literature review, which involved gathering, reading, and examining various relevant sources focused on the research topic. The data obtained were then analyzed using qualitative analysis techniques, specifically *content analysis*, by identifying, classifying, and interpreting data related to Sharia consumer protection and digital dispute resolution mechanisms. The analysis was conducted systematically by linking positive legal norms, principles of Islamic law, and practices observed in the field (digital phenomena). To ensure the validity and credibility of the data, this study employed the Legal Synchronization Method, which involves vertical synchronization between DSN-MUI fatwas and Sharia principles with positive legislation, as well as horizontal synchronization between regulations of the same level (such as the Consumer Protection Law and related OJK regulations). Thus, the validity of the legal materials used can be justified both legally and methodologically.

Data presentation in this study employs a descriptive-analytical approach, which involves systematically and logically presenting the results of the analysis and then relating them to relevant theories and concepts to draw comprehensive conclusions. Through this method, it is hoped that this study can provide a complete picture of the resilience of sharia consumer protection in digital disputes, as well as the roles of litigation, non-litigation, and ODR in addressing these challenges.

¹⁵ Tamaulina Br. Sembiring et al., *Buku Ajar Metodologi Penelitian (Teori Dan Praktik)*, *Buku Ajar Metodologi Penelitian*, 2023.

RESULTS AND DISCUSSION

Patterns of Sharia Consumer Disputes in Digital Transactions

The development of the digital economy in Indonesia has driven a significant increase in platform-based transaction activity, particularly in the *e-commerce* and digital financial services sectors. According to data from the Indonesian Internet Service Providers Association, the number of internet users in Indonesia has reached more than 221 million people with a penetration rate of approximately 79.5%, indicating a high intensity of digital transactions in society.¹⁶ Additionally, a report from the Financial Services Authority shows a significant increase in the use of digital financial services, including fintech and electronic payment systems.¹⁷

Based on an analysis of various documents including institutional reports, scholarly publications, and dispute resolution practices on e-commerce and fintech platforms it was found that the dominant patterns of consumer disputes include product non-conformity, delivery delays, unclear contractual terms, and fraudulent practices, which in the context of Islamic law are known as *tadlis*.¹⁸ These issues are also related to a lack of information transparency, which has the potential to introduce elements of *gharar* into transactions. These findings were obtained through a *content analysis* approach of various sources that identified the main themes of consumer disputes in digital transactions.

Table 1: Patterns of Consumer Disputes

No	Detail 1	Detail 2	Description
1	Product Mismatch	Consumer complaints regarding goods received that do not match the description on the e-commerce platform	<i>Gharar</i> (uncertainty regarding the subject of the transaction)
2	Delivery Delays	Consumer complaints regarding delays	Injustice (<i>al-'adl</i>)

¹⁶ Medi Terania and Gunardi Lie, "Perlindungan Hukum Terhadap Konsumen Dalam Transaksi Jual Beli Online Melalui Platform Marketplace Di Indonesia," *Media Hukum Indonesia (MHI)* 3, no. 4 (2025): 16–21. <https://doi.org/10.5281/zenodo.17115322>.

¹⁷ Dela Aprilia, Nadya Quwwatun Rabbaniyah, and Shadiqah Tirza Tsamarah, "Sengketa Transaksi Digital Dalam Jual Beli Online Perspektif Hukum Islam," *JURNAL HUKUM, POLITIK DAN ILMU SOSIAL* 4 (2025) <https://doi.org/10.55606/jhpis.v4i4.5730>.

¹⁸ Olvi Amfoni, "Perlindungan Hukum Terhadap Konsumen Dalam Transaksi Jual Beli Online Analisis Tanggung Jawab Pelaku Usaha Berdasarkan Undang- Undang Perlindungan Konsumen," *JUKAHU: Jurnal Kajian Hukum Volume* 1, no. 2 (2025): 47–52. <https://doi.org/10.55681/ijereg.v1i1.33>.

		in the distribution of goods on marketplaces and by logistics services	
3	Unclear contracts	Platform terms and conditions that are difficult for consumers to understand	Gharar
4	Digital fraud	Cases of illegal fintech and manipulative practices in online transactions	Tadlis (fraud)
5	Lack of Transparency in Information	Product information and transaction mechanisms not clearly communicated to consumers	Gharar and violations of the principle of transparency

Source: Indonesian Consumer Foundation

These findings indicate that consumers are in a relatively weaker position compared to businesses and digital platforms. This situation is exacerbated by information asymmetry, as reflected in various reports on digital consumer protection that show businesses have greater control over product information and transaction mechanisms.¹⁹ As a result, consumers often lack the ability to thoroughly verify the subject of a transaction before making a purchase.

