The Effectiveness of Mediation in Resolving Murabahah Financing Disputes in Indonesia: Literature Review

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This study analyzes the effectiveness of mediation in resolving murabahah financing disputes in Indonesia. The research employs a literature review method with a qualitative-descriptive approach. Data were obtained from peer-reviewed journals, theses, and national academic repositories. Literature searches were conducted through indexed databases using keywords such as “mediation,” “ṣulḥ,” “dispute,” “murabahah,” and “alternative dispute resolution (ADR)” in both Indonesian and English. Thematic analysis was applied to identify the normative framework, practical implementation, supporting factors, obstacles, and success levels of mediation in the context of murabahah financing disputes. The findings indicate that mediation has significant potential to reduce litigation burdens, accelerate dispute resolution, and maintain constructive relationships between parties. However, its effectiveness remains limited due to the lack of mediator competence, the absence of standardized procedures, and low legal awareness among some disputing parties. This study underscores the need to enhance mediator capacity, establish uniform mediation standards, and integrate-based models to make mediation a more reliable mechanism for resolving murabahah financing disputes in Indonesia.
Keywords: Mediation, Effectiveness, Murabahah Dispute, Non-Litigation Resolution, Ṣulḥ.

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1. Introduction

The expansion of Islamic financial institutions in Indonesia over the past two decades marks a structural change in the national financial system. The increase in the number of Islamic banks, the diversification of financing products, and the increase in transaction volume indicate that sharia-based instruments have shifted from being merely an alternative to becoming an important part of the national economy [1]. Among these various financing products, the murabahah contract dominates the financing portfolio because it has a simple structure, relatively measurable risks, and is easy to implement in Islamic banking practices [2]. However, the dominant use of the murabahah contract also has consequences in the form of increased potential for disputes, especially when there is default, late payment, or differences in interpretation of the contract clauses [3].

Murabahah financing disputes not only create administrative burdens for financial institutions, but can also affect the relationship between banks and customers and, to some extent, impact the stability of the Islamic banking industry. Therefore, a dispute resolution mechanism is needed that is not only fast and efficient, but also in accordance with Islamic principles. Litigation in court, although having a valid legal basis, is often considered less aligned with the values of maslahah because it tends to require a long time, relatively high costs, and has a more confrontational character. In this context, mediation as a form of alternative dispute resolution (ADR) is normatively close to the concept of ṣulḥ recommended in Islamic law, namely the resolution of disputes through deliberation and peaceful agreement [4].

Indonesian regulations have provided a strong legal basis for the implementation of mediation in dispute resolution. Law No. 30 of 1999 concerning Arbitration and Alternative Dispute Resolution and Supreme Court Regulation No. 1 of 2016 provide the basis for the application of mediation in case resolution. Furthermore, provisions and guidelines issued by the National Sharia Council–Indonesian Ulema Council and the Financial Services Authority (OJK) also encourage the resolution of Sharia financing disputes through deliberation and peace.

Despite having a strong legal basis and normative principles, the effectiveness of mediation in practice, particularly in resolving murabahah financing disputes, remains problematic. Several studies have shown that the success rate of mediation is inconsistent. This situation is influenced by, among other things, the limited number of mediators who are competent in mediation techniques and understand muamalah fiqh, low awareness among the parties regarding the benefits of mediation, and institutional constraints that affect its implementation process [5]. On the other hand, other studies have shown that when mediation is carried out by competent mediators and appropriate mechanisms, the process can produce faster resolutions, save costs, maintain good relations between the disputing parties, and reflect the principle of a win-win solution that is in line with sharia values.

The lack of studies specifically mapping the effectiveness of mediation in murabahah financing disputes in Indonesia demonstrates the need for a systematic literature analysis. This study is important not only for academic development in the field of Islamic economic law but also as input for regulators, financial institutions, and mediation practitioners in improving the design and implementation of mediation to make it more effective and align with the practical needs of the industry. This article aims to examine the extent to which mediation has been effective in resolving murabahah financing disputes in Indonesia by analyzing empirical findings, the regulatory framework, and factors influencing its success.

