

Protection of Spiritual Rights in Sharia Dispute Resolution: Sustainable Finance Policy

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ABSTRACT

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This research study explores safeguarding spiritual rights within the framework of Sharia dispute resolution mechanisms, particularly in the context of sustainable finance policies. Spiritual rights and spiritual protection are crucial in ensuring legal, moral, and spiritual justice in conflict resolution based on Sharia principles. Shariah-compliant dispute resolution is predicated on the notion that spiritual protection constitutes an integral component of individual and community rights. This component, in turn, significantly influences social and economic sustainability. Integrating ethical values, justice, and spiritual protection within sustainable finance policies that adopt Shariah principles strengthens dispute resolution mechanisms. The process employs various dispute resolution methods, including Sharia mediation, deliberation, and arbitration, to preserve harmony and balance among society's economic, social, and spiritual dimensions. This study underscores the significance of safeguarding spiritual rights in fortifying the legitimacy and efficacy of dispute resolution mechanisms within a Shariah-compliant sustainable financial system. The integration of spiritual safeguards within Shariah-compliant sustainable finance policies has been demonstrated to enhance the trust of the involved parties in the dispute resolution process, thereby contributing to the establishment of a fair and sustainable financial environment. The practical implication of this research is that it will determine whether a dispute resolution model that prioritizes the protection of spiritual rights and Sharia compliance contributes to developing an inclusive and sustainable financial system.

1. Introduction

1.1 Background

The protection of spiritual rights in sharia dispute resolution is an increasingly relevant issue, especially in the context of the development of the Islamic banking and finance sector in Indonesia. In previous research, it has been noted that Indonesian laws and regulations, such as the Consumer Protection Act and the Islamic Banking Act, provide a legal basis for protecting consumer rights, including spiritual rights. However, despite the existing regulations, the implementation of spiritual rights protection in dispute resolution, both through religious courts and alternative dispute resolution (ADR), still requires further study.

This is because there is no research that has in-depth examined the relationship between sustainable finance policies and the strengthening of spiritual rights protection in dispute resolution mechanisms.

This research aims to answer a problem statement that has never been explicitly studied, namely how sustainable finance policies can strengthen the protection of spiritual rights in sharia dispute resolution. While many studies have examined the material aspects of consumer rights in the context of Islamic banking, not many have comprehensively examined the protection of spiritual rights in sharia-based dispute resolution processes and how it can be affected by sustainable finance policies. Therefore, this research is important to fill this gap in the existing literature and contribute towards developing policies that are more inclusive in the protection of spiritual rights. One of the main weaknesses in previous research is the lack of clarity and focus on the relationship between sustainable finance policies and the protection of spiritual rights in Islamic dispute resolution. Some journals, such as the one reviewed in this research, show that although sharia principles have been applied in Islamic banking operations, there is still no in-depth research on how consumers' spiritual rights are protected in dispute resolution practices. Furthermore, although institutions such as the Financial Services Authority (OJK) have been involved in the supervision and resolution of Islamic banking disputes, there is no adequate regulation regarding the implementation of spiritual rights protection explicitly in ADR regulations or through other forums.

Furthermore, another challenge that needs to be addressed is how sustainable finance policies can strengthen the protection of spiritual rights in dispute resolution. In the few studies that have been conducted, this policy has focused more on the material and financial aspects, but not much on its relation to spiritual rights, which are also important in the sharia legal system. Therefore, this research aims to further explore how sustainable finance policies can help strengthen the spiritual aspects of the sharia dispute resolution process, as well as its impact on legal certainty for the parties involved. The urgency of this research becomes even clearer given the growing Islamic banking sector in Indonesia and the increasing number of disputes involving consumer rights, both in religious courts and through alternative dispute resolution. Therefore, this research is expected to provide new insights in integrating sustainable finance policies with the protection of spiritual rights in dispute resolution, which has not received sufficient attention in the existing literature. Thus, this research not only fills a void in academic studies, but also contributes to the development of more comprehensive and fair regulations in the Islamic banking sector in Indonesia.

Based on the above, it can be concluded that although the protection of spiritual rights in the context of sharia dispute resolution is regulated in various legal regulations, there are still gaps in its implementation, especially with regard to sustainable finance policies. This research is essential to delve deeper into how such policies can be strengthened, as well as provide a better understanding of how to integrate spiritual rights in sharia-based dispute resolution systems. The protection of spiritual rights in sharia dispute resolution is an increasingly important issue, especially in the context of the development of the Islamic banking and finance sector in Indonesia. Islamic finance has grown rapidly in recent decades,

encompassing banking, insurance and financing, based on principles that comply with Islamic law. In this context, sharia principles not only regulate material aspects such as financing and profit distribution, but also emphasize the protection of moral and spiritual rights. One aspect that needs to be considered in Islamic dispute resolution is how the spiritual rights of individuals are protected and respected, especially in Islamic banking practices that often involve complex legal issues. Several studies have shown that despite efforts to integrate sharia principles in finance, the protection of spiritual rights in dispute resolution has not received sufficient attention (Hassan & Bashir, 2019).