From the perspective of Islamic law, these practices contradict the fundamental principles of muamalah, which emphasize honesty, transparency, and mutual consent among the parties.²⁰ The prohibition against *gharar* and *tadlis* serves as a form of

¹⁹ Kamil Rafi Muhammad, Muhammad Andy Prananto, and Baidhowi, "Praktik Gharar Dan Tadlis Pada Transaksi E- Commerce Dalam Perspektif Hukum Ekonomi Syariah Dan Relevansinya Dengan Hukum Positif," *Jurnal Ilmiah Nusantara (JINU)* 3, no. 3 (2026) : 81–93. <https://doi.org/10.61722/jinu.v3i3.9523>.

²⁰ Pepi Yuspita Harahap and Rahma Dinda, "Aspek Muamalah Dalam Islam" 9, no. 1 (2025) : 66–77. <http://dx.doi.org/10.47006/attazakki.v9i1.23978>.

consumer protection to prevent harm in transactions.²¹ Therefore, these findings indicate a gap between the ideal norms (*das sollen*) established in Islamic law and the reality of practice (*das sein*) observed in digital transactions.

The results of this study are also consistent with various previous studies stating that consumer protection in digital transactions still faces challenges, both in terms of regulation and implementation. However, this study emphasizes that these issues are not only related to positive law but also to the suboptimal internalization of Sharia values within the digital transaction system. Thus, the implication of these findings is the need to strengthen the consumer protection system one that is not only based on formal regulations but also integrates the principles of Islamic law into digital transaction practices.

Limitations of Litigation in Sharia Digital Disputes

Litigation through the courts remains the primary instrument for dispute resolution in Indonesia, including in the field of Islamic economics. Courts have the authority to issue final and binding rulings, thereby providing legal certainty for the disputing parties. However, the research findings indicate that the litigation mechanism has various limitations in handling digital disputes.²²

Data from the Supreme Court of the Republic of Indonesia indicates that resolving cases through the courts generally takes a relatively long time due to the need to go through strict procedural stages, ranging from case filing, hearings, and presentation of evidence to the rendering of a decision.²³ Additionally, the report “ ” from the Central Statistics Agency regarding access to justice shows that case costs and procedural complexity remain barriers for the public in accessing judicial services. In the context of digital disputes, the nature of *these cases* which tend to involve *small claims but occur in large numbers* is disproportionate to the costs and time required through litigation mechanisms. This finding indicates a mismatch between the characteristics of digital disputes and the resolution mechanisms of conventional courts.²⁴

From the perspective of *maqāṣid al-sharī'ah*, this situation indicates that litigation mechanisms have not yet fully realized the principle of public interest (*maslahah*),

²¹ Irfan Ridha Et Al., “Implementasi Perlindungan Konsumen Oleh Lembaga Perlindungan Konsumen Untuk Menegakkan Hak-Hak Konsumen Di Indonesia,” *Jurnal Pendidikan Sosial Dan Humaniora* 4, no. 2 (2025): 2888–2898. <https://publisherqu.com/index.php/pediaqu>.

²² Muhammad Fauzi et al., “Efektifitas Penyelesaian Sengketa Ekonomi Syariah Pendekatan Mediasi Dalam Perspektif Yuridis Normatif,” *Hutanasyah : Jurnal Hukum Tata Negara* 4, no. 1 (2025): 53–67, <https://doi.org/10.37092/hutanasyah.v4i1.1166>.

²³ Abdul Rachmat Ariwijaya and Palupi Lindiasari Samputra, “Jurnal Hukum & Pembangunan Mahkamah Agung Republik Indonesia,” *Jurnal Hukum & Pembangunan Volume* 51, no. 4 (2021): 1104–1122, <https://doi.org/10.21143/jhp.vol51.no4.3303>.

²⁴ Luciana, Sri Yulianingsih, Methodius Kossay, “Analisis Peran Jaksa Pengacara Negara Pada Sengketa Ekonomi Digital,” *Jurnal Ilmu Hukum Dan Sosial (HAKIM)* 3, no. 4 (2025) <https://doi.org/10.51903/pp7kbp86>.

particularly regarding the protection of property (*hifz al-mal*). An ideal dispute resolution system under Islamic law should be able to deliver justice that is swift, efficient, and not burdensome to the parties involved. The correlation between *hifz al-mal* and ODR mechanisms becomes evident when compared to litigation: if consumers must wait for a court ruling that takes months or even years, the economic losses they suffer grow increasingly severe, and their right to financial redress becomes increasingly out of reach. Conversely, ODR which can resolve disputes within hours or days directly contributes to the swift restoration of consumer rights, aligning with the objective of *hifz al-mal* within the *maqashid al-sharia*. Thus, the speed of resolution is not merely a matter of procedural efficiency but also a sharia obligation to achieve substantive justice for consumers. This finding aligns with various previous studies indicating that the conventional judicial system faces challenges in handling dynamic, cross-regional technology-based disputes. However, this study emphasizes that these issues are not limited to procedural aspects but also stem from the legal system's unpreparedness to accommodate the evolution of platform-based digital transactions.

