

The Concept of Justice in Non-Litigious Dispute Resolution: An Analysis of Islamic Law and Positive Law

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ABSTRACT

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This study examines the concept of justice in non-litigious dispute resolution from the perspectives of Islamic law and Indonesian positive law, and explores prospects for integrating both into a national framework. The research asks how justice is conceptualized in Islamic mechanisms, how these conceptions are implemented within Indonesia's ADR regime, what similarities and differences exist between the two legal traditions, and how they might be harmonized to strengthen national dispute resolution. Employing a qualitative library-research methodology, the study analyzes primary sources (Qur'an, Hadith, fiqh texts, and statutory regulations) and secondary literature, using descriptive qualitative analysis, comparative law methods, and normative legal evaluation. Findings reveal significant convergence around core principles—voluntariness, restorative orientation, efficiency, confidentiality, and attention to public welfare—while key divergences stem from ideological foundations (transcendental and moral in Islamic law versus secular-normative in positive law), the enforceability of outcomes, levels of procedural standardization, and institutional arrangements. Case studies demonstrate growing practical alignment, notably in sharia-compatible arbitration bodies, but also highlight gaps in mediator capacity, regulatory clarity, and enforcement mechanisms. The study recommends developing hybrid standards for sharia-informed mediator competency, revising legislation to recognize and regulate sharia-based mediation and arbitration, strengthening institutional harmonization, and promoting public education and digital platforms to expand access.

1. Introduction

Dispute resolution is a fundamental aspect of legal systems aimed at maintaining order and justice within society. Over time, the paradigm of dispute resolution has shifted from a confrontational litigation approach to non-litigious mechanisms that emphasize reconciliation and substantive justice (Abedi et al., 2025; Ariyani et al., 2025). The concept of justice in non-litigious dispute resolution does not merely refer to outcomes favoring one party; rather, it encompasses the primary objectives of achieving peace, balance, and mutually beneficial solutions for all parties involved, both within the framework of Islamic law and Indonesian positive law (Sainul et al., 2025).

In both legal systems, dispute resolution outside formal court processes strongly emphasizes restorative principles, aiming to repair damaged relationships between disputing parties rather than simply punishing or determining a winner and a loser (Karjoko et al., 2021). Time and cost efficiency constitute crucial aspects of procedural justice, particularly in the business sector, which requires swift conflict resolution without hindering operational activities. The protracted, complex, and expensive

nature of formal judicial proceedings is often perceived as unjust for parties seeking immediate resolution (Jamal et al., 2021; Pratama et al., 2025).

Justice is also closely linked to confidentiality, as non-litigious processes enable parties to resolve disputes without publicly disclosing sensitive information or personal matters, thereby protecting the rights and dignity of the disputants. This aligns with the spirit of justice that honors human dignity and safeguards the reputation of each individual (Bichia, 2023; Sinaga et al., 2022).

Based on this context, the study formulates several key research questions: How is the concept of justice understood in non-litigious dispute resolution from the perspective of Islamic law? How is this concept implemented in the Indonesian positive legal system? What are the similarities and differences between the concepts of justice in Islamic law and positive law within the context of non-litigious dispute resolution? And what is the potential for integrating these concepts to develop a national dispute resolution system?

Accordingly, this study aims to examine and analyze the concept of justice in non-litigious dispute resolution under Islamic law, describe its implementation in positive law, compare the similarities and differences, and provide recommendations for integrating these two legal concepts into Indonesia's national non-litigious dispute resolution framework.

The study is expected to contribute to various stakeholders: academics, by offering insights into justice in non-litigious dispute resolution from a comparative perspective of Islamic and positive law; legal practitioners, by serving as a reference for applying justice in mediation and arbitration processes; policymakers, by providing guidance for developing regulations that incorporate Islamic justice principles within positive law, and the public, by enhancing understanding of the importance of fair and peaceful dispute resolution.

2. Methods

This study employs a qualitative research method with a library research approach (Yadav, 2022). Data were collected from various primary sources, including the Qur'an, Hadith, fiqh texts, and relevant statutory regulations. Secondary sources include scientific journals, books, articles, and other scholarly works that support the analysis of non-litigious dispute resolution practices in both Islamic and national legal contexts. The data were analyzed using a descriptive qualitative method, incorporating a comparative law approach to examine and contrast Islamic law and positive law concepts, as well as a normative legal analysis to evaluate the conformity and implications of statutory regulations on the practice of non-litigious dispute resolution (Mitchell, 2023).