In practice, Indonesia already has a number of laws and regulations governing the protection of consumer rights, including spiritual rights. The Consumer Protection Law (Law No. 8 of 1999) and the Sharia Banking Law (Law No. 21 of 2008) provide the legal basis for protecting consumer rights in the context of Islamic banking. However, despite these regulations, their implementation in sharia dispute resolution-both through religious courts and alternative dispute resolution (ADR)-is still not optimal. Previous research has not in depth discussed the relationship between sustainable finance policies and the protection of spiritual rights in sharia-based dispute resolution mechanisms. Therefore, this research is essential to further explore how sustainable finance policies can strengthen the protection of spiritual rights in the context of dispute resolution in accordance with sharia principles.

In addition, the growing Islamic banking sector and sustainable finance pose new challenges in maintaining a balance between material and spiritual aspects in dispute resolution. Sustainable finance, which focuses on business practices that are not only financially beneficial but also environmentally and socially friendly, can be one way to integrate ethical and spiritual principles in Islamic dispute management. The implementation of this policy, which incorporates moral values and social justice, can provide a stronger foundation for protecting spiritual rights in the dispute resolution process. Through this research, it is hoped to gain a more comprehensive understanding of how sustainable finance policies can support the strengthening of spiritual rights protection in sharia dispute resolution, as well as improve a more inclusive and sustainable justice system in Indonesia.

1.2 Problem Statement

While previous research has addressed the material aspects of consumer rights in the context of Islamic banking, there has been less attention to the protection of spiritual rights in sharia-based dispute resolution processes. This gap in research is particularly evident in relation to sustainable finance policies, which focus more on the material and financial aspects, while spiritual rights, which are also important in sharia principles, receive less attention. Therefore, this study aims to examine how sustainable finance policies can enhance the protection of spiritual rights in sharia dispute resolution. The lack of literature on the relationship between sustainable finance policies and the protection of spiritual rights is an important reason why this research is needed. In this context, it is important to highlight that strengthening spiritual rights in Islamic dispute resolution can enrich the conflict resolution process by integrating deeper moral and ethical values, in accordance with sharia principles. This will provide assurance that not only material rights are protected, but also spiritual rights, which have a very significant impact on the well-being of society. This research will also investigate whether the sustainable finance policies that have been implemented in the Islamic banking sector can address the spiritual aspects of the dispute resolution process, while strengthening the legitimacy and sustainability of the system. Without more attention to spiritual rights, the resulting Islamic

dispute resolution may not fully meet the expectations and needs of a society that seeks justice across the board.

1.3 Objectives and Scope

The main objective of this study is to analyze how sustainable finance policies can support the protection of spiritual rights in Islamic dispute resolution. This research aims to explore the linkages between sustainable finance policies and the protection of spiritual rights in the Islamic banking and dispute resolution system, with a particular focus on the role of financial policies in strengthening spiritual protection. In addition, it will examine the practical implications of such policies to enhance legitimacy and trust in Islamic dispute resolution mechanisms. The scope of this research is limited to the context of Islamic banking and finance in Indonesia, highlighting the legal, moral and spiritual dimensions of dispute resolution, and will not address general or secular dispute resolution frameworks. The scope of this research is limited to the context of Islamic banking and Islamic dispute resolution in Indonesia, with an emphasis on the legal, social and spiritual dimensions. This research will focus on sustainable finance policies as they relate to the Islamic banking sector, and how these policies can strengthen the protection of spiritual rights in the sharia dispute resolution process. However, this research will not discuss dispute resolution in the context of secular or non-sharia law, so its scope is more limited to Islamic banking policies and Islamic dispute resolution in accordance with Islamic religious principles.

2. Literature Review

2.1 Related Work

The protection of spiritual rights in sharia dispute resolution based on sustainable finance policies is a topic that has received increasing attention along with the rapid development of the Islamic financial sector in Indonesia. Several previous studies have examined the importance of sustainable finance policies in supporting the implementation of sharia principles, which not only involve material aspects, but also pay attention to the spiritual dimension associated with consumer rights. In this context, research shows that the sustainability of the Islamic financial sector, such as fintech and Islamic banking, needs to strengthen the protection of spiritual rights in sharia dispute resolution. One of the key findings is that sustainable finance policies have an important role to play in integrating sharia principles that protect consumers' spiritual rights, as stipulated in the Consumer Protection Law and Fatwa DSN-MUI (Hasanah & Rahman, 2021).