Thus, the limitations of litigation in this context highlight the need for innovation in more adaptive dispute resolution mechanisms, such as strengthening non-litigation approaches and developing *Online Dispute Resolution (ODR)*. In practical terms, this indicates that litigation remains important as a formal instrument to ensure legal certainty, but it cannot be the sole mechanism for resolving digital disputes.

The Effectiveness of Non-Litigation from an Islamic Law Perspective

Alternative dispute resolution through non-litigation channels, such as mediation and arbitration, offers a more flexible and efficient approach compared to litigation. A report from the National Sharia Arbitration Board indicates that dispute resolution through Sharia arbitration tends to be more efficient than litigation, both in terms of time and cost. Furthermore, a report from the Financial Services Authority regarding consumer protection in the financial services sector also emphasizes that alternative mechanisms such as mediation are among the tools encouraged to expedite the resolution of disputes between consumers and businesses.²⁵

This makes the main advantages of non-litigation lie in the flexibility of procedures, time efficiency, and relatively lower costs compared to litigation mechanisms. These characteristics make non-litigation more suitable for handling digital disputes, which are generally fast-paced, involve small amounts, and require practical resolutions. However, this study also identified several obstacles in the implementation of non-litigation. *First*, the effectiveness of these mechanisms heavily depends on the parties' willingness to reach an agreement. *Second*, the lack of optimal integration between non-litigation mechanisms and digital platform systems means access to these services remains limited. *Third*, the public's relatively low level of legal literacy also affects the utilization of non-litigation mechanisms in dispute resolution.

²⁵ Hatibie, "Revolusi Penyelesaian Sengketa Digital."

From an Islamic legal perspective, non-litigation mechanisms possess strong normative legitimacy through the concept of *ishlah* (reconciliation), which emphasizes the peaceful, fair, and mutually beneficial resolution of disputes. This principle aligns with the *maqashid al-sharia*, particularly in safeguarding the public interest (*maslahah*) and protecting property (*hifz al-mal*), as it minimizes losses arising from lengthy and costly dispute resolution processes. The findings of this study are consistent with various previous studies indicating that alternative dispute resolution (ADR) is more effective than litigation in the context of disputes requiring swift and flexible resolution.²⁶ However, this study reaffirms that, in the digital context, the effectiveness of non-litigation approaches is determined not only by procedural advantages but also by the level of integration with technological systems and digital platforms.

Furthermore, the limitations of non-litigation implementation reveal a gap between the normative legitimacy in Islamic law and empirical practice on the ground. This indicates that, although non-litigation is conceptually ideal, its application is still not fully capable of addressing the complexity of cross-platform, technology-based digital disputes. Thus, efforts are needed to strengthen the non-litigation system through integration with digital platforms, improving public legal literacy, and developing technology-based dispute resolution mechanisms. This integration is crucial so that non-litigation (ODR) becomes not only a normative alternative but also an effective instrument in ensuring Sharia consumer protection in the digital age.

ODR as an Adaptive Model for Dispute Resolution

Online Dispute Resolution (ODR) is an innovation in dispute resolution that utilizes digital technology to facilitate the resolution process online. A report from the Ministry of Communication and Information Technology indicates that the rise in digital activity is driving the need for a fast, technology-based dispute resolution system.²⁷ Additionally, a report from the Financial Services Authority regarding consumer protection in the financial services sector shows that digital complaint mechanisms are being developed as part of the transformation of financial services.²⁸

Analysis results show that several digital platforms, particularly in the e-commerce and fintech sectors, have implemented ODR mechanisms in the form of consumer *complaint handling systems* and internal dispute resolution.²⁹ These mechanisms allow consumers to file complaints, negotiate, and reach a resolution without having to go through formal litigation. The main advantages of ODR lie in its

²⁶ Musaffa, "Optimalisasi Penyelesaian Sengketa."

²⁷ Solikhin, "Perkembangan Dan Urgensi Penerapan Online Dispute Resolution (ODR)."

²⁸ Benedetto Setyo Utomo, "Upaya Mediasi Melalui Lembaga Alternatif Penyelesaian Sengketa Sektor Jasa Keuangan (Laps Sjk): (Studi Kasus Sengketa Rehabilitasi Daftar Hitam Nasional (DHN) PT X Dan BRI)," *Jurnal Hukum & Pembangunan Volume 53, no. 3 (2023)*, <https://doi.org/10.21143/jhp.vol53.no3.1585>.

²⁹ Orivika Anggrain Pangesti, "Online Dispute Resolution (ODR) Perspektif Hukum Positif dan Hukum Islam", (Tesis, Universitas Islam Negeri Maulana Malik Ibrahim, 2020).

time efficiency, relatively low costs, and ease of access without geographical limitations. These characteristics make ODR more adaptable to digital disputes that are fast-paced, cross-regional, and platform-based.

