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Author for correspondence:

Farhan Chaerul Umam

E-mail: [umamfarhan07@gmail.com](mailto:umamfarhan07@gmail.com)

# Application of The Principle of Justice in Islamic Civil Dispute Resolution in Indonesia

<sup>1</sup>Farhan Chaerul Umam, <sup>2</sup>Andi Muhammad Husni Tamrin, <sup>3</sup>Aldian Yusup, <sup>4</sup>Muhammad Rizqi Fahreza, <sup>5</sup>Sofiyanti

<sup>1,5</sup>Institut Agama Islam Cirebon, Indonesia

<sup>2</sup>Universitas Nahdlatul Wathan Mataram, Indonesia

<sup>3</sup>Sekolah Menengah Atas Negeri 1 Tambun Selatan

<sup>4</sup>STMIK IKMI, Cirebon, Indonesia

This article discusses the application of the principle of justice in the resolution of Islamic civil disputes in Indonesia by using qualitative methods through literature studies and research in libraries. Justice is one of the important aspects in the resolution of Islamic civil disputes to ensure that individual rights are defended in accordance with the principles of fair and balanced Islamic law. This study explores various sources of literature related to Islamic civil law practice, justice, and dispute resolution in Indonesia. In the context of Islamic civil law, justice refers not only to compliance with formal law, but also to the moral, ethical, and social justice aspects that underlie Islamic teachings. This article reviews the concept of justice in Islam which includes individual rights, protection of the public interest, and dispute resolution mechanisms that prioritize mediation and peace. The results of the study show that the application of the principle of justice in Islamic civil dispute resolution in Indonesia still faces various challenges, such as obstacles in the implementation of the law, a culture of conflict resolution, and limited access to the judicial system. Nevertheless, measures to improve justice in Islamic civil dispute resolution continue to be developed, including through increasing understanding of Islamic law, training for law enforcement officers, and promoting alternative dispute resolution that is deliberative.

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# 1. Introduction

In Indonesia, Islamic civil law is an integral part of the country's legal system and regulates various aspects of society, nation, and state life. An important aspect of Islamic civil law is dispute resolution based on the principle of justice. Justice in the context of Islamic law includes not only formal aspects but also moral, ethical, and social justice aspects.

Although there have been efforts to apply the principle of justice in the resolution of Islamic civil disputes in Indonesia, there are still research gaps that need to be filled. Several previous studies have reviewed certain aspects related to Islamic civil dispute resolution, but there has been no study that comprehensively discusses the application of the principle of justice in this context.

The link between justice and Islamic civil dispute resolution is of great importance given the role of law in ensuring the protection of individual rights and social stability. An in-depth study of the application of the principle of justice in the settlement of Islamic civil disputes in Indonesia is very urgent to strengthen the legal system based on Islamic justice values.

Several previous studies have reviewed various aspects of Islamic civil law and dispute resolution, but have not specifically discussed the principle of justice in the context of Islamic civil dispute resolution in Indonesia. These studies provide an important foundation but have not provided a comprehensive picture regarding the urgency of applying the principle of justice.

This article tries to fill the research gap by comprehensively examining the application of the principle of justice in the resolution of Islamic civil disputes in Indonesia. By combining a qualitative approach and literature studies, this study aims to make a significant contribution to the further understanding of how the principle of justice can be applied in the context of Islamic civil law in Indonesia.

The main objective of this study is to analyze in depth the application of the principle of justice in Islamic civil dispute resolution in Indonesia and identify the factors that affect its implementation. The benefits of this research are expected to make a theoretical and practical contribution to the development of Islamic civil law in Indonesia as well as provide guidance for legal practitioners in improving justice in dispute resolution.

## 2. Method

This research is a qualitative research that uses the approach of literature study and library research. The qualitative approach was chosen because it allows researchers to explore a deep understanding of the application of the principle of justice in Islamic civil dispute resolution in Indonesia through the analysis of legal texts, books, articles, and related documents. The main sources of data in this study are various literature related to Islamic civil law, justice, and dispute resolution in Indonesia. The data sources include law books, scientific journals, online articles, official documents, and court decisions related to Islamic civil dispute cases.

