

The Relevance of Sharia Arbitration to the Development of Sharia Fintech in Indonesia

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Abstract : *This study examines the relevance of Sharia arbitration in resolving Sharia fintech disputes in Indonesia using a normative legal research method through legislative, conceptual, and analytical approaches. Data were obtained from primary legal sources, including regulations related to arbitration, religious courts, and Sharia fintech, as well as secondary legal sources such as literature and previous research. The results of the study indicate that Sharia arbitration possesses strong legal legitimacy under Law No. 30 of 1999 on Arbitration and Alternative Dispute Resolution and Law No. 3 of 2006 on Religious Courts. The existence of the National Sharia Arbitration Board (BASYARNAS) further strengthens its position as a forum for resolving sharia economic disputes. However, its implementation in sharia fintech disputes still faces several challenges, including the absence of specific regulations regarding digital arbitration, limited technological integration, a shortage of arbitrators who understand both sharia principles and financial technology, and low levels of legal literacy among the public. Furthermore, the rapid development of fintech often outpaces the readiness of existing regulations, thereby posing challenges to effective dispute resolution.*

Keywords : *Sharia Arbitration, Sharia Fintech, Dispute Resolution, Sharia Economy, Islamic Law, Digital Financial Technology.*

Abstrak : Penelitian ini mengkaji relevansi arbitrase syariah dalam penyelesaian sengketa fintech syariah di Indonesia dengan menggunakan metode penelitian hukum normatif melalui pendekatan perundang-undangan, konseptual, dan analitis. Data diperoleh dari bahan hukum primer berupa peraturan terkait arbitrase, peradilan agama, dan fintech syariah, serta bahan hukum sekunder berupa literatur dan penelitian terdahulu. Hasil penelitian menunjukkan bahwa arbitrase syariah memiliki legitimasi hukum yang kuat melalui Undang-Undang Nomor 30 Tahun 1999 tentang Arbitrase dan Alternatif Penyelesaian Sengketa serta Undang-Undang Nomor 3 Tahun 2006 tentang Peradilan Agama. Keberadaan Badan Arbitrase Syariah Nasional (BASYARNAS) juga memperkuat posisinya sebagai forum penyelesaian sengketa ekonomi syariah. Namun, implementasinya dalam sengketa fintech syariah masih menghadapi sejumlah kendala, antara lain belum adanya regulasi khusus mengenai arbitrase digital, keterbatasan integrasi teknologi, minimnya arbiter yang memahami aspek syariah dan teknologi finansial, serta rendahnya literasi hukum masyarakat. Selain itu, perkembangan fintech yang cepat sering kali melampaui kesiapan regulasi yang ada sehingga menimbulkan tantangan dalam penyelesaian sengketa secara efektif.

Kata Kunci : Arbitrase Syariah, Fintech Syariah, Penyelesaian Sengketa, Ekonomi Syariah, Hukum Islam, Teknologi Keuangan Digital.

INTRODUCTION

The development of the Islamic economy in Indonesia has shown a very significant trend over the past two decades.(Zikri et al., 2023) The growth of the Islamic banking sector, the Islamic capital market, Islamic insurance, and Islamic-based financial technology (fintech) demonstrates that the Islamic economic system is increasingly gaining a foothold in national business practices.(Zakir et al., 2024) This trend is driven by growing awareness among the Muslim community regarding the use of financial services that comply with Sharia principles, as well as government support for the development of the national Sharia economy and finance sector.(Hamdan., Najamudin, 2025) As the country with the world's largest Muslim population, Indonesia has great potential to become a global hub for the Islamic economy, including in the development of Sharia-based financial technology.