However, this study also identified several weaknesses in the implementation of ODR. *First*, the absence of comprehensive and specific regulations governing ODR in Indonesia has resulted in inconsistent dispute resolution standards. *Second*, there is a potential for bias on the part of platforms, which act as both parties and facilitators in dispute resolution. *Third*, the principles of Sharia have not yet been integrated into the existing ODR system, so it does not yet fully reflect the values of justice in Islamic law.³⁰ This indicates that ODR has great potential as a mechanism for resolving digital disputes, but it still faces gaps in terms of regulation, implementation, and the integration of Sharia values.

From an Islamic legal perspective, ODR can be understood as a form of *contemporary ijtihād* in the development of dispute resolution mechanisms that are adaptive to technological advancements.³¹ The fundamental principles of ODR which emphasize efficiency, ease of access, and swift resolution align with the objectives of *maqāṣid al-sharī'ah*, particularly in achieving public interest (*maslahah*) and the protection of property (*hifz al-mal*). However, for ODR to function optimally within the context of the Islamic economy, a more systematic integration between technology and the principles of Islamic law is required. The findings of this study indicate that the currently developing ODR systems remain focused on procedural efficiency but have not yet fully accommodated aspects of substantive justice as stipulated in the principles of muamalah.

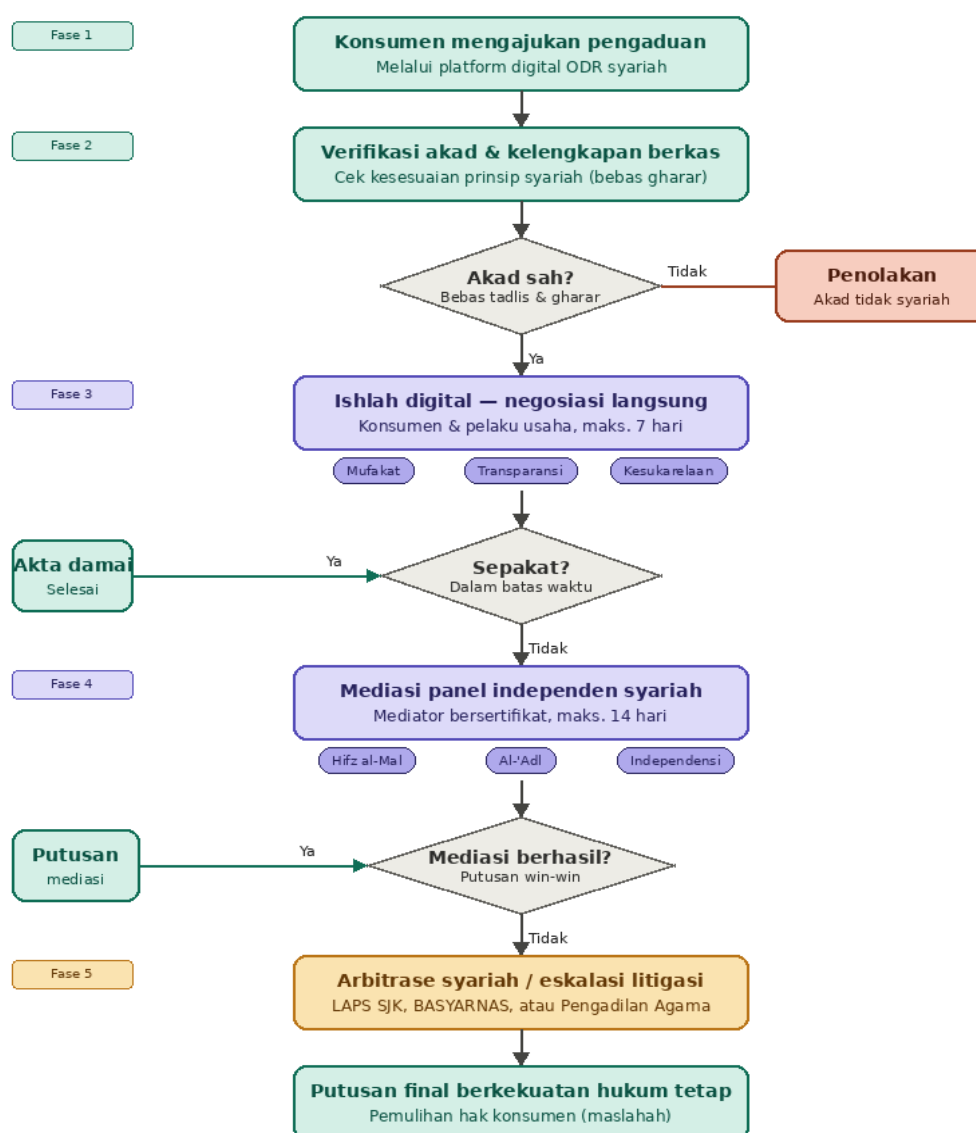
Therefore, a more rigorous legal reconstruction is needed in the development of a Sharia-based ODR model. The concept of digital *ishlah* lies at the core of this model: *ishlah* which in fiqh muamalah refers to the peaceful resolution of disputes based on mutual consent and justice must be operationalized in a digital environment through transparent, documented, and platform-based negotiation mechanisms free from unilateral pressure. This principle requires that all communication in the ODR process be free from information asymmetry (free from *gharar*) and contain no elements of coercion or manipulation (free from *tadlis*). The Sharia-based ODR model proposed by this study encompasses three interrelated main pillars. *First*, the integration of the principles of transparency and justice into every stage of dispute resolution from the filing of a complaint, through the digital mediation process, to the issuance of a ruling or settlement to avoid practices of *gharar* and *tadlis*. *Second*, strengthening the independence of the resolution mechanism through the formation of a panel of independent, Sharia-certified mediators who are not affiliated with the platform, to