2. Literature Review and Problem Statement

Literature Review

Mediation is a dispute resolution mechanism that uses a neutral third party as a mediator to help the parties reach a voluntary agreement. In the context of Islamic economic law, mediation is closely linked to the concept of ṣulḥ, which is the resolution of disputes through peace, deliberation, and agreement between the disputing parties. This concept emphasizes a resolution that is not solely oriented toward the final outcome but also considers justice, the benefit, and the sustainability of the parties' relationship.

Murabahah financing is one of the most widely used contracts in Islamic financial institutions. This contract is based on a sale and purchase transaction, with the purchase price of the goods and a profit margin agreed upon by the parties. In practice, murabahah financing can give rise to disputes if the customer experiences late payments, defaults, or has a different understanding of the terms of the contract. This situation demonstrates the importance of a dispute resolution mechanism that can provide legal certainty while upholding Sharia principles.

Several previous studies have shown that mediation can be an effective alternative in resolving murabahah financing disputes. Mediation provides an opportunity for banks and customers to resolve issues through communication and negotiation without the need for lengthy court proceedings. Furthermore, agreements reached through mediation are essentially based on the will of the parties, thus providing greater scope for a mutually beneficial resolution.

The effectiveness of mediation in resolving murabahah disputes is influenced by several factors. Mediator competence is a key factor, as mediators are required not only to master dispute resolution techniques but

also to understand the characteristics of sharia contracts and the principles of muamalah jurisprudence. Mediators who understand both positive and Islamic law will be better able to help the parties find alternative solutions that comply with sharia law and principles.

In addition to the mediator's competence, the success of mediation is also influenced by the good faith of the parties. Mediation cannot run optimally if one party lacks the desire to reach an agreement. The willingness of the bank and customer to communicate, provide information openly, and consider each other's interests are crucial factors in determining the success of the mediation process. Therefore, the effectiveness of mediation is determined not only by the procedures in place, but also by the attitudes and active involvement of the parties.

Institutional factors also play a crucial role. Easily accessible mediation institutions, clear procedures, and regulatory support can increase public trust in mediation dispute resolution mechanisms. In Islamic financing disputes, the presence of a mediator or institution that understands the characteristics of Islamic transactions is increasingly crucial to ensure that dispute resolution not only results in a legal agreement but also remains compliant with Islamic principles.

Based on these various studies, it is clear that mediation has significant potential as a dispute resolution mechanism for murabahah financing in Indonesia. The advantages of mediation lie in its flexibility, prioritizing mutual agreement between the parties, being relatively efficient in terms of time and cost, and enabling the maintenance of relationships between financial institutions and customers. However, its effectiveness is influenced by various factors, so previous research has not yet reached a completely consistent conclusion.

Problem Statement

Although mediation has a legal basis and aligns with the principle of ṣulḥ in Islamic law, its implementation in resolving murabahah financing disputes in Indonesia still faces several challenges. The main issue lies in the unequal effectiveness of mediation in achieving agreements between banks and customers. Differences in dispute characteristics, the level of understanding of the parties, the competence of the mediator, and institutional conditions can lead to differing mediation outcomes from one case to another.

These issues demonstrate a gap between the normative existence of mediation and its practical effectiveness. Normatively, mediation offers a fast, simple, inexpensive, and peace-oriented dispute resolution. However, in practice, the success of mediation still depends heavily on the parties' willingness to reconcile, the mediator's skills, and adequate institutional support.

Based on these gaps, this study aims to answer several main questions, namely: (1) to what extent mediation is effective in resolving murabahah financing disputes in Indonesia; (2) what factors influence the success or failure of mediation in murabahah disputes; and (3) how the application of the ṣulḥ principle can strengthen the effectiveness of mediation in resolving murabahah financing disputes. Thus, this literature review is expected to provide a more comprehensive picture of the position and effectiveness of mediation as a mechanism for resolving murabahah financing disputes in Indonesia.

3. Method

This research uses a qualitative-descriptive literature review approach. The primary focus of the study is to systematically analyze the effectiveness of mediation in resolving murabahah financing disputes in Indonesia, emphasizing its relationship to the principle of ṣulḥ in Islamic law and the concept of alternative dispute resolution (ADR) within the national legal framework. This approach was chosen because the

research is oriented toward reviewing and synthesizing existing scientific literature, rather than directly collecting data in the field.