Sharia fintech has become a key instrument in the digital economic transformation because it can expand access to financing and financial services for the public in a faster, easier, and more efficient manner. Through the use of digital technology, sharia fintech offers a variety of services, such as sharia peer-to-peer lending, sharia crowdfunding, digital payments, and sharia-compliant investments based on Islamic contracts.(Candrawati & Hambali, 2024) The emergence of Sharia fintech also provides a solution to the limited access to financing for people who are not served by conventional financial institutions or Sharia banks. Thus, Sharia fintech serves not only as a technological innovation but also as a tool for enhancing national Sharia financial inclusion.(Saputra, 2024)

The development of Sharia fintech has led to increasingly complex legal implications. The legal relationship between fintech providers and service users is conducted through electronic systems and digital contracts, which require legal certainty and protection for all parties involved.(Wijayanti, 2025) In practice, various potential disputes may arise, whether caused by breach of contract, late payments, violations of Sharia agreements, misuse of personal data, electronic system failures, or differences in interpretation of the Sharia principles applied in digital transactions. Such disputes require a dispute resolution mechanism that is not only effective and efficient but also capable of upholding the principle of Sharia compliance.(Adipurno, 2025)

Resolving disputes through litigation in court is often considered ineffective for digital businesses because the process is time-consuming, relatively costly, and involves complex formal procedures. In the fast-paced and dynamic context of the fintech industry, slow dispute resolution can result in economic losses and erode public trust in sharia-compliant fintech services. Therefore, an alternative dispute resolution mechanism is needed that is more adaptable to the evolution of the digital economy while still ensuring legal certainty for the parties involved.(Widya et al., 2024)

Sharia arbitration is viewed as a relevant dispute resolution mechanism in light of the growth of sharia fintech in Indonesia. Sharia arbitration is characterized by flexibility, confidentiality, and speed, and it prioritizes the principles of consultation and justice based on Islamic law. Furthermore, dispute resolution through arbitration allows the parties to select arbitrators with expertise in Islamic economics and financial technology, ensuring that the resulting decisions are better aligned with the nature of the dispute at hand. These advantages make Sharia arbitration more effective than conventional litigation mechanisms in resolving technology-based business disputes.(Hakim et al., 2025)

The National Sharia Arbitration Board (BASYARNAS) plays a vital role in supporting the resolution of sharia economic disputes in Indonesia. BASYARNAS has the authority to resolve various sharia business disputes based on the principles of Islamic law, including potential disputes arising from sharia fintech activities. The existence of this institution is reinforced by legal

legitimacy through Law No. 30 of 1999 on Arbitration and Alternative Dispute Resolution and Law No. 3 of 2006 on Religious Courts, which grant authority over the resolution of sharia economic disputes. (Amanda Tikha Santriati, 2021)

Nevertheless, the implementation of Sharia arbitration in the resolution of Sharia fintech disputes still faces various challenges. These challenges include the lack of specific regulations regarding Sharia-based digital arbitration, a shortage of human resources with expertise in both financial technology and Sharia law, limited use of technology in arbitration procedures, and low public awareness of Sharia arbitration mechanisms. (Santrianti, 2021) In addition, the rapid evolution of fintech business models often outpaces the readiness of existing regulations, creating a legal vacuum in dispute resolution practices.

Based on the above, this study aims to analyze the relevance of Sharia arbitration to the development of Sharia fintech in Indonesia, identify various implementation challenges faced, and provide recommendations for strengthening Sharia arbitration institutions in the digital economy era. This study is expected to provide both academic and practical contributions to the development of a modern, effective Sharia economic dispute resolution system that is consistent with the principles of Islamic law.

RESEARCH METHODOLOGY

This study employs a normative legal research method, utilizing a statutory approach, a conceptual approach, and an analytical approach. The primary legal sources consist of Law No. 30 of 1999 on Arbitration and Alternative Dispute Resolution, Law No. 21 of 2008 on Islamic Banking, and various regulations related to Islamic fintech. (Niagara & Hidayat, 2020) Secondary legal sources include books, scholarly journals, academic articles, and research findings related to Sharia arbitration and Sharia fintech. The analysis was conducted qualitatively by examining the relationship between the development of the Sharia digital economy and the effectiveness of dispute resolution through Sharia arbitration.