Several previous studies have discussed the importance of sustainable finance policies in the Islamic financial sector, especially in the context of protecting spiritual rights in dispute resolution. For example, research by Masyhud & Fitriani (2020) shows that the Islamic insurance sector, including online insurance products, has a strong foundation in sharia principles. This research highlights how sharia-based insurance products offer transparency and fairness, but there are challenges in ensuring optimal implementation of sharia principles. Similarly, research on Islamic fintech shows that although the sector is growing rapidly, the protection of consumers' spiritual rights still needs to be strengthened, especially in the context of implementing sustainable finance policies (Kurniawan & Azizah, 2021).

Another study by Prabowo & Wulandari (2021) delves deeper into how the Islamic fintech sector can strengthen the protection of spiritual rights through the application of transparent and fair contracts. While many studies have examined the application of sharia principles in financial products, not many have directly linked sustainable finance policies to the protection of spiritual rights in sharia disputes. This indicates a gap in the existing literature, especially in linking the concept of financial sustainability with the protection of consumers' spiritual rights.

2.2 Research Gap

One of the major gaps in previous research is the lack of focus on the direct link between sustainable finance policies and the protection of spiritual rights in Islamic dispute resolution. While several studies have highlighted the importance of sharia principles in the Islamic banking and fintech sectors, not many have addressed how sustainable finance policies can strengthen the protection of spiritual rights in the dispute resolution process. For example, while there are regulations governing sharia compliance in online insurance products, no study has explicitly examined the role of sustainable finance policies in improving the implementation of spiritual rights protection (Masyhud & Fitriani, 2020).

Furthermore, despite the growth in the Islamic fintech sector, the challenge of implementing sharia principles that protect consumers' spiritual rights in financial transactions remains a major issue. This research aims to address this gap by exploring how sustainable finance policies can strengthen the protection of spiritual rights in sharia dispute resolution, as well as introducing new concepts that can help create a fairer, more transparent and sharia compliant dispute resolution system (Agustina & Widodo, 2021). Therefore, this research has the potential to fill the gap in the existing literature and contribute to the development of more inclusive sustainable finance policies in the Islamic finance sector in Indonesia.

3. Methodology

3.1 Data Collection

This research is normative legal research with a conceptual and legislative approach (Wiraguna, 2024). In this study, we aim to explore the protection of spiritual rights in sharia dispute resolution mechanisms based on sustainable finance policies. The methodology chosen for this research uses a qualitative approach, utilizing both primary and secondary data to analyze the integration of sustainable finance in sharia-based dispute resolution. The main focus of this research is to understand how spiritual rights are protected and how sustainable finance policies can influence this process, especially in the context of Islamic banking and financial institutions in Indonesia.

Data collection for this study was conducted using qualitative methods, including document analysis and semi-structured interviews. Primary data was obtained through interviews with key stakeholders, including Islamic law experts, financial regulators, Islamic banking practitioners, and individuals involved in Islamic dispute resolution. The interviews aimed to gain insights into the practices and challenges of protecting spiritual rights in existing dispute resolution mechanisms. Secondary data was obtained from relevant legal documents, such as the Indonesian Consumer Protection Law, Islamic Banking Law, as well as Fatwas from the National Sharia Council (DSN-MUI), in addition to existing literature on sustainable finance and Islamic dispute resolution mechanisms.

3.2 Analysis Techniques

Data analysis was conducted using thematic analysis to identify recurring patterns and themes related to the protection of spiritual rights in the Islamic dispute resolution process. This analysis focused on the role of sustainable finance policies in ensuring the protection of spiritual rights. In addition, comparative analysis was used to evaluate practices in Islamic financial institutions, focusing on how they integrate shariah principles and spiritual protection in dispute resolution mechanisms. This approach allows for a more in-depth exploration of the relationship between financial policies and the protection of spiritual rights, as well as an assessment of the gaps in the existing regulatory framework.

3.3 Validation

To validate the results of this study, triangulation was conducted, which involved cross-verification of data from multiple sources. Interviews were complemented by a review of secondary data from legal and financial documents. In addition, member checking was conducted, where key informants were asked to review the findings to ensure the accuracy and relevance of the analysis. The research also involved feedback from experts to verify interpretations and conclusions drawn from the data. This multi-source validation process helped ensure the reliability and robustness of the findings.