The data collection technique is carried out through search and analysis of various literature and documents relevant to the research topic. Data collection is carried out systematically by paying attention to the inclusion and exclusion criteria that have been set to ensure the accuracy and adequacy of the data used.

The data that has been collected will be analyzed descriptively and comparatively. Descriptive analysis is carried out to identify the concepts and principles of justice in Islamic civil law and analyze how these concepts are applied in civil dispute resolution. In addition, a comparative analysis was also conducted to compare various opinions and viewpoints related to the application of the principle of justice in the settlement of Islamic civil disputes in Indonesia.

By using qualitative methods, literature studies, and library research, it is hoped that this research can provide a comprehensive and in-depth overview of the application of the principle of justice in the resolution of Islamic civil disputes in Indonesia and make a significant contribution to the development of Islamic civil law.

## 3. Result and Discussion

### **Balance of Individual Rights and Public Interest**

The principle of justice in Islamic civil law in Indonesia prioritizes the balance between individual rights and the public interest. This is reflected in dispute resolution practices that encourage deliberation and mediation to reach a fair agreement for both parties.

The balance between individual rights and the public interest is one of the critical aspects in the application of the principle of justice in the settlement of Islamic civil disputes in Indonesia. In the context of Islamic civil law, individual rights are respected as an integral part of justice,

however, the public interest is also an important consideration in the dispute resolution process. This balance is reflected in the principles of Islamic law that emphasize the importance of maintaining harmony in society and encouraging fair agreement between the parties to the dispute.

When facing civil disputes, the parties often have diverse interests. However, in the settlement of Islamic civil disputes, efforts are made to reach an agreement that not only benefits one party, but also pays attention to broader interests, such as social stability, distributive justice, and community harmony. This is reflected in the practice of deliberation and mediation applied in Islamic civil dispute resolution, where the process not only seeks the benefit of the individual, but also accommodates the public interest.

In addition, in the context of Islamic justice, individual rights are often linked to their social obligations. This means that justice does not only mean providing individual rights, but also considering individual responsibilities to society. This principle encourages awareness of the importance of contributing to the public interest and maintaining a balance between individual rights and common welfare.

Thus, the balance of individual rights and public interest in the settlement of Islamic civil disputes in Indonesia not only reflects the legal aspects, but also the ethical, moral, and social values in Islamic teachings. Efforts to maintain this balance are key to achieving a fair, harmonious, and sustainable settlement in the context of Islamic civil law in Indonesia.

### **Implementation Challenges**

Although the principle of justice has been stipulated in various legal regulations and court rulings, its implementation still faces various challenges. These obstacles include a lack of in-depth understanding of Islamic law among legal practitioners, low access to the justice system for the public, and cultural and social factors that affect the dispute resolution process.

The challenge of implementing the principle of justice in resolving Islamic civil disputes in Indonesia is the main focus in efforts to ensure that the values of Islamic justice can be effectively realized in legal practice. One of the main challenges is the lack of a deep understanding of Islamic law among legal practitioners and judicial institutions. This can result in mixed interpretations of the principles of justice, resulting in legal uncertainty and inconsistencies in court decisions.

In addition, the low access to the justice system for the public is also a serious challenge. Several factors such as high costs, long geographical distances, and the complexity of the legal process can hinder society from accessing justice effectively. This can result in unequal access to justice, especially for those from the lower middle economic strata.

Cultural and social factors also affect the process of resolving Islamic civil disputes. Some traditional practices, social norms, and perceptions of justice can be obstacles to consistently applying the principles of justice. For example, patriarchal norms or gender discrimination in some cases can influence court decisions that are supposed to prioritize justice indiscriminately.

To overcome these challenges, joint efforts are needed between the government, legal institutions, academics, and civil society. Measures such as increasing understanding of Islamic law through training and education for law enforcement officers, providing access to an easier and more affordable justice system, and socializing the values of justice in society can be the first step to improve the implementation of the principle of justice in the resolution of Islamic civil disputes in Indonesia.