³⁰ Alderina Pusfita Dewi et al., "Perlindungan Konsumen Dalam Transaksi Online," *Jurnal Fakta Hukum* 3 No 2, (2025) : 210–214. <https://doi.org/10.58819/jfh.v3i2.156>.

³¹ J Widijantoro et al., *Hukum Perlindungan Konsumen Jasa Keuangan Di Era Otoritas Jasa Keuangan* (Yogyakarta: Cahaya Atma Pustaka, 2019).

minimize potential bias. *Third*, developing operational standards based on the *maqāṣid al-sharī'ah* that can serve as a reference in digital dispute resolution. In practice, this model operates in a tiered manner: consumers are first directed to the platform's internal ODR system; if that fails, the dispute is escalated to an independent non-litigation body such as LAPS SJK or BPASN; and if it remains unresolved, litigation through the Religious Court serves as the final recourse. This tiered process is illustrated in

Figure 1: Theoretical flowchart of the ideal Sharia ODR model.



Source: A model developed by the author based on the integration of *maqāṣid al-sharī'ah* and digital dispute resolution mechanisms (2026)

Furthermore, the role of digital platforms needs to be redefined not merely as technical facilitators, but also as parties responsible for ensuring that dispute resolution processes are conducted fairly and transparently. This is essential for striking a balance between the interests of businesses and consumer protection. This is essential for striking a balance between the interests of businesses and consumer protection.³²

Thus, ODR serves not only as a technological innovation but also as a strategic instrument in building an adaptive and equitable Sharia-compliant consumer protection system. The integration of ODR with the principles of Islamic law is key to realizing a dispute resolution system that is responsive to the dynamics of the platform-based digital economy.

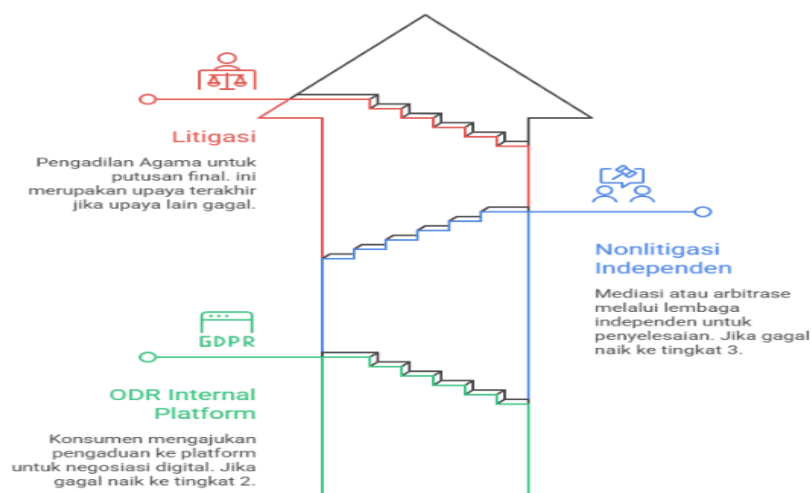
Resilience of Sharia-Based Consumer Protection

Based on the overall research findings, it can be understood that the resilience of Sharia consumer protection in digital disputes is largely determined by the legal system's ability to adapt dynamically to technological developments. In this context, resilience is not only understood as the legal system's durability but also encompasses the capacity for innovation and the ability to respond to changes effectively and sustainably.

The research results indicate that no single dispute resolution mechanism is capable of addressing the complexity of issues in digital transactions on its own. Therefore, an integrative approach is needed that combines litigation, non-litigation, and *Online Dispute Resolution* (ODR) mechanisms into a mutually complementary system. Litigation serves as a formal instrument that provides legal certainty; non-litigation offers flexibility and a more participatory approach; while ODR provides efficiency and ease of access that align with the characteristics of digital transactions.

³² M. A. P Aminullah, K. N Limbong, and M ikhsan Harahap, "Prinsip Keadilan Dan Transparansi Dalam Sistem Pembiayaan Bank Syariah Untuk Kemaslahatan Umat," *INTERNATIONAL, Journal of Sharia Business Management* 4, no. 4 (2025): 102–115. <https://doi.org/10.54099/ijbmr>.

Figure 2: Model of Integrated Resilience in Sharia Consumer Protection.



