

## ISLAMIC LAW IN THE AGE OF DIGITALIZATION: CHALLENGES OF ONLINE DISPUTE RESOLUTION

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### Abstract

As societies become increasingly digitized, legal systems worldwide are adapting to resolve disputes through virtual platforms. The digitalization of legal processes has facilitated an innovative legal practice known as online dispute resolution (ODR) with the expectation of providing alternatives to traditional practices by making dispute resolution more efficient and accessible. Islamic law, which traditionally emphasizes face-to-face interactions, community-based dispute resolution, and adherence to religious principles, faces unique challenges in integrating ODR. This paper examines the emerging challenges and opportunities that digitalization presents for the application of Islamic law, particularly in the context of ODR. This study explores how concepts such as arbitration, mediation, and adjudication in Islamic courts can be adapted to the digital realm while maintaining the integrity of Shariah. The study analyzes key challenges, including the need to ensure that digital platforms align with Islamic principles of justice, transparency, and fairness, as well as addressing concerns about digital security, identity verification, and jurisdiction. A qualitative method was employed based on literature reviews, case studies and expert opinions. It was found that some of the concepts in ODR were absent in classical *Fiqh* (Islamic jurisprudence). However, findings suggest ODR can still be utilized as a dispute resolution mechanism if some adjustments are made within its framework so that it complies with Islamic jurisprudential conditions. Therefore, this paper recommends directions

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for platform designs that respect Islamic legal/ethical standards. It also identifies several interesting research opportunities to extend ODR's potential among Muslims.

**Keywords:** Age of Digitalization, Digital Evidence, Jurisdiction, Online Dispute Resolution, Islamic Law, Privacy.

## 1.0 Introduction

Digitalization has changed almost every aspect of life with its impact on the mode of communication and the ways we perform different tasks.<sup>1</sup> The advancement of digital technologies has brought a number of consequential features; for example, the internet, mobile devices, and other advanced software systems that have totally changed the mode of social interaction.<sup>2</sup> The advancement has brought in its wake not only challenges but also a number of benefits including ease of revenue generation and exponential widening of modes of education, among others. The same technological shift has positively impacted changes in legal practice; facilitating processes, unprecedented access to legal resources, and the rise of novel legal issues.<sup>3</sup> Digitalization brought with it the introduction of such novelties as the electronic filing system, digital signature, and virtual courtroom.<sup>4</sup> All these innovations facilitate legal procedures and make services more available and more accessible for people. On the other hand, digitalization raised concerns regarding data security, privacy, and authenticity of a digital evidence.

From a legal point of view, one of the most important developments arising due to digitalization is Online Dispute Resolution. ODR can be defined as a process wherein disputes among parties are resolved using digital platforms, tools, and techniques without necessarily having to be physically present in a courtroom,

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<sup>1</sup> Songjie Xie, Shuaijie Ma, Ming Ding, Yuanming Shi, Ming-Fu Tang and Youlong Wu. "Robust Information Bottleneck for Task-Oriented Communication With Digital Modulation." *IEEE Journal on Selected Areas in Communications*, 41 (2022): 2577-2591. <https://doi.org/10.1109/JSAC.2023.3288252>. Accessed 1 October 2024.

<sup>2</sup> K. Loh and R. Kanai. "How Has the Internet Reshaped Human Cognition?" *The Neuroscientist*, 22 (2016): 506 - 520. <https://doi.org/10.1177/1073858415595005>. Accessed 1 October 2024.

<sup>3</sup> Tilmann Altwicker. "International Legal Scholarship and the Challenge of Digitalization." *Chinese Journal of International Law* (2019). <https://doi.org/10.1093/chinesejil/jmz012>. Accessed 1 October 2024.