3. Results and Discussion

3.1. The Concept of Justice and Dispute Resolution in Islamic Law

The practice of non-litigious dispute resolution in Islamic civilization has deep historical roots, having been implemented since the time of the Prophet Muhammad (peace be upon him/PBUH), the Rightly Guided Caliphs, and throughout various periods of Islamic history. This approach is not merely a pragmatic solution but forms an integrated part of the Islamic legal tradition, emphasizing justice, compassion, and fraternity (Jones, 2020; Sainul et al., 2025; Simmons, 2020).

The primary legal basis for this peaceful approach is found in the Qur'an, Hadith, and the practices of the Companions, which regard reconciliation as both a moral and legal imperative of high significance. A key verse underpinning this principle is Qur'an Surah (QS) al-Hujurat, verse 9:

وَأِنْ طَافَتُنْ مِنَ الْمُؤْمِنِينَ فَاصْلِحُوا بَيْنَهُمَا فَإِنْ بَغَتْ إِحْدَاهُمَا عَلَى الْأُخْرَى فَقَاتِلُوا الَّتِي تَبْغِي حَتَّى تَفِيءَ إِلَى أَمْرِ اللَّهِ فَإِنَّ فَاءَتْ فَاصْلِحُوا بَيْنَهُمَا بِالْعَدْلِ وَأَقْسِطُوا إِنَّ اللَّهَ يُحِبُّ الْمُقْسِطِينَ

“And if two groups of believers fight, reconcile them between the two. But if one of them oppresses the other, fight against the oppressing group until they return to the command of Allah; and once they return, reconcile them with justice. Indeed, Allah loves those who act justly.” (QS. al-Hujurat [49]: 9).

This verse explicitly states that reconciling those in dispute is an obligation, and the reconciliation process must be carried out fairly (Kuswaya & Ali, 2021). Another supporting verse is QS al-Nisa, verse 114:

لَا خَيْرَ فِي كَثِيرٍ مِّنْ نَّجْوَاهُمْ إِلَّا مَنْ أَمَرَ بِصَدَقَةٍ أَوْ مَعْرُوفٍ أَوْ إِصْلَاحٍ بَيْنَ النَّاسِ ۗ

“... there is no good in most of their private talk, except for those who enjoin charity, or goodness, or reconciliation among people.” (QS. al-Nisa [4]: 114).

This verse places peacemaking as one of three activities with high moral value. According to the hadith, the Prophet Muhammad PBUH said:

“It is not permissible for a Muslim to boycott (refuse to speak) his brother for more than three days; they should meet, and the best of them is the one who initiates the greeting (salam).” (Hadith narrated by Sahih al-Bukhari & Sahih Muslim).

This hadith, narrated by al-Bukhari and Muslim, emphasizes the urgency of resolving conflicts peacefully within society to maintain social harmony. The Prophet Muhammad PBUH also spoke about the virtue of promoting peace among people:

“The agreements among Muslims are permissible, except for agreements that make what is forbidden lawful or make what is lawful forbidden” (Hadith narrated by Abu Dawud, al-Tirmidhi, Ibn Majah, al-Hakim, and Ibn Hibban from ‘Amr ibn ‘Auf).

This hadith implicitly supports the legitimacy of peaceful agreements (*sulh*) between disputing parties (Kuswaya & Ali, 2021). The Prophet Muhammad’s PBUH own practices, such as the placement of the Black Stone (*Hajar Aswad*), serve as a prime example of mediation in inter-tribal conflicts, successfully preventing warfare and restoring peace (Darsini et al., 2025).

Justice (*al-‘adl*) in the Islamic perspective carries a highly comprehensive meaning. Etymologically, the term *‘adl* derives from Arabic, meaning “equality,” “balance,” or “truth.” Within the context of Islamic law, justice extends beyond the mere formal application of legal rules, encompassing broad moral, spiritual, and social dimensions. The concept of justice in Islam is based on several fundamental principles: justice is an attribute of Allah, the Most Just (*al-‘Adl*), and must be emulated by humans; it is universal, without distinction of social, economic, or ethnic status; it emphasizes substantive justice, focusing not only on procedures but also on outcomes that benefit all parties; and it is oriented toward restorative justice, aiming to repair damaged relationships and foster social harmony (Faridzadeh, 2021; Karimullah, 2023).