Source: A model developed by the author based on the integration of *maqāṣid al-sharī'ah* and digital dispute resolution mechanisms (2026)

The integration of these three mechanisms must be built within a systemic framework that encompasses normative, institutional, and procedural aspects. Normatively, there is a need to strengthen regulations capable of accommodating technological advancements while integrating the principles of Islamic law into the digital dispute resolution process. From an institutional perspective, synergy is needed between the judiciary, alternative dispute resolution institutions, and digital platforms as key actors in the transaction ecosystem. Meanwhile, from a procedural standpoint, there is a need to streamline dispute resolution mechanisms to make them more adaptive, efficient, and technology-based.

From an Islamic legal perspective, this resilience must be grounded in the principles of Sharia objectives, particularly in safeguarding wealth (*hifz al-mal*) and upholding justice (*al-'adl*). This indicates that the consumer protection system must not only emphasize formally clear laws but also be capable of fostering justice that truly benefits all parties. Based on these findings, it is evident that strategic steps are needed to strengthen the Sharia-based consumer protection system amid the developments of the digital era.³³ *First*, there is a need to establish and improve clear and specific regulations regarding ODR mechanisms based on Sharia principles. *Second*, enhancing oversight of digital platforms is crucial to ensuring transparency and accountability in the dispute resolution process. *Third*, public understanding of the law must be improved so that consumers can fully understand how to utilize the various dispute resolution methods available.³⁴

³³ Abdul Wadud Nafis, "Ijtihad Kontemporer Terhadap Problematika Hukum Islam Di Era Digital" *Journal Of Syariah Law Review* 1 (2026): 31–40. <https://ummulquro.id/index.php/jslr/article/view/15/17>.

³⁴ Dewi et al., "Perlindungan Konsumen Dalam Transaksi Online."

Thus, the integration of litigation, non-litigation, and ODR is not merely a technical solution but also a strategic approach to building an adaptive, responsive, and equitable Sharia-based consumer protection system capable of addressing the dynamics of the digital economy. Moreover, this integration reflects the need to reconstruct the legal system so that it can accommodate technological developments while internalizing the values of maqashid sharia in dispute resolution practices. Therefore, synergy among these three mechanisms is key to realizing consumer protection that is not only procedurally effective but also substantively fair and oriented toward the public interest.

CONCLUSION

Based on the research findings, it can be concluded that Sharia-based consumer protection in digital disputes still faces complex challenges due to the gap between the ideal principles of Islamic law and the practices of digital platform-based transactions. Dominant dispute patterns such as nonconforming goods, unclear contracts, and fraudulent practices indicate that the values of justice, transparency, and honesty have not yet been fully internalized within the digital economic ecosystem. In this context, litigation mechanisms have proven to be not fully effective due to limitations in terms of time, cost, and procedures that are not aligned with the fast-paced and massive nature of digital disputes. Meanwhile, non-litigation mechanisms offer advantages in terms of flexibility and efficiency and align with the principle of *ishlah* in Islamic law; however, their implementation remains limited due to low integration with digital systems and the public's low level of legal literacy. On the other hand, *Online Dispute Resolution* (ODR) has emerged as the dispute resolution model most adaptable to technological developments, although it still faces weaknesses in terms of regulation, independence, and the lack of systematic integration of Sharia principles.

These findings underscore that the resilience of Sharia-based consumer protection cannot rely on a single mechanism but must be built through an integrative approach combining litigation, non-litigation, and ODR within a mutually complementary system. The contribution of this research lies in strengthening the concept of legal resilience from an Islamic economics perspective, which emphasizes the importance of adapting the legal system to digital dynamics while remaining grounded in the maqashid al-sharia, particularly in realizing justice and the protection of property. In addition to enriching the body of Islamic legal scholarship, this study also offers practical solutions in the form of developing a Sharia-based ODR model that emphasizes transparency, justice, and accountability, while encouraging the active role of regulators and digital platforms in building a more responsive and just dispute resolution system. Thus, the integration of technological innovation and the principles of Islamic law is key to achieving consumer protection that is not only procedurally effective but also substantively fair and oriented toward the public interest.

Nevertheless, this study has several limitations that must be acknowledged. *First*, this study is of a normative-conceptual nature; therefore, it cannot yet measure the empirical effectiveness of the Sharia-based ODR model proposed in the context of actual implementation in the field. *Second*, the data used are derived from secondary documents and literature reviews, and thus do not reflect the direct perspectives of the stakeholders (consumers, business operators, and mediators). Therefore, future researchers are advised to: (1) conduct empirical research or field studies that examine the implementation of Sharia-based ODR models on digital platforms in Indonesia; (2) develop a draft of technical regulations that operationalize Sharia standards within the ODR system; and (3) examine a comparative analysis of Sharia-based ODR models in countries with large Muslim populations, such as Malaysia, Saudi Arabia, or Bangladesh, to identify best practices that can be adapted to the Indonesian legal context.