<sup>4</sup> Negi, C. (2016). *Virtual Courtrooms: Concept & Overview*. <https://doi.org/10.2139/ssrn.2765766>. Accessed 1 October 2024.

mediation centre or any ADR venue. The term; ODR could be employed for all dispute resolution mechanisms; including negotiation, mediation, and arbitration, even litigation. However, it is conducted wholly online.<sup>5</sup> In today's world, as navigating countries virtually for transactions or online interactions is becoming increasingly relevant within a globalized context, the need for ODR has significantly increased. ODR is becoming ever more relevant. It promises faster and cheaper resolutions opposed to the more standard forms of dispute resolution.<sup>6</sup>

ODR is especially efficient in disputes arising out of e-commerce, intellectual property, and other forms of digital engagement. On the other hand, incorporating the ODR within the religious or culturally specific legal jurisdictions is also casting various challenges that must be judiciously overcome in order to achieve total fairness and equity, with full compliance to the classical legal jurisprudence which Islamic law epitomises.

## 2.0 Objectives of the Study

The study aims to discuss the challenges in the application of Islamic law through ODR, which include, but are not limited to, the following;

- (i) submission to and admissibility of Shari'ah principles;
- (ii) authenticity of digital evidence;
- (iii) confusion as to jurisdiction;
- (iv) privacy concerns; and
- (v) cultural sensitivities.

This paper assesses the effects of digitalization on conventional Islamic legal practices and explores how ODR; a new normal dispute settlement mode consequent upon COVID-19 pandemic, affects the efficacy and legitimacy of dispute resolution mechanism pursuant to Islamic Law. It also attempts to proffer pragmatic solutions to these emerging challenges as a way of ensuring that ODR platforms are able

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<sup>5</sup> Davide Carneiro, P. Novais, F. Andrade, John Zeleznikow and J. Neves. "Online dispute resolution: an artificial intelligence perspective." *Artificial Intelligence Review*, 41 (2012): 211 - 240. <https://doi.org/10.1007/s10462-011-9305-z>. Accessed 7 October 2024.

<sup>6</sup> Christofilou, A. (2016). Online Dispute Resolution and Insurance. , 267-298. [https://doi.org/10.1007/978-3-319-28410-1\\_12](https://doi.org/10.1007/978-3-319-28410-1_12). Accessed 11 October 2024.

to execute their mandates within the letter and spirit of Islamic legal and ethical standards. The study also tends to contribute to the broader discussion of digital technology and Islamic law, hence bearing in mind some insights that might help guide the development of ODR systems in Muslims dominated jurisdiction like Nigeria. Finally, it also indicates areas for further research to fine-tune the understanding of how islamization of knowledge can be integrated into digital legal systems to further improve the effectiveness of ODR and its acceptance under Islamic law.

### 3.0 Literature Review

The Islamic law, or *Shariah*, therefore, is the law based on the Quran, Hadith, *Ijma'*, and *Qiyās*.<sup>7</sup> *Shariah* governs family law, inheritance, contract law, crime and punishment, and conduct which is regarded as ethical or not.<sup>8</sup> In this regard, the essence of the law is an inherent principle of achieving justice through equity while guaranteeing fundamental rights for social cohesion and spiritual salvation. The outstanding feature of Islamic law is its approach towards dispute resolution, weighing peace settlement and reconciliation higher than vindication.<sup>9</sup> Through this approach, Islam encourages *Sulh*, or amicable settlement, and *Tahkim*, or arbitration, ways by which a conflict may be settled without resorting to formal court proceedings. These methods are highly visible in issues related to family disputes and commercial transactions, where the preservation of relationships is important and usually considered more vital than adjudication rights.

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<sup>7</sup> Mohammed, N. (1988). Principles of Islamic Contract Law. *Journal of Law and Religion*, 6, 115 - 130. <https://doi.org/10.2307/1051062>. ; A. Sanni. "Law and Power in the Islamic World." *Journal of Muslim Minority Affairs*, 32 (2012): 120 - 121. <https://doi.org/10.1080/13602004.2012.665626>. Accessed 1 October 2024.

<sup>8</sup> N. Mohammed. "Principles of Islamic Contract Law." *Journal of Law and Religion*, 6 (1988): 115 - 130. <https://doi.org/10.2307/1051062>. ; Hakeem, F., Haberfeld, M., & Verma, A. (2012). The Concept of Punishment Under Sharia. , 7-21. [https://doi.org/10.1007/978-1-4614-3552-5\\_2](https://doi.org/10.1007/978-1-4614-3552-5_2). Accessed 1 October 2024.