Islamic law provides three main mechanisms for dispute resolution: *as-sulh* (reconciliation), *at-tahkim* (arbitration), and *al-qadha* (judiciary). In hierarchical terms, *as-sulhu* and *at-tahkim* are prioritized over *al-qadha*. First, *as-sulhu* (reconciliatory peace) terminologically means resolving a dispute, and in fiqh it is understood as a contract or negotiation aimed at reconciling two or more disputing parties. It represents a form of mediation or conciliation oriented toward peaceful resolution without violating sharia principles. Its primary goal is to reconcile relationships among parties and restore social ties disrupted by conflict (Munawaroh, 2020; Salma et al., 2020; Waris et al., 2025).

Scholars emphasize that *sulh* is valid as long as it does not involve prohibited elements or unjustly harm any party, grounded in the Qur’anic injunction to reconcile disputes. In *sulh* assemblies, the mediator is called *mushalih*, the disputing party is *mushalih ‘anhu*, and the act of agreement is *mushalih ‘alaib* (Allie, 2020; Gommans & Huseini, 2022). The practice of *sulh* is widely applied in family, business, and community contexts, exemplified by the *Treaty of Hudaibiyyah*, which serves as a model of reconciliation despite significant conflicting interests (Farman & Yucel, 2023).

Second, *at-tahkim* (arbitration) is a dispute resolution concept known prior to Islam and later developed within the Islamic legal tradition as a mechanism emphasizing justice and adherence to sharia principles. In this process, both disputing parties voluntarily appoint one or more *hakam* (arbiters) to examine the matter and render a binding decision (Munawar, 2022). This practice resembles the referral process in marriage disputes, as mentioned in QS. al-Nisa, verse 35, which recommends the appointment of an arbitrator from each family to resolve conflicts (Karmawan, 2020; Nur et al., 2022).

A notable historical example is the arbitration during the Battle of *Siffin* between Caliph Ali ibn Abi Talib and Governor Muawiyah, illustrating how Islam prioritizes dialogue and peaceful resolution through a third party to prevent larger conflicts, even if the outcome does not satisfy all parties. In practice, *at-tahkim* is widely used to settle complex political and business disputes due to its neutral and flexible nature outside formal power structures (Hagler, 2022; Zein & El-Wakil, 2022).

The conditions for *at-tabkim* include the parties' agreement to resolve the dispute through arbitration, the eligibility of the *hakam* who must possess integrity, expertise, and fairness, the authority of the *hakam* to examine and decide the case, and the obligation of the parties to comply with the decision. When these conditions are met, *at-tabkim* serves as an effective dispute resolution instrument aligned with the principles of justice in Islam (Firdaus et al., 2025; Shittu-Adenuga et al., 2024).

Third, *al-qadha* refers to dispute resolution through formal judicial institutions led by a *qadhi* (judge). Lexically, *qadha* means "to decide" or "to determine," and in the terminology of *fiqh* it denotes the authoritative application of sharia-based rulings to a case or dispute in a fair and binding manner, based on valid evidence and testimony under state authority. This mechanism carries strong legal legitimacy and serves as the state's formal instrument for upholding justice and maintaining public order (Baharuddin & Iman, 2020; Sebyar et al., 2025).

Despite its authoritative nature, *al-qadha* is generally pursued only after the two reconciliation-based mechanisms (*sulh* and *tabkim*) fail or are rejected by one of the parties. While justice remains the foundational principle in judicial proceedings, the adversarial structure of *qadha* often leads to outcomes where one party prevails and the other loses. Consequently, it may generate new tensions or damage relationships between disputants, making *al-qadha* a last resort within Islamic dispute resolution (Hasanudin et al., 2024; Nugraha & Dewi, 2021).

Mechanisms of mediation and arbitration in the Islamic tradition were not limited to informal community leaders but were also supported by institutional structures and specialized agents entrusted with maintaining order and resolving disputes at various social levels. One of the most significant roles in this regard was that of the *muhtasib* within the classical Islamic *hisbah* system, responsible for overseeing social order, commercial activities, consumer protection, and public ethics (Baharuddin & Iman, 2020; Sebyar et al., 2025).