The literature search process was conducted through several stages. First, sources were searched using the Google Scholar database and various reputable journal portals indexed by Sinta, DOAJ, and national academic repositories. Second, to broaden the scope of the analysis, this study also utilized student academic papers in the form of theses, dissertations, and dissertations available in university repositories. Keywords used in the search process included "mediation," "ṣulḥ," "dispute," "murabahah," and "alternative dispute resolution," both in Indonesian and their English equivalents.

Literature selection was conducted based on established inclusion criteria. First, publications must discuss mediation or non-litigation dispute resolution mechanisms in the context of murabahah financing in Indonesia. Second, sources must have been published within the last ten years to maintain the relevance of the information to developments in regulations and practices in Islamic financing dispute resolution. Third, sources must be fully available and verifiable. Meanwhile, sources lacking adequate academic support, such as popular opinion pieces and news articles, were excluded from the analysis.

The literature analysis was conducted using a thematic approach. Each source was identified based on key issues related to mediation effectiveness, factors supporting successful mediation, structural and technical barriers, and strategies that can be implemented to improve its success. Information obtained from various sources was not only summarized but also compared and synthesized to produce a more comprehensive understanding of the effectiveness of mediation in resolving murabahah financing disputes. One relevant study shows that murabahah dispute resolution through the al-ṣulḥ method is related to efforts to build a settlement based on agreement and justice between the parties [6].

All references used in the research are managed using citation management tools to maintain consistency and facilitate source organization. With this approach, the literature review is expected to produce a systematic, critical, valid, and academically accountable analysis. Furthermore, the study's findings are expected to contribute to the development of more effective mediation mechanisms for resolving murabahah financing disputes in the Indonesian Islamic financial sector.

4. Results and Discussion

Literature Review Results

The literature review shows that mediation in resolving murabahah financing disputes in Indonesia has a strong normative basis, but the level of effectiveness of its implementation varies. Analysis of journal articles, undergraduate theses, and academic sources obtained through Google Scholar and various academic repositories indicates that the success of mediation is influenced by several key factors, including mediator competence, party readiness, institutional support, dispute characteristics, and the application of the principle of ṣulḥ in the dispute resolution process.

Several studies have shown that mediation can be a faster, relatively inexpensive, and flexible means of dispute resolution, while maintaining good relationships between Islamic financial institutions and their customers. However, other research indicates that the effectiveness of mediation still faces various obstacles, such as limited human resources, a lack of understanding of Islamic economic law among mediators, weak independence among mediators, and low awareness or willingness among the parties to resolve disputes through non-litigation channels.

Table 1. Results of Literature Review on the Effectiveness of Mediation in Resolving Murabahah Financing Disputes

Researcher (Year)	Title and Source	Method	Research result
A. Habibi A. (2025)	*The Effectiveness of Mediation in Resolving Murabahah and Mudharabah Disputes at the Al Uswah Sharia Savings, Loans and Financing Cooperative in Banjar City*. Thesis of UIN Prof. KH Saifuddin Zuhri	*Field research*with a juridical-sociological approach. Data were obtained through observation, interviews, and documentation and analyzed descriptively and qualitatively.	Mediation is conducted by involving the risk department as an internal mediator through the 3R principle (restructuring, rescheduling, reconditioning). In murabahah contracts, the most common mechanism is rescheduling, while in mudharabah contracts, reconditioning is used. Effectiveness is supported by a cooperative deliberation culture that aligns with the concept of ṣulḥ. The main obstacle is the lack of professional and neutral mediators competent in Islamic economic law [7].
Akbar Hidayatullah Daud (2023)	*Murabahah Dispute Resolution at Alwadiah Tasikmalaya Sharia People's Financing Bank*. JHI, Vol. 2, No. 4	Descriptive qualitative research through in-depth interviews and document analysis.	BPRS Alwadiah implements murabahah dispute resolution through proactive non-litigation mediation and negotiation in accordance with sharia principles. The main challenges include differences in interpretation of sharia law and limited mediation infrastructure [9].
Muhammad Hafidh Hasim Purba, Zamakhsyari Bin Hasballah Thaib, and Abdul Harris (2022)	*Legal Analysis of Dispute Resolution in Murabahah Financing Contracts Between Customers and PT. Bank Syariah Indonesia, Tbk Medan Ahmad Yani Branch Office According to Law Number 21 of 2008 Concerning Sharia Banking*. Innovation Forum, Vol. 11, No. 2	A normative legal research using a descriptive-analytical approach. The analysis was conducted on regulations, KHES, DSN-MUI Fatwas, and dispute resolution practices at BSI.	Murabahah disputes are generally caused by default, unlawful acts, and force majeure. Settlement is carried out through negotiation, mediation, conciliation, and arbitration before resorting to litigation. Mediation and deliberation are the primary mechanisms because they are considered faster, more cost-effective, and in accordance with the principles of ʿadl, tawazun, and maslahah. Their success is influenced by the quality of the financing analysis, customer compliance,