RESULTS AND DISCUSSION

The Relevance of Sharia Arbitration in Resolving Sharia Fintech Disputes in Indonesia

The growth of Islamic fintech in Indonesia has brought about a major transformation in the country's financial services system. (Rozi et al., 2024) Sharia fintech has emerged as an innovation that combines digital technology with the principles of Islamic economics through various services, such as sharia-compliant peer-to-peer lending, sharia crowdfunding, sharia digital payments, and investment based on Islamic contracts. The emergence of sharia fintech has made it easier for the public to access financing, particularly for micro and small business owners who previously struggled to gain access to formal financial institutions. (AM et al., 2025)

However, the growth of Sharia fintech also gives rise to increasingly complex potential legal disputes. The legal relationship between platform operators and users is established through electronic contracts that outline the rights and obligations of the parties. Disputes may arise due to breach of contract, default, non-compliance with the contract, misuse of personal data, or non-compliance of transaction implementation with Sharia principles. (Sekar Ayu Sridanti et al., 2022) In this context, a dispute resolution mechanism that is swift, efficient, and compliant with Sharia principles has become an urgent necessity. Sharia arbitration is considered relevant because its characteristics align with the needs of the Sharia fintech industry. The arbitration process is flexible and not bound by the complex formal procedures typical of court litigation. Additionally, arbitration ensures the confidentiality of disputes, thereby protecting the business reputations of

the parties involved. In technology-driven, fast-paced fintech transactions, the efficiency of dispute resolution is a critical factor in maintaining business stability and user trust in the services.(Kurniawan & Sari, 2022)

The strength of Sharia arbitration lies in the application of Islamic legal principles in dispute resolution. Sharia arbitration not only considers formal legal aspects but also takes into account the values of justice, balance, and the public interest as taught in Islamic law.(Huda, 2024) Thus, dispute resolution is not solely focused on securing a victory for one party, but rather on creating a solution that is fair and in accordance with Sharia principles. In Indonesia, the National Sharia Arbitration Board (BASYARNAS) serves as a vital instrument in supporting the resolution of Sharia-based economic disputes. BASYARNAS has the authority to resolve Sharia business disputes through arbitration mechanisms grounded in the Quran, Hadith, and Sharia fatwas. The presence of this institution demonstrates that Sharia arbitration holds a strategic position in supporting the development of a Sharia-based digital economy in Indonesia.(Maulana et al., 2024)

In addition, Sharia arbitration is well-suited to the nature of fintech transactions, many of which are conducted online. Arbitration allows for the implementation of an electronic dispute resolution system, or online dispute resolution (ODR), enabling cases to be heard without requiring the parties to meet in person. This aligns perfectly with the characteristics of the digital business sector, which demands efficiency, high mobility, and the use of information technology in every business activity.(Fadillah, 2025)

The Legal Legitimacy of Sharia Arbitration in the Sharia Economic Dispute Resolution System in Indonesia

Sharia arbitration has strong legal standing within Indonesia's national legal system. The primary legal basis for arbitration in Indonesia is set forth in Law No. 30 of 1999 on Arbitration and Alternative Dispute Resolution.(Adi Purnomo Attsani et al., 2025) The law recognizes out-of-court dispute resolution based on an agreement between the parties. Thus, Sharia arbitration has a formal legal basis as part of the alternative dispute resolution mechanisms in Indonesia. The strengthening of the legitimacy of Sharia arbitration became increasingly evident following the enactment of Law No. 3 of 2006 amending Law No. 7 of 1989 on Religious Courts. Through this law, religious courts were granted the authority to hear and resolve Sharia economic disputes. This provision demonstrates the state's recognition of the existence of Sharia-based business transactions and their dispute resolution mechanisms.(Ristiana Uut & Baidhowi, 2025)

In practice, the role of BASYARNAS is further reinforced by fatwas issued by the Indonesian Ulema Council (MUI) regarding the resolution of sharia economic disputes. These fatwas affirm that sharia business disputes should be resolved through mechanisms consistent with sharia principles, including sharia arbitration. Thus, the legitimacy of sharia arbitration stems not only from positive law but also from the normative legitimacy of Islamic law. Furthermore, arbitration awards are final and binding. This means that arbitration awards cannot be appealed or subject to cassation, thereby providing legal certainty for the parties involved. In the context of the fintech industry, which requires swift dispute resolution, this final and binding nature serves as a key advantage of sharia arbitration over conventional litigation.(Muhamad Haris Zulkarnaen Sitompul & Teuku Syahrul Ansari, 2023)

Nevertheless, there are still several legal issues regarding the enforcement of Sharia arbitration awards. In some cases, enforcement still requires the intervention of district courts, thereby creating a conflict of jurisdiction with religious courts. These issues highlight the need for regulatory harmonization so that the implementation of Sharia arbitration can proceed more effectively and provide optimal legal certainty.