<sup>9</sup> Heriyah, H., & Santiago, F. (2021). Reconciliation as Problem Solution of Sharia Economic Dispute in Religious Court. . <https://doi.org/10.4108/EAI.6-3-2021.2306278>. Accessed 1 October 2024.

Evidence and witnesses are also crucial in Islamic law for the proper adjudication of the case.<sup>10</sup> Greater emphasis is given to the character reliability of the witness and the credibility of the evidence, which are to be presented with truly ideal conditions that stipulate their admissibility during hearings. This is because in everything, the administration of justice enforced shall be brought into being equitably and justly based on *A'dl* or the general principle of justice in Islamic jurisprudence.<sup>11</sup> Recent scholarship has focused on how these traditional Islamic principles interact with modern legal structures with terms such as ADR (Alternative Dispute Resolution) and ODR (Online Dispute Resolution). Scholars have debated the opportunities and the problems associated with taking the Islamic mechanisms of dispute resolution into the digital world, where indeed the use of new technologies or tools might expedite the resolution and access thereto, but at the same time raises concerns about how *Shariah's* ethical and procedural standards are preserved therewith.

### 3.1 Digitalization and ODR

Digitalization has changed the way courts and other dispute resolution fora approach their task.<sup>12</sup> Indeed, it has triggered a revolution in the resolution of disputes, especially with the advent of Online Dispute Resolution. In the near future, ODR is foreseen to play a much more important role within all modern legal frameworks, especially regarding cross-border transactions and e-commerce.<sup>13</sup>

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<sup>10</sup> Sazzadul Islam Ripon. "The Role of a Witness in the Judicial Proceeding: An Overview under Conventional And Islamic Law." *International Journal of Social, Political and Economic Research* (2015). <https://doi.org/10.46291/ijospervol2iss1pp40-55>. Accessed 2 October 2024.

<sup>11</sup> Farman Mirhamad and Baqer Shamsulddin. "The Principles of Justice in the Quranic Perspectives and Administrative Laws." *Islamic Sciences Journal* (2023). <https://doi.org/10.25130/jis.23.14.4.1.13>. Accessed 1 October 2024.

<sup>12</sup> Liliya G. Shcherbakova. "Digital Transformation Technologies of Legal Proceedings In Civil And Administrative Cases." *European Proceedings of Social and Behavioural Sciences* (2022). <https://doi.org/10.15405/epsbs.2022.01.89>. Accessed 7 October 2024.

<sup>13</sup> A. Patrikios. "The role of transnational online arbitration in regulating cross-border e-business - Part I." *Comput. Law Secur. Rev.*, 24 (2008): 66-76. <https://doi.org/10.1016/J.CLSR.2007.11.005>. Accessed 7 October 2024.

### 3.2 Impact of Digitalization towards Legal Processes

Digitalization has eased many processes of law, thereby making them speedy, accessible, and affordable.<sup>14</sup> The traditional and lengthier procedures of courts have embraced complementary digital tools that help in managing cases, presenting documents, and communicating between parties.<sup>15</sup> For instance, digital signatures, e-filings, and virtual courtrooms have minimized the time and other resources wasted in conducting legal proceedings. Arguably the most significant outcome of the process of legal digitization is the emergence of ODR. Dispute resolution mechanisms that can take online form include negotiation, mediation, and arbitration, with the use of appropriate digital tools for the procedures. Online platforms were found somewhat more useful for the settlement of disputes relating particularly to developing areas involving electronic means, for example, e-commerce, especially where the parties are domiciled in different jurisdictions.<sup>16</sup> ODR's flexibility and convenience mean that using the process is advantageous compared to traditional methods of dispute resolution. Also, in terms of cost saving, especially when the value in dispute does not warrant travel costs, ODR comes along as an amiable partner in cutting costs.