Researcher (Year)	Title and Source	Method	Research result
			and the professionalism of the mediator [10].
Juen (2024)	*Review of the Concept of Ṣulḥ Regarding Murabahah Dispute Settlement Through Mediation at the Banyumas Religious Court*. Journal of Islamic Economic Law, Vol. 7, No. 2	Literature legal research with a conceptual approach to the principle of ṣulḥ in fiqh and its application to the mediation process in Religious Courts.	Mediation based on the concept of ṣulḥ is considered capable of creating a fair resolution and producing an agreement that is not detrimental to either party. Success is supported by open dialogue and the parties' willingness to achieve peace. However, research has not yet quantitatively measured the success rate of mediation or identified practical obstacles in the field [12].
Muhammad Fahmi Azis and Isma Swadjaja (2020)	*Dispute Resolution in Murabahah Contracts Using a Non-Litigation Approach at KSPPS BTM Mulia Babat Lamongan*. Journal of Economic Justice, Vol. 4, no. 1	Qualitative descriptive research through observation, interviews, and documentation.	Murabahah dispute resolution is conducted through a non-litigation approach based on family deliberation, in line with the concept of ṣulḥ. This mechanism is considered effective in maintaining the relationship between the cooperative and its customers and preventing the escalation of disputes to legal channels. Supporting factors are local culture that prioritizes consensus and religious understanding of the parties. However, the study did not provide quantitative data on the success rate of mediation [8].
A'in Amalia Rohmah and Lina Kushidayati (2022)	*Settlement of Disputes over Breach of Murabahah Contract in Kudus Religious Court (Case Study of Decision 455/Pdt.G/2019/PA.Kds)*. JIMSYA, Vol. 1, No. 1	Qualitative research through analysis of court decisions with a descriptive approach.	Murabahah disputes are resolved through litigation after mediation efforts fail to produce an agreement. This finding indicates that the effectiveness of court mediation is suboptimal because not all parties have the desire to reach a settlement. As a result, disputes must proceed to court, which requires more time and expense. [13]

Researcher (Year)	Title and Source	Method	Research result
Shella Andri Astuti (2019)	*Islamic Law Review of Murabahah Dispute Settlement Through Mediation at the Muamalat Harkat Sukaraja Islamic People's Financing Bank (BPRS)*. Thesis IAIN Bengkulu	*Field research*with a descriptive qualitative approach through interviews and documentation.	Mediation at BPRS Muamalat Harkat Sukaraja was deemed ineffective because the procedures did not fully comply with mediation principles and Islamic law. The mediator was from the bank, raising questions about his independence. The mediation process was also conducted primarily through warning letters without face-to-face meetings. Another obstacle was a lack of understanding of the pillars, conditions, and concept of ṣulḥ [11].
Fadli Daud Abdullah, Ayi Yunus Rusyana, Hasan Bisri, Arzam, and Kesi Afrilia (2023)	*Analysis of Murabahah Dispute Resolution Through the Al-Ṣulḥu Method from the Perspective of Jurgen Habermas' Consensus Theory of Justice*. Journal of Islamic Economics and Banking Studies, Vol. 4, no. 2	Qualitative descriptive research with a normative approach through analysis of literature, fatwas, and regulations.	The al-ṣulḥ model is considered normatively effective because it aligns with the principles of participatory justice and deliberation. This mechanism is able to avoid litigation, produce peaceful agreements, and maintain relationships between parties. However, this research is theoretical in nature and therefore has not yet empirically measured the success of its implementation [6].
Alip Rahman (2018)	*Implementation of Dispute Resolution in Murabahah Contracts*Syntax Literate: Indonesian Scientific Journal, Vol. 3, No. 3	Qualitative research with normative analysis.	Murabahah dispute resolution is generally in accordance with legal provisions, but its effectiveness is hampered by differences in the parties' understanding of the contents of the contract. Judges have an important role in ensuring substantive justice because the Sharia procedural law is not yet fully comprehensive. Research focuses more on normative aspects, so the implementation of mediation has not been optimally described [15].