The *muhtasib* functioned as a rapid community mediator, resolving minor disputes without resorting to lengthy formal judicial procedures. This role is exemplified by Caliph 'Umar ibn al-Khattab, who frequently intervened directly to defuse conflicts among his people (Arrasyid et al., 2023; Ishaq & Ridwan, 2023). In addition, the *qadhi* (judge) not only exercised formal judicial authority (*al-qadha*) but also frequently acted as a mediator, encouraging amicable settlement before issuing a ruling, reflecting the Islamic principle that *sulh* is preferable to unilateral victory, which may trigger further discord (Baharuddin & Iman, 2020).

Non-litigious dispute resolution in Islam is grounded in several interrelated principles oriented toward justice and social harmony. The principle of justice (*al-'adl*) constitutes its foundational core, requiring that every stage and outcome of dispute resolution be conducted impartially, as emphasized in QS. al-Nisa verse 58 (Syafei & Djazimah, 2021). *Shura* (consultative deliberation) is another essential feature, whereby decisions are reached through dialogue aimed at mutually beneficial consensus, distinct from the rigid and adversarial nature of litigation. Non-litigious mechanisms also stress the importance of preventing further conflict (non-contentiousness) by prioritizing peace and de-escalation (Darmawan et al., 2025; Novita et al., 2025).

Moreover, the principle of public interest (*maslahah*) plays an integral role, ensuring that each settlement considers its broader social impact by maximizing benefits and minimizing harm (Fahmi et al., 2025). Islamic law further upholds the values of balance and cooperation (*tawassuth* and *ta'awun*), grounding dispute resolution in a theocentric ethical paradigm that seeks sustainable peace through collaboration among the parties involved (Aisyah et al., 2025; Jubba et al., 2022).

3.2. Non-Litigation Dispute Resolution in Indonesian Positive Law

The concept of Alternative Dispute Resolution (ADR) in Indonesia's positive legal system includes various methods of dispute resolution outside of court, such as mediation, arbitration, and conciliation. ADR is presented as a solution to the weaknesses of the formal litigation system, which is known to be slow, expensive, and has the potential to exacerbate conflicts (Saputra, 2024).

In the business world, the need for fast and efficient dispute resolution makes ADR the preferred option because it does not hinder business activities and allows the relationship between the parties to be maintained after the dispute is resolved. With its flexibility and effectiveness, ADR has become an

important instrument in handling various conflicts, especially those that are complex or sensitive (Jamal et al., 2021; Pratama et al., 2025).

The scope of ADR includes several main forms, namely mediation, arbitration, and conciliation. Mediation is a facilitative process involving a neutral third party to help the parties reach an amicable agreement through negotiation, as regulated in PERMA No. 1 of 2016 (Ingratubun & Ingratubun, 2023). Mediation has distinctive characteristics such as voluntariness, confidentiality, flexibility, and active participation from the parties. Meanwhile, arbitration is an adjudicative process in which the parties submit their dispute to an arbitrator whose decision is final and binding, in accordance with Law No. 30 of 1999.

Arbitration excels due to its private nature, efficiency, and the possibility of selecting expert arbitrators. Conciliation, as another form of ADR, provides space for third parties to give recommendations for settlement without reducing the authority of the parties to make the final decision (Lahema & Haryanto, 2021).

The legal basis for ADR in Indonesia is reinforced by a comprehensive philosophical and juridical foundation. Philosophically, Pancasila and the 1945 Constitution, particularly the fourth principle, emphasize deliberation and consensus as fundamental principles in resolving issues. At the legal level, various provisions support the implementation of ADR, such as Article 130 of the HIR and Article 154 of the RBg, which require judges to seek peace, as well as provisions in Law No. 4 of 2004 and Law No. 48 of 2009, which emphasize that the judicial process must be simple, fast, and inexpensive. In addition, the Religious Court Law and Law No. 30 of 1999 serve as the main legal framework for the wider application of ADR (Ariyani et al., 2025; Setiadi & S., 2021; Situmorang, 2020).

PERMA No. 1 of 2016 plays an important role in strengthening the implementation of mediation in court. This PERMA replaces previous regulations by providing a more effective and standardized mechanism, including giving the parties the right to independently select a mediator from the Court Mediator List. This PERMA clarifies the mediation procedure, the time limit for settlement, and sanctions for uncooperative parties. A Settlement Agreement resulting from successful mediation has the same enforceability as a final court decision, demonstrating the commitment of judicial institutions to making ADR an effective instrument (Ali & Moelki, 2021; Bianti, 2023; Syafi'i & Zaenuri, 2023).