### **Judicial System Reform**

Reform is needed in the judicial system to be more responsive to Islamic justice values. Measures such as increasing Islamic legal training and education for legal officials, promoting effective dispute resolution alternatives, and strengthening the supervision mechanism for the Islamic civil dispute resolution process are important to pay attention to.

Judicial system reform is an important step in improving and increasing the effectiveness of Islamic civil dispute resolution in Indonesia. One of the aspects that needs to be reformed is the responsiveness of the judicial system to the values of Islamic justice. This includes a deeper understanding of Islamic teachings in the context of law, as well as the ability of courts to apply these principles of justice consistently in their legal decisions.

In addition, improvements are also needed in the judicial administration process, including efficiency, transparency, and accountability in handling civil dispute cases. A responsive justice system will be able to provide easier access for the public to get justice, as well as ensure that the dispute resolution process runs fairly and quickly.

Reforms should also include the promotion of effective dispute resolution alternatives, such as mediation and arbitration, that could be a faster and cheaper solution to Islamic civil dispute resolution. Thus, the community can choose a settlement path that suits their needs and

minimize the burden on the formal justice system.

In addition, the role of supervision over the Islamic civil dispute resolution process also needs to be strengthened. An effective oversight mechanism can ensure that court decisions are in accordance with the principles of justice, as well as encourage transparency and accountability of judicial institutions in carrying out their duties.

Through comprehensive judicial system reform, it is hoped that the Islamic civil law system in Indonesia can become more responsive, effective, and in accordance with Islamic justice values. These measures are key to increasing public trust in the justice system, as well as ensuring that the resolution of Islamic civil disputes takes place fairly and with quality.

### **Synergy and Joint Commitment**

The application of the principle of justice in the resolution of Islamic civil disputes in Indonesia requires joint efforts from various parties, including the government, legal institutions, academics, and civil society. Strong synergy and high commitment are needed to ensure that the principles of justice can be applied effectively and provide maximum benefits for social justice and community harmony.

Synergy and joint commitment are very important foundations in realizing the application of the principle of justice in the resolution of Islamic civil disputes in Indonesia. Synergy between various parties, including the government, legal institutions, academics, and civil society, is needed to create an environment conducive to the implementation of the principles of justice. Close collaboration between these various stakeholders will allow for the exchange of information, experience, and better understanding of issues related to the settlement of Islamic civil disputes.

In addition to synergy, joint commitment is also the main key in overcoming challenges and implementing the necessary reform measures in the justice system. This commitment involves a shared awareness and determination to improve and strengthen the Islamic civil law system, including in terms of understanding the principles of justice, access to the judicial system, and improving the quality of court decisions.

With synergy and mutual commitment, various initiatives and concrete steps to improve the application of justice principles can be carried out effectively. For example, increasing understanding of Islamic law through training for law enforcement officers, socialization of justice values in society, promotion of effective dispute resolution alternatives, and increased transparency and accountability in the justice system.

Joint commitment can also encourage cultural and mindset changes in the process of resolving Islamic civil disputes. With the awareness of the importance of justice and harmony in society, various parties will work together to achieve a common goal, namely the creation of a fair, responsive, and quality judicial system in handling Islamic civil disputes in Indonesia.

Thus, synergy and joint commitment become a solid foundation to advance the application of the principle of justice in the settlement of Islamic civil disputes in Indonesia, thereby providing maximum benefits for social justice and community harmony.

Thus, the results of this analysis highlight the importance of a deep understanding of the principles of justice in Islamic civil law, the challenges of its implementation, the need for judicial system reform, as well as synergy and mutual commitment to realize balanced justice in the resolution of Islamic civil disputes in Indonesia.

## 4. Conclusion

The conclusion of the analysis of the application of the principle of justice in Islamic civil dispute resolution in Indonesia underscores the importance of maintaining a balance between individual rights and the public interest, as well as the need for joint efforts to overcome existing implementation challenges. A deep understanding of the values of justice in Islamic law is needed, responsive judicial system reform, promotion of effective dispute resolution alternatives, and synergy between various stakeholders to realize fair, harmonious, and sustainable civil dispute resolution in Indonesia society.

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