### 3.3 Current Status of ODR in Various Legal Systems

Variations in ODR have since been adopted, in one form or another, in different legal systems. For example, in the United States of America, ODR has been adopted by several state courts in managing small claims and traffic disputes.<sup>17, 18</sup> In this regard, the European Union also

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<sup>14</sup> J. Donoghue. "The Rise of Digital Justice: Courtroom Technology, Public Participation and Access to Justice." *Law & Society: Private Law eJournal* (2017). <https://doi.org/10.1111/1468-2230.12300>. Accessed 7 October 2024.

<sup>15</sup> O. Pirmatov. "CASE MANAGEMENT IN THE ELECTRONIC CIVIL CASE SYSTEM(E-COURTS)." *Jurisprudence* (2022). <https://doi.org/10.51788/tsul.jurisprudence.2.5./mkhp7309>. ; N. Ryzhenko. "Digital transformation in the judicial system of Ukraine." *Uzhhorod National University Herald. Series: Law* (2023). <https://doi.org/10.24144/2307-3322.2023.79.1.39>. Accessed 7 October 2024.

<sup>16</sup> Rule, C. (2016). *Online Dispute Resolution for Business: B2B, E-Commerce, Consumer, Employment, Insurance, and Other Commercial Conflicts*. Jossey-Bass.

<sup>17</sup> Katsh, E., & Rabinovich-Einy, O. (2017). *Digital Justice: Technology and the Internet of Disputes*. Oxford University Press.

<sup>18</sup> Wahab, M. S., Katsh, E., & Rainey, D. (2012). *Online Dispute Resolution: Theory and Practice*. Eleven International Publishing.

adopted an ODR platform dedicated to addressing consumer disputes that would stem from online purchases across member states.<sup>19</sup> Other countries, like India and China, are also exploring the use of ODR in Asia, mainly due to the presence of fast-growing e-commerce markets in the continent.

While ODR is expanding globally, the integration of Islamic law in such platforms presents unique challenges. Islamic law, or *Shariah*, emanates from religious precepts that are quite alien to the secular legal frameworks supporting most of the ODR systems. The most looming challenge is that of ensuring ODR processes complies with the strict *Shariah* evidentiary requirements, relating among other things, to credible witnesses and authenticity of digital evidence. Other principles of Islamic jurisprudence, such as *Sulh* (amicable settlement) and *Tahkim* (arbitration), focus on personal contact and relationships that might be hard to provide in a digital space. Applications of digitally provided dispute resolution services could also create privacy and data security concerns that are sacrosanct matters under Islamic law.

In conclusion, the literature largely suggests that ODR, despite having great advantages in efficiency and access to justice, needs to be implemented with care regarding *Shariah*'s unique legal and ethical requirements. Further research and development of online dispute resolution systems in relation to Islamic Law is urgently encouraged so that online platforms can provide a valid and just outcome, as far as Islamic principles is concerned.

### 3.4 Research Gap

Studies on ODR and its implementations abound increasingly in various legal systems, but serious lacunae exist regarding the inclusion of Islamic law in this digital platform. Most studies at the present, discuss how to apply ODR within a secular legal framework and barely touch upon how *Shariah* can best be interpreted for the digital era.<sup>20</sup> This leaves a gap in the literature on how traditional Islamic principles, particularly those related to evidence, witness credibility, and ethical considerations, can be interpreted in the digital world. There is a lack

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<sup>19</sup> Cortés, P. (2011). *Online Dispute Resolution for Consumers in the European Union*. Taylor & Francis.

<sup>20</sup> Rule, C. (2016). *Online Dispute Resolution for Business: B2B, E-Commerce, Consumer, Employment, Insurance, and Other Commercial Conflicts*. Jossey-Bass.

of significant empirical research into using Islamic law to investigate practical problems within an ODR context.

While some scholars debate theoretical aspects, whether Islamic mechanisms for dispute resolution such as Sulh and Tahkim permits ODR,<sup>21</sup> very few studies consider how such principles could be operationalized on online platforms in regard to issues of authenticity of digital evidence, the role of arbitrators, and preservation of justice and fairness under Islamic jurisprudence. Another gap is that area which joins privacy, data security together with Islamic legal ethics. Though El-Masry (2020)<sup>22</sup> has touched on the concerns of privacy in the digital age from an Islamic outlook, yet more comprehensive research is needed to bring out how these concerns can be addressed within the ODR framework. Integration of *Shariah* compliant data protection mechanisms with the ODR platforms is a vital area which has not yet been fully explored.