Table 1. Comparison of ADR types

ADR type	Characteristics	Legal basis	Binding force
Mediation	Facilitative, participatory	PERMA No. 1 of 2016	After verification by the court
Arbitration	Adictive, final decision	Law No. 30 of 1999	Final and binding
Conciliation	Advice, recommendations	Civil Code (KUHPerdata)	Depends on agreement

From a legal perspective, ADR outcomes have strong legitimacy. Settlement agreements approved by a judge or notary have permanent legal force and are enforceable, while arbitration awards are final and binding in accordance with Law No. 30 of 1999. In the context of the principle of justice, ADR requires the fulfillment of procedural and substantive justice, accessibility, and participation. The ADR process must follow applicable rules, provide fair and equitable solutions, be accessible to all levels of society, and provide space for the parties to actively participate in the settlement. Thus, ADR is a dispute resolution system that is not only efficient and flexible, but also upholds the values of comprehensive justice (Defriza, 2025).

3.3. Comparative Analysis between Islamic Law and Indonesian Positive Law

A comparative analysis between Islamic law and Indonesian positive law shows a number of essential similarities in non-litigation dispute resolution mechanisms. Both systems emphasize the importance of voluntariness, namely that the dispute resolution process can only be carried out if the disputing parties express their consent without coercion.

In Islamic law, *sulh* and *tabkim* are only valid if they are carried out on the basis of willingness (Farman & Yucel, 2023; Munawar, 2022), while in Indonesian positive law, mediation and arbitration take place if the parties agree to initiate the process (Defriza, 2025; Saputra, 2024). In addition, both

systems also recognize the diversity of substantive justice principles that emphasize a balance of interests, the appropriateness of solutions, and the welfare of the parties.

ADR in positive law and Islamic dispute resolution mechanisms both focus more on fair and beneficial outcomes than on the rigid application of procedural rules. Efficiency and effectiveness are also important points of convergence. Non-litigation dispute resolution in both systems is considered faster, more cost-effective, and less emotionally draining for the parties involved, while also allowing for the restoration of damaged relationships through reconciliation, reintegration, and resolution of the root causes of the dispute. Confidentiality is another similarity, as both mediation and *sulh* guarantee privacy and protect the reputation of the parties involved.

The fundamental difference between the two lies primarily in their ideological foundations. Islamic law is derived from the revelations of the Qur'an and Sunnah, and is oriented towards divine values, morality, and the ultimate goal of pleasing Allah (Jones, 2020; Sainul et al., 2025). In contrast, Indonesian positive law is based on the constitution, legislation, and principles of democracy and social justice, so that its character of justice is more secular, procedural, and normative (Jamal et al., 2021; Pratama et al., 2025). These differences in foundation give rise to differences in the source of values, ultimate goals, and the integration of morality into the legal system. The source of values in Islamic law is transcendental, while positive law is social. Islam integrates morality into every aspect of law, while positive law separates morality from formal regulations.

Another difference can be seen in the authority and power of decisions. In *al-qadha*, a *qadhi's* decision is binding and can be enforced through state authority, while *sulh*, although valid under sharia law, often has no executory power without going through positive law channels (Hasanudin et al., 2024; Nugraha & Dewi, 2021). In the context of Indonesian positive law, arbitration awards are final and binding and can be enforced, while the results of mediation in the form of a Settlement Deed obtain permanent legal force after being ratified by the court (Ingratubun & Ingratubun, 2023; Lahema & Haryanto, 2021). In terms of procedure and standardization, Islamic law tends to be more flexible, contextual, and dependent on scholars or local community authorities, while ADR procedures in positive law are highly standardized through various regulations such as PERMA No. 1 of 2016 and Law No. 30 of 1999.

In addition, differences can be seen in the institutions that manage the dispute resolution process. In Islamic law, resolution can be carried out through the Religious Court or informal institutions such as the *sulh* council or religious committee that play a role in community mediation (Allie, 2020; Gommans & Huseini, 2022). In contrast, Indonesian positive law has formal and professional institutions such as the Indonesian National Arbitration Board (BANI), the Court Mediation Agency, and various private mediation institutions that are officially registered under the Supreme Court (Mauritz & Suyanto, 2021). Thus, although Islamic law and Indonesian positive law have strong commonalities in the principles of justice, efficiency, and peace, they still have fundamental differences in their ideological foundations, institutional structures, and decision enforcement mechanisms.