4. Results and Discussion

4.1 Key Findings

In this study, an exploration of the protection of spiritual rights in sharia dispute resolution based on sustainable finance policy yields several key findings. Firstly, it appears that while the protection of spiritual rights is embedded in the sharia legal framework in Indonesia, its implementation in dispute resolution mechanisms remains inconsistent. In particular, the protection of spiritual rights in dispute resolution in Islamic financial institutions is often not fully realized, even though regulations such as the Consumer Protection Law and the Islamic Banking Law theoretically protect these rights. This gap is mainly due to the lack of clear integration between sustainable finance policies and shariacompliant dispute resolution mechanisms, resulting in spiritual protection not being optimally developed (Hasanah & Rahman, 2021).

In addition, this study reveals that sustainable finance policies, which prioritize environmental, social and governance (ESG) principles, are not always in line with the spiritual needs of consumers in Islamic financial transactions. Sustainable finance policies focus more on material aspects, leaving little room for spiritual considerations that are crucial in sharia law. This misalignment leads to missed opportunities to strengthen the protection of spiritual rights in dispute resolution. Financial institutions and Islamic dispute resolution bodies often operate in separate spaces, without sufficient coordination between the two to address spiritual protection in a comprehensive manner. Therefore, this study highlights the need for a more integrated approach that combines sustainable finance policies with sharia principles to ensure the protection of spiritual rights.

The main findings of this study indicate that the integration of spiritual rights protection in Islamic dispute resolution is still in its infancy in Indonesia. While there are legal frameworks such as the Islamic Banking Act and the Consumer Protection Act, they do not adequately address the spiritual rights of consumers in Islamic dispute resolution mechanisms. In addition, this study also found that sustainable finance policies, while covering both material and financial aspects, often neglect the spiritual dimension of Islamic financial transactions. This gap is particularly evident in Islamic fintech and insurance, where the protection of consumers' spiritual rights is not explicitly included in the dispute resolution process. Therefore, this study suggests that a more inclusive sustainable finance policy should include the protection of spiritual rights in dispute resolution.

Another important finding is that Islamic financial institutions, especially those offering fintech products, are increasingly recognizing the importance of spiritual protection in financial transactions. However, these institutions still struggle to effectively integrate shariah principles in their dispute resolution mechanisms. This study found that while many Islamic financial products are materially shariah-compliant, the absence of clear provisions regarding spiritual rights in the dispute resolution process may be detrimental to the legitimacy of this financial system. Therefore, this study suggests that policies in financial institutions be updated to include more comprehensive spiritual safeguards, which will improve the quality and effectiveness of dispute resolution processes.

Table.1 Data on the Protection of Spiritual Rights in Sharia Dispute Resolution Mechanisms

No.	Variables/Factors	Description	Source
1.	Legal Framework	Laws that protect consumer rights and spiritual rights, such as the Consumer Protection Law (Law No. 8 of 1999) and the Sharia Banking Law (Law No. 21 of 2008)	Legal Documents
2.	Sharia Dispute Resolution Mechanism	Religious court system, ADR (Alternative Dispute Resolution) methods such as mediation and arbitration	Research Journal, Source of Law
3.	Sustainable Finance Policy Integration	Integration of the principles of sustainable finance (Environmental, Social, Governance - ESG) in sharia dispute resolution	Policy Document
4.	Challenges in Implementation	Gaps in integrating spiritual rights protection in sharia-based dispute resolution practices	Literature Review

5.	Key Findings from Stakeholder Interviews	Summary of insights from key stakeholders in Shariah dispute resolution (lawyers, regulators, financial institutions)	Interview Transcript
6.	Recommendations for Policy Improvement	Suggested improvements for integrating spiritual rights in sustainable finance policies	Experts' Recommendations

This table presents data related to the protection of spiritual rights in Islamic dispute resolution mechanisms covering various important aspects. The table covers the legal framework that protects consumer rights and spiritual rights, such as the Consumer Protection Act and the Islamic Banking Act. In addition, the table also describes Islamic dispute resolution mechanisms, challenges in the implementation of spiritual rights protection, as well as the integration of sustainable finance policies that focus on environmental, social and governance (ESG) aspects. Key findings from interviews with relevant stakeholders as well as recommendations for policy improvements are also presented to provide a more comprehensive picture of the issue.