BIBLIOGRAPHY

- Ahdian, Khulafi. "Integrasi Prinsip Islam Dan Ham Dalam Mewujudkan Ekosistem E-Commerce Berkeadilan Di Era Digital." *USRAH: Jurnal Hukum Keluarga Islam* 7 (2026): 229–244. <https://doi.org/10.46773/Usrah>.
- Amfoni, Olvi. "Perlindungan Hukum Terhadap Konsumen Dalam Transaksi Jual Beli Online Analisis Tanggung Jawab Pelaku Usaha Berdasarkan Undang- Undang Perlindungan Konsumen." *JUKAHU: Jurnal Kajian Hukum Volume* 1, no. 2 (2025): 47–52. <https://doi.org/10.55681/ijereg.v1i1.33>.
- Aminullah, M. A. P, K. N Limbong, and M ikhsan Harahap. "Prinsip Keadilan Dan Transparansi Dalam Sistem Pembiayaan Bank Syariah Untuk Kemaslahatan Umat." *INTERNATIONAL, Journal of Sharia Business Management* 4, no. 4 (2025): 102–115. <https://doi.org/10.54099/ijibmr>.
- Aprilia, Dela, Nadya Quwwatun Rabbaniah, and Shadiqah Tirza Tsamarah. "Sengketa Transaksi Digital Dalam Jual Beli Online Perspektif Hukum Islam." *JURNAL HUKUM, POLITIK DAN ILMU SOSIAL* 4 (2025). <https://doi.org/10.55606/jhps.v4i4.5730>.
- Ardana, Sofia Tio, and Yudi Kornelis. "Penyalahgunaan Data Pribadi Pada Pinjaman Online Di Indonesia : Analisis Perlindungan Dan Sanksi Hukum." *Jurnal Perundang Undangan Dan Hukum Pidana Islam* 9, no. 1 (2024): 1–11. <https://doi.org/10.32505/legalite.v9i1.8398>.
- Ariwijaya, Abdul Rachmat, and Palupi Lindiasari Samputra. "Jurnal Hukum & Pembangunan Mahkamah Agung Republik Indonesia." *Jurnal Hukum & Pembangunan Volume* 51, no. 4 (2021): 1104–1122. <https://doi.org/10.21143/jhp.vol51.no4.3303>.
- Dewi, Alderina Pusfita, Arlinda Correia, Dwi Siwi, and Diah Andriani. "Perlindungan Konsumen Dalam Transaksi Online," (2025): 210–214.

<https://doi.org/10.58819/jfh.v3i2.156>

- Fauzi, Muhammad, Siswoyo, Ahmad Yani, Elsa Ilka Sasena, Halik Nasri, and Ongky Alexander. "Efektifitas Penyelesaian Sengketa Ekonomi Syariah Pendekatan Mediasi Dalam Perspektif Yuridis Normatif." *Hutanasyah: Jurnal Hukum Tata Negara* 4, no. 1 (2025): 53–67. <https://doi.org/10.37092/hutanasyah.v4i1.1166>.
- Hatibie, Harun Setiawan. "Revolusi Penyelesaian Sengketa Digital: Transformasi Sistem Peradilan Melalui Online Dispute Resolution Di Era Ekonomi Digital." *Al-Zayn: Jurnal Ilmu Sosial & Hukum* 3 (2025): 9920–9934. <https://doi.org/10.61104/alz.v3i6.2694>.
- Luciana, Yulianingsih, S., & Kossay, M. "Analisis Peran Jaksa Pengacara Negara Pada Sengketa Ekonomi Digital." *Jurnal Ilmu Hukum Dan Sosial (HAKIM)* 3, no. 4 (2025). <https://doi.org/10.51903/pp7kbp86>.
- Kusuma, Atik Devi, Lidya Zanti, Wan Elnayla Azzahra, and Windi Alya Ramadhani. "Gharar Dalam Transaksi Ekonomi: Analisis Hukum Islam Dan Implikasinya." *Jurnal Kajian Dan Penelitian Umum* 2 (2024). <https://doi.org/10.47861/jkpu-nalanda.v2i6.1413>.
- Muhammad, Kamil Rafi, Muhammad Andy Prananto, and Baidhowi. "Praktik Gharar Dan Tadlis Pada Transaksi E- Commerce Dalam Perspektif Hukum Ekonomi Syariah Dan Relevansinya Dengan Hukum Positif." *Jurnal Ilmiah Nusantara (JINU)* 3, no. 3 (2026): 81–93. <https://doi.org/10.61722/jinu.v3i3.9523>.
- Munira, Ika Novitasari, Riskayanti, and Ririn Yulandari Abbas. "Alternatif Penyelesaian Sengketa Perdata Di Era Digital: Upaya Perlindungan Merek Dalam Ekosistem E-Commerce Indonesia." *Semarang Law Review (SLR)* 6, no. 2 (2025): 350–366. <https://doi.org/10.26623/slr.v6i2.12621>.
- Musaffa, Muhammad Ulul Albab. "Optimalisasi Penyelesaian Sengketa Dalam Perspektif Hukum Islam Dan Sistem Hukum Indonesia: Studi Komparatif Antara Litigasi Dan Alternative Dispute Resolution (ADR)." *Az Zarqa'* 2 (2021). <https://doi.org/10.14421/g1674m86>.
- OJK. "Siaran Pers: Kinerja Positif Perbankan Syariah 2024," 2025.
- Pangesti, Ayu Dear, Bernadet Cahyanintyas A, Ria Mareta Yulfan, and Tutut Chusniyah. "Social Media Campaign: Thrifting Sebagai Pencegahan Limbah Tekstil Fast Fashion." *Jurnal Flourishing* 3, no. 1 (2023). <https://doi.org/10.17977/um070v3i12023p17-21>.
- Pembayun, Eys Putri, and Arifin Faqih Gunawan. "Perlindungan Hukum Terhadap Konsumen Dalam Transaksi Digital: Tinjauan Terhadap Implementasi UU Perlindungan Konsumen Di Marketplance." *Digital: Tinjauan Terhadap Implementasi UU Perlindungan Konsumen Di Marketplance* 3 (2025): 84–94. <https://doi.org/10.58819/jfh.v3i2.156>.
- Pramandari, Putu Yusi, and Made Ika Prastyadewi. "Ekonomi Digital Sebagai Pilar Pertumbuhan Ekonomi Nasional." *JUIMA: Jurnal Ilmu Manajemen* 14, no. 2 (2024):