3.4. Case Studies and Contemporary Relevance

The trend of dispute resolution through ADR in Indonesia shows very positive development. Based on ICC Indonesia data, the number of arbitration cases has increased by 25% per year over the last five years, the success rate of mediation in court has reached 60–70%, and the average settlement time is only around 45 days, which is much faster than litigation processes that can take 2–3 years (Rizki, 2024). This development shows that ADR is increasingly accepted by the business world and society as an effective, efficient dispute resolution method that can maintain good relations between parties.

The integration of ADR with Islamic legal principles is also developing, particularly through institutions such as the National Sharia Arbitration Agency (BASYARNAS), which resolves sharia economic disputes using an arbitration approach that is compatible with Law No. 30 of 1999 (Faizun, 2021). This shows that the concept of non-litigation dispute resolution in Islam remains relevant and can run in harmony with the modern national legal system, especially for disputes that require a perspective of sharia values.

The relevance of the concepts of *sulh* and *tabkīm* in the contemporary context is reflected in various case studies, one of which is the settlement of inheritance disputes in Muslim families. In this

case, the parties who initially planned to bring the case to court finally agreed to undergo mediation based on Islamic principles (Hasanudin et al., 2024; Nugraha & Dewi, 2021). With the guidance of mediators who understand Islamic inheritance law and positive law, the settlement process focused on identifying the root causes of the problem, whether related to property, ego, or a sense of injustice, as well as providing adequate legal education to the parties.

In addition, a spiritual approach was integrated into the mediation process to create a more harmonious atmosphere, thereby achieving a creative solution that fulfilled substantive justice while maintaining family harmony (Pratama et al., 2025). This case study confirms that an Islamic value-based approach to dispute resolution remains relevant and effective in the context of modern Indonesian society.

3.5. Integration and Recommendations

There is great potential for synchronization between non-litigation dispute resolution mechanisms in Islamic law and Indonesian positive law, as both have similar practical objectives, namely to avoid excessive legal burdens, achieve fair and mutually beneficial settlements, and maintain the stability of social and economic relations.

Synchronization can be achieved in several aspects, including procedurally by adopting the flexibility of Islamic mediation within the framework of positive law, substantively by integrating Islamic values of justice into the concept of ADR justice, and institutionally by establishing hybrid mediation institutions that combine both concepts. This will not only enrich ADR methods, but also make the dispute resolution process more contextual, inclusive, and relevant to religious communities.

Policy recommendations to optimize this integration include increasing the capacity of mediators through hybrid training that combines modern mediation techniques, fiqh muamalah and Islamic dispute resolution, cross-cultural communication psychology, and professional mediator ethics. In addition, supporting regulations need to be developed, such as the Sharia Mediation Law, revision of the Arbitration Law to recognize sharia arbitration, and national standards for sharia mediator competency.

Fostering an anti-litigation culture through public campaigns, education in schools and universities, and role models among community leaders is also an important strategy to make ADR the preferred option. The integration of technology, for example through online mediation platforms, digital documentation, case simulations, and decision databases, can improve the accessibility, efficiency, and transparency of dispute resolution processes based on Islamic principles that are in line with positive law.

4. Conclusion

The concept of justice in non-litigious dispute resolution plays a strategic role in both Islamic law and Indonesian positive law, despite being based on different ideologies. Islamic law emphasizes the mechanisms of *as-sulbu* (*sullb*) and *at-tahkim* (arbitration), which are rooted in the principles of the Qur'an, namely justice, deliberation, brotherhood, and public interest. Meanwhile, Indonesian positive law through ADR, particularly mediation as regulated by PERMA No. 1 of 2016, adopts the values of efficiency and restorative justice that are in line with Islamic teachings.

Both systems have similar practical objectives, namely to reduce the burden of law, achieve fair and mutually beneficial settlements, and maintain the stability of social and economic relations. The integration of the two has the potential to make Indonesia's national legal system a model for Muslim-majority countries, with a holistic concept of justice that combines procedural, substantive, and restorative aspects to resolve conflicts while restoring relationships and creating social harmony.

This study has broad academic and practical implications. From an academic perspective, further studies are needed on the integration of Islamic law and positive law in ADR, strengthening the law curriculum with the concept of Islamic justice, and empirical research on the effectiveness of mediation based on an Islamic approach. From a practical perspective, advocates and legal practitioners must understand both concepts of justice, mediation institutions need to develop integrated training modules, and the public must continue to be educated about fair and peaceful alternative dispute resolution.

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