Obstacles and Challenges in Implementing Sharia Arbitration for the Resolution of Sharia Fintech Disputes

Although it has strong legal relevance and legitimacy, the implementation of Sharia arbitration in Sharia fintech disputes still faces various challenges. One of the main challenges is the lack of specific regulations governing digital arbitration mechanisms in Sharia fintech transactions. (Larasati et al., 2024) Current arbitration regulations remain general in nature and do not yet fully accommodate developments in digital-based financial technology. In addition, limited human resources pose a serious obstacle to the implementation of Sharia arbitration. Resolving fintech disputes requires arbitrators who not only understand Islamic law and arbitration but also possess knowledge of information technology and fintech business models. The number of arbitrators with such multidisciplinary competencies remains very limited in Indonesia. (Iqbal, 2024)

Another challenge is the public's low level of legal literacy regarding Sharia arbitration. Most people are still more familiar with dispute resolution through the courts than with arbitration. This situation means that arbitration clauses in Sharia fintech contracts are often poorly understood by service users. (Washil & Jazuli, 2024) As a result, when disputes arise, the parties tend to opt for litigation even though they had previously agreed to arbitration. Technical issues have also arisen regarding the digitization of arbitration procedures. Fintech disputes based on electronic transactions require an adequate digital evidence system, including the validity of electronic documents, digital signatures, and electronic data security. Suboptimal legal and technological infrastructure can hinder the effectiveness of electronic dispute resolution. (Rachman et al., 2022)

On the other hand, the rapid evolution of fintech business models often outpaces the readiness of existing regulations. Innovations in digital financial products continue to advance, while regulations and dispute resolution mechanisms lag behind. This situation creates a legal vacuum that could potentially harm both consumers and sharia fintech providers. Therefore, regulatory updates that are more responsive to developments in the digital economy are needed. (Sakti & Adityarani, 2021)

Efforts to Strengthen the Institutional Framework and Digitalize Sharia Arbitration

To support the development of Sharia fintech in Indonesia, a comprehensive strengthening of Sharia arbitration institutions is necessary. One important step is the establishment of specific regulations governing Sharia-based digital arbitration, including procedures for electronic verification, the use of digital signatures, and mechanisms for electronic evidence. (Heriyanto et al., 2023) These regulations are essential for providing legal certainty in the resolution of Sharia fintech disputes. Strengthening human resource capacity is also a top priority. Arbitration institutions need to improve the quality of arbitrators through education and training that integrates Sharia law, information technology law, and fintech business practices. In this way, arbitrators will possess the necessary expertise to resolve Sharia-based digital economic disputes. (Idandi limbong et al., 2024)

The digitization of arbitration procedures also needs to be advanced through the implementation of online dispute resolution (ODR). The ODR system enables case registration, document review, hearings, and the delivery of awards to be conducted online. The implementation of this system will improve efficiency, reduce costs, and expand public access to sharia arbitration dispute resolution. (Lahilote & Adam, 2021) In addition, public legal literacy regarding Sharia arbitration must be improved through public education and outreach to fintech businesses and service users. Public understanding of the benefits of Sharia arbitration will increase confidence in out-of-court dispute resolution mechanisms. Strengthening cooperation between the government, financial services authorities, arbitration institutions, academics, and Sharia fintech industry

players is also essential. Synergy among these institutions is crucial for creating a modern, effective dispute resolution system capable of supporting the sustainable growth of the national Islamic economy. (Setiadi & Cloudya, 2025)

CONCLUSION

Based on the research findings, it can be concluded that Sharia arbitration plays a highly relevant role in the resolution of Sharia fintech disputes in Indonesia because it offers a mechanism that is fast, efficient, and consistent with Sharia principles. Its existence is supported by a strong legal foundation through Law No. 30 of 1999, Law No. 3 of 2006, and the role of BASYARNAS as an institution for resolving Sharia economic disputes. However, its implementation still faces various challenges, such as suboptimal regulations for digital arbitration, limited human resources, low public literacy, and insufficient digitization of dispute resolution procedures. Therefore, regulatory strengthening, improved arbitrator competence, the development of an online dispute resolution (ODR) system, and public education are needed so that sharia arbitration can function more effectively in supporting the development of fintech and the sharia economy in Indonesia.

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