#### **4.0 Challenges in Online Dispute Resolution under Islamic Law**

##### **4.1 Challenge 1: Issues relating to Evidence and Witness**

In *Shari'ah*, or Islamic law, evidence and witnesses are essential to the adjudication of disputes and also the administration of justice.<sup>23</sup> These concepts find their basis in the Quran, the Hadith, and the practices by the early Islamic jurists. However, most of the problems that are very difficult to surmount include how evidence integrity and witness testimony can be preserved in a digital environment. Islamic law gives great prominence to the integrity of the witness and the authenticity of evidence.<sup>24</sup> Allah says in the holy Quran:

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<sup>21</sup> Hassan, A. (2016). Islamic Dispute Resolution Mechanisms: Issues and Challenges in the Context of Modernity. *Journal of Islamic Law and Culture*.

<sup>22</sup> El-Masry, S. (2020). Privacy and Data Security in Islamic Law: Challenges in the Digital Age. *International Journal of Islamic Law and Ethics*.

<sup>23</sup> Sazzadul Islam Ripon. "The Role of a Witness in the Judicial Proceeding: An Overview under Conventional and Islamic Law." *International Journal of Social, Political and Economic Research* (2015). <https://doi.org/10.46291/ijospervol2iss1pp40-55>. Accessed 13 October 2024.

<sup>24</sup> Ibid.

"And establish the testimony for the sake of Allah"<sup>25</sup>

It then becomes very critical that testimony given is indeed truthful and reliable in nature. The verification of their authenticity becomes hard when such evidence involves emails, texts, and digital contracts of some sort. In fact, ensuring that such digital evidence passes the test of standards set by Islamic law is central to the integrity of the dispute resolution process. Among several others, Islamic law recognizes the following types of proof/evidence:

#### **4.1.1 Witnessing (*Shahada*)**

Testimonies in Islamic jurisprudence remain the cornerstone. In the Quran, testimony has this weighting:

"And do not conceal testimony, for whoever conceals it—  
his heart is indeed sinful"<sup>26</sup>

The requirements in establishing the credibility of a witness and their testimony are that it should be clear, consistent, and coming from personal knowledge on the subject matter in issue.

#### **4.1.2 Oaths (*Qasam*)**

This is usually used as additional evidence when the number of witnesses is incomplete. One who swears such an oath pledges by Allah that what he says is correct.

#### **4.1.3 Documents in Writing (*Kitabah*)**

Islamic law does, however, accept written documents as evidence, particularly in cases involving contracts and agreements. The Quran encourages the putting down of financial transactions in writing. Allah says;

"O you who have believed, when you contract a debt for a  
specified term, write it down".<sup>27</sup>

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<sup>25</sup> Suratul Talaq Quran 65:2

<sup>26</sup> Suratul Baqarah Quran 2:283.

<sup>27</sup> Suratul Baqarah Quran 2:282

#### 4.1.4 Confession (*Iqrar*)

In Islamic law, a confession from the accused himself is taken as strong evidence. However, it should be given out of free will and should not be under any pressure or compulsion.

The challenge of the present age, in this regard, is to ensure that digital or recorded evidence adheres to these principles. For instance, digital documents or even video evidence have to be authenticated with a lot of care to meet the strict evidentiary standards laid down by Islamic law.<sup>28</sup> In addition, such evidence ought to be handled and presented in a manner that is ethical and procedural in accordance with *Shari'ah* requirements. Therefore, the rules of evidence and witnesses in Islam are very strong on justice, truthfulness, and not violating the rights of any person. The high level of testimony required to prove a case and the handling of the evidence with extreme care show just how seriously these matters are taken within the Islamic system. Nowadays, these principles would then guide the application of *Shari'ah* for emerging evidence in new forms and modalities.