Discussion

An analysis of various studies on murabahah dispute resolution through mediation indicates that the effectiveness of this method is influenced by a number of structural, cultural, and procedural factors. Literature findings reveal differences in the application of mediation in Islamic cooperatives, Islamic rural banks (BPRS), national Islamic banks, and religious courts. These differences relate not only to the success rate of mediation but also to the parties' perceptions of fairness and the sustainability of the legal relationship after the dispute is resolved.

Habibi's (2025) research at the Al Uswah KSPPS in Banjar City showed that the success of mediation is influenced by an institutional culture that emphasizes deliberation as part of dispute resolution. The use of the 3R principle—restructuring, rescheduling, and reconditioning—provides a systematic framework for cooperatives to adjust customer obligations without having to take disputes to litigation. However, the study also showed that long-term effectiveness remains challenging due to the lack of professional mediators competent in Islamic economic law [7].

These findings align with research by Azis and Swadjaja (2020), which showed that a family approach and local culture were supporting factors in non-litigation dispute resolution at the KSPPS BTM Mulia Babat. Social ties and religious understanding between the parties can accelerate the achievement of consensus. However, this study did not provide quantitative data on the number of cases successfully resolved through mediation. This condition means that the effectiveness of mediation cannot be measured objectively [8].

Meanwhile, Daud's (2023) research on BPRS Alwadiah Tasikmalaya showed that banking institutions face more complex challenges in implementing mediation. Although mediation and non-litigation negotiation have been proactively implemented, their effectiveness is still affected by differing interpretations of Sharia law and limited mediation infrastructure. This situation indicates that Sharia financial institutions require standardized mediation procedures supported by human resources competent in Sharia economic law [9].

Research by Purba et al. (2022) illustrates that PT Bank Syariah Indonesia, Tbk. prioritizes non-litigation mechanisms as one of the primary options for resolving murabahah disputes before they go to court. Negotiation, mediation, conciliation, and arbitration are used to reach a mutually acceptable settlement. These mechanisms are considered faster and more cost-effective, and align with the principles of ʿadl (justice), tawazun (balance), and maslahah (benefit). However, their success still depends on the quality of the financing analysis, customer compliance, and the professionalism of the mediator [10].

A different situation was found in Astuti's research on BPRS Muamalat Harkat Sukaraja. The study showed that mediation was not effective because the mediator was from within the bank, thus lacking assurance of independence. Furthermore, the settlement process was often conducted through issuing warning letters without meeting the parties directly. This situation indicates that the existence of a mechanism formally referred to as mediation does not necessarily fulfill the characteristics of true mediation. Effective mediation requires a neutral mediator, an open communication process, and substantial application of the principle of ṣulḥ [11].

At the religious court level, Juen's (2024) research shows that the concept of ṣulḥ can be an important foundation for building a mediation process oriented toward justice and consensus. This concept provides space for the parties to express their respective interests and seek mutually acceptable solutions. However, this research is primarily conceptual in nature and therefore does not provide an empirical picture of the success rate of mediation in practice [12].

In contrast to this research, Rohmah and Kushidayati (2022) showed that mediation does not always result in an agreement. In a case of a murabahah default dispute at the Kudus Religious Court, the mediation

process was unsuccessful, resulting in the case proceeding to litigation. These findings demonstrate that the effectiveness of mediation is highly dependent on the parties' willingness to compromise. If one party lacks the intention to reach a settlement, mediation's advantages in terms of time and cost efficiency become difficult to achieve [13].