- 169–176. <https://doi.org/10.63822/67z7cz79>.
- Pranotoputera, Faris Makarim, Asep Husni, and Muhamad Kholid. “Urgensi Penguatan Dasar Hukum Dan Lembaga Penyelesaian Sengketa Alternatif Di Indonesia Ilmu Hukum , Pascasarjana Universitas Islam Negeri Sunan Gunung Djati Bandung” 01, no. 03 (2026): 844–863. <https://doi.org/10.70294>.
- Ridha, Irfan, Yulia Rahmi, Wahyudi Rahmad Sofian, Nurjanah, Rinarti, Yona Maghfirah, Muhammad Farhan Hidayat, et al. “Implementasi Perlindungan Konsumen Oleh Lembaga Perlindungan Konsumen Untuk Menegakkan Hak-Hak Konsumen Di Indonesia.” *Jurnal Pendidikan Sosial Dan Humaniora* 4, no. 2 (2025): 2888–2898. <https://publisherqu.com/index.php/pediaqu>.
- Rokhim, Abdul. “Ijtihad Kontemporer Terhadap Problematika Hukum Islam Di Era Digital Abdul.” *Journal Syariah Law Review* 1 (2026): 31–40. <https://ummulquro.id/index.php/jslr/article/view/15/17>.
- Sembiring, Tamaulina Br., Irmawati, Muhammad Sabir, and Indra Tjahyadi. *Buku Ajar Metodologi Penelitian (Teori Dan Praktik)*. *Buku Ajar Metodologi Penelitian*, 2023.
- Solikhin, Riyadus. “Perkembangan Dan Urgensi Penerapan Online Dispute Resolution (ODR) Dalam Penyelesaian Sengketa Perdagangan Elektronik Di Indonesia.” *Padjadjaran Law Review* 11 (2023): 65–79. <https://doi.org/10.56895/plr.v11i1.1235>.
- Terania, Medi, and Gunardi Lie. “Perlindungan Hukum Terhadap Konsumen Dalam Transaksi Jual Beli Online Melalui Platform Marketplace Di Indonesia.” *Media Hukum Indonesia (MHI)* 3, no. 4 (2025): 16–21. <https://doi.org/10.5281/zenodo.17115322>.
- Utomo, Benedetto Setyo. “Upaya Mediasi Melalui Lembaga Alternatif Penyelesaian Sengketa Sektor Jasa Keuangan (LAPS SJK): (Studi Kasus Sengketa Rehabilitasi Daftar Hitam Nasional (DHN) PT X Dan BRI).” *Jurnal Hukum & Pembangunan Volume* 53, no. 3 (2023). <https://doi.org/10.21143/jhp.vol53.no3.1585>.
- Widijantoro, J, Y Sari Murti Widiyastuti, Yohanes Triyana, and N Budi Arianto W. *Hukum Perlindungan Konsumen Jasa Keuangan Di Era Otoritas Jasa Keuangan*. Yogyakarta: Cahaya Atma Pustaka, 2019.
- Yonatan, Agnes Z. “Jumlah Usaha E-Commerce Indonesia Tembus 4 Juta Pada 2024.” dalam GoodState, 2025.
- Yuspita Harahap, Pepi, And Rahma Dinda. “Aspek Muamalah Dalam Islam” 9, no. 1 (2025): 66–77. <http://dx.doi.org/10.47006/attazakki.v9i1.23978>.