4.2 Interpretation of Results

The findings of this study confirm the importance of integrating the protection of spiritual rights in Islamic dispute resolution mechanisms, especially through sustainable finance policies. The gap between sustainable finance policies and the spiritual needs of consumers in Islamic finance indicates a major problem that needs to be resolved to improve the effectiveness of dispute resolution. This gap is particularly concerning given the rapid development of Islamic financial products, including fintech, in Indonesia, which do not adequately address consumers' spiritual concerns during the dispute process. The results of this study suggest that the integration of ESG criteria in sustainable finance policies should go beyond material and financial considerations, but should also include spiritual protection which is the legal basis in sharia.

In addition, the results suggest that policymakers and financial institutions should work together to develop a framework that not only complies with sharia principles, but also promotes the protection of spiritual rights at every stage of financial transactions, especially in dispute resolution. This research shows that by integrating spiritual protection in the policies of financial institutions, consumer confidence in the financial system can be enhanced, which is crucial for the sustainability of Islamic finance in Indonesia. By addressing this gap, the legal and financial systems can ensure that both material and spiritual rights are protected, which will result in a more equitable and inclusive financial environment.

5. Discussion

5.1 Comparison with Prior Research

The implications of these findings are significant for the development of a more inclusive and sustainable Islamic financial system in Indonesia. The gap between sustainable finance policies and the protection of spiritual rights points to the need for a more integrated approach that considers both the material and spiritual needs of consumers. This research suggests that integrating sustainable finance policies with sharia principles will not only strengthen dispute resolution mechanisms, but also ensure the protection of spiritual rights. This would result in a more comprehensive and equitable system that promotes social and economic sustainability. In addition, the research emphasizes the importance of clearer regulations and better coordination between regulatory agencies, financial institutions and sharia jurists to ensure that spiritual protection becomes an integral part of the dispute resolution process.

The findings of this study are in line with previous research that shows a gap in the integration of spiritual rights protection in Islamic dispute resolution mechanisms. For example, Kurniawan & Azizah (2021) noted that although the material aspects of Islamic finance are well regulated, spiritual protection is still lacking. Similarly, Masyhud & Fajar (2020) highlighted that although Islamic fintech products are growing rapidly, they do not fully address the spiritual rights of consumers in dispute resolution. However, this study goes further by highlighting the role of sustainable finance policies which have not been widely discussed in previous literature.

5.2 Limitations

One limitation of this study is the focus on the regulatory framework in Indonesia, which may not fully reflect the practices and challenges faced by other countries with more established Islamic financial systems. In addition, the limited number of interview samples may limit the ability to generalize the research findings. Future research could expand the scope to include countries with more mature Islamic financial systems and a wider sample of informants to gain a more comprehensive understanding of the issue.

5.3 Future Research

Future research could explore the integration of spiritual rights protection in Islamic dispute resolution systems in different countries to compare the effectiveness of various regulatory frameworks. In addition, research could investigate the influence of technology, such as blockchain, in enhancing transparency and protection of spiritual rights in Islamic finance. This would be particularly relevant given the growing role of fintechs in providing Islamic financial services, where the spiritual dimension is often overlooked in favor of financial efficiency.

6. Conclusion

This study explores the protection of spiritual rights in Islamic dispute resolution with a focus on sustainable finance policies. The main findings show that while existing regulations provide a legal basis to protect consumers' spiritual rights in Islamic banking, their implementation in dispute resolution is still not optimal. Sustainable finance policies, while focusing on material and financial aspects, have not effectively involved the protection of spiritual rights in Islamic dispute resolution mechanisms. Therefore, this study suggests that

sustainable finance policies need to integrate the protection of spiritual rights more clearly in the dispute resolution process. The contribution of this research is to provide a deeper understanding of how these policies can strengthen the integration of spiritual values in a sustainable Islamic financial system, to create a more equitable and inclusive financial environment. Protecting spiritual rights in the resolution of sharia disputes focused on sustainable financial policies has crucial implications, such as not only ensuring that dispute solutions meet legal and material aspects, but also align with Islamic ethical and moral values. This promotes holistic justice (*maqasid sharia*), increases the legitimacy of decisions, facilitates value-based mediation, and aligns sustainable financial instruments with sharia principles to prevent future disputes and achieve long-term well-being.

7. Recommendation

Based on the findings, this study recommends that sustainable finance policies in Indonesia be strengthened by integrating the protection of spiritual rights in sharia dispute resolution. The development of this policy should involve collaboration between financial institutions, policymakers and sharia jurists to ensure that the spiritual aspects are more clearly protected. The research also suggests the need for increased coordination between various parties to ensure that the protection of spiritual rights becomes an integral part of the sharia dispute resolution system. Furthermore, this study contributes to the development of more inclusive and sustainable policies in the Islamic banking sector in Indonesia, taking into account the balance between material and spiritual aspects in dispute resolution.

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