Abdullah et al.'s (2023) research provides a theoretical perspective on the application of al-ṣulḥ in murabahah dispute resolution. Based on this research, al-ṣulḥ aligns with the principle of participatory justice because it provides the opportunity for the parties to be actively involved in the resolution process. This concept can also support the creation of a peace agreement without having to position one party as the complete winner and the other as the loser. However, because this research is normative, its effectiveness still needs to be proven through empirical research [6].

Furthermore, Rahman (2018) emphasized that differences in understanding between the parties regarding the contents of the contract are one of the factors that can hinder the resolution of murabahah disputes. Ambiguity or differing interpretations of the rights and obligations within the contract can increase the potential for conflict. Therefore, the effectiveness of mediation is not only determined when a dispute arises, but is also influenced by the quality of the contract drafting and the parties' understanding from the outset of the financing [15].

Based on a comparison of these various studies, it can be concluded that the effectiveness of mediation in resolving murabahah financing disputes is influenced by at least five main factors. First, the mediator's competence, both in legal aspects, muamalah jurisprudence, and communication and negotiation skills. Second, the mediator's independence, as a mediator from one of the parties has the potential to raise doubts about the objectivity of the process. Third, the good faith and readiness of the parties, especially the willingness of the bank and the customer to communicate and seek a joint solution. Fourth, institutional support, including the availability of clear procedures, mediator training, and a monitoring system for mediation outcomes. Fifth, the application of the principle of ṣulḥ, which places peace, deliberation, justice, and the common good as the basis for dispute resolution.

Thus, the effectiveness of mediation cannot be measured solely on the basis of reaching a peace agreement. Effectiveness also needs to be assessed in terms of the quality of the agreement, the implementation of the mediation results, the fulfillment of the parties' rights and obligations, and the mediation's ability to maintain the relationship between the Islamic financial institution and its customers. Existing literature still primarily assesses success at the stage of reaching an agreement, while studies on the sustainability and implementation of agreements after the mediation process are relatively limited. This situation suggests that there is room for further research to develop indicators of mediation effectiveness that are not only quantitative but also consider aspects of fairness, compliance, sustainability, and compliance with the principles of ṣulḥ.

5. Conclusion

Based on the results of the literature review, it can be concluded that mediation has a strategic position as a dispute resolution mechanism for murabahah financing in Indonesia because it is in accordance with sharia principles, especially the concept of ṣulḥ which emphasizes peace, voluntary agreement, justice, and maintaining good relations between parties. National regulations, such as Law Number 21 of 2008 concerning Sharia Banking and Supreme Court Regulation Number 1 of 2016, also provide a normative basis for the implementation of mediation as a dispute resolution mechanism. However, the effectiveness of mediation in practice is still diverse and contextual. In microfinance institutions, such as KSPPS, mediation tends to be more effective because the relationship between the institution and the customer is more

personal, the culture of deliberation is stronger, and the resolution procedures are more flexible. Conversely, in large-scale sharia banking and religious courts, the effectiveness of mediation tends to face more obstacles, such as formal procedures, imbalanced bargaining positions, and a low willingness of some parties to reach a compromise [14].

The effectiveness of mediation is influenced by the presence of a competent, neutral mediator who understands Islamic economic law, transparent procedures that are in accordance with the principles of ṣulḥ, and a culture of consensus among the parties. Meanwhile, obstacles that are still found include the limited number of professional mediators, the lack of uniform internal mediation operational standards, differences in legal interpretations, and non-compliance by some customers [15]. In addition, most previous studies still use a normative and qualitative approach, so they have not provided comprehensive empirical data regarding the success rate, duration, and cost efficiency of mediation compared to litigation. Therefore, optimizing mediation in resolving murabahah financing disputes still requires strengthening the technical aspects, increasing the capacity and independence of mediators, establishing measurable procedural standards, and broader empirical research. With this strengthening, mediation is expected to be not only normatively effective, but also able to provide dispute resolution that is fair, efficient, sustainable, and in accordance with Islamic principles.

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