#### 4.2 Challenge 2: On Privacy or Confidentiality Issues

Privacy or confidentiality remains one of the most vital rights in Islamic law, based on the Quran and Hadith. These are basic tenets that clearly point to the protection of personal information, as well as respect for the dignity of persons. Many have slammed the tendency of modern digital platforms for an unparalleled scale in data collection, sometimes breaching privacy. There are surveillance technologies that might track individuals' activities online and raise concerns about unauthorized access to personal information. There are issues which in Islamic law are treated as very sacred, and amongst them is privacy. Allah says in the glorious Quran;

"O you who have believed, avoid much [negative] assumption. Indeed, some assumption is sin. And do not spy or backbite each other."<sup>29</sup>

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<sup>28</sup> Enden Haetami. "The Strength of Electronic Evidence in the View of Islamic Law." International Journal of Science and Society (2023). <https://doi.org/10.54783/ijssoc.v4i4.615>. Accessed 11 October 2024.

<sup>29</sup> Suratul Hujrat Quran 49:12

This really would mean outright prohibition of surveillance and spying. This will imply a prohibition of digital surveillance. With the modern digital age, sharing of personal information can happen so much more easily-even without permission. Social media, cloud storage, and other digital devices could eventually lead to accidental or unauthorized disclosure of personal information. Prophet Muhammad was reported to have said;

"Whoever conceals [the faults of] a Muslim, Allah will conceal his faults in this world and the Hereafter" (Sahih Muslim).

This Hadith expands the principles of privacy protection in not exposing the private matters of others.

The threat of data breach and cyber-attack is related to confidentiality. Data stored online can be hacked and result in identity theft and financial fraud. It is in this respect that one can argue that Islamic law deems the protection of a person's life, property, and dignity important. Allah says in the Quran;

"And do not approach unlawful sexual intercourse. Indeed, it is ever an immorality and is evil as a way".<sup>30</sup>

This verse refers directly to sexual immorality, but indirectly touches on the more general principle of personal integrity and confidentiality.

#### **4.2.1 Solution - Providing Strong Protection for Data**

Correspondingly, the problem of digital surveillance would find its countermeasure in the application of Islamic law by using such measures as strict data protection against unauthorized access: encryption security for authentication and strict access controls. Dignity protection of other people, gracefully derived from Quran teachings themselves, creates a bridge that justifies the use of technological gadgets necessary in preventing any breach of data in order to keep personal information covert.

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<sup>30</sup> Suratul Isra' Quran 17:32

#### 4.2.2 Consent and Transparency

Personal information shall not be disclosed without the presentation of consent in full transparency. This would be considered an Islamic expression of mutual respect and prohibition against betrayal. The Quran says,

"O you who have believed, do not betray Allah and the Messenger or betray your trusts while you know [the consequence]".<sup>31</sup>

It follows then that digital platforms must include comprehensive policies that provide for explicit consent from users prior to the collection of their data or its sharing.

#### 4.2.3 Education and Awareness

It is also important that the users be educated on the need to guard their privacy and that of others. Islam calls for acquisition of knowledge as well as application for the good of one's self and society. It is the knowledge gained through awareness campaigns on the ethical use of technology that has support in Islamic values, which will help an individual to be conscious of what his digital footprint is and what information should be shared online.

#### 4.2.4 Legal and Ethical Oversight

Fairness and justice can be elaborated on in terms of Islamic Law; it might extend to establishing a digital setting which will have full legal support in terms of maintaining privacy rights. It may relate to creating *Shari'ah*-compliant terms for online business and economic dealings. The Quran insists on justice as Allah says;

"O you who have believed, be persistently standing firm in justice, witnesses for Allah, even if it be against yourselves or parents and relatives".<sup>32</sup>

Using this principle to the digital world would call for an institution of regulations that implement privacy and confidentiality, with consequential punishment meted out to violators. While the challenges

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<sup>31</sup> Suratul Anfal: Qur'an 8:27.

<sup>32</sup> Suratul Nisa Quran 4:135

thrown up by maintaining privacy and confidentiality in the digital era are immense, Islamic law does provide a wholesome framework for tackling them. If guidelines provided by the Quran and Hadith on this count are followed, and modern technological solutions espousing those principles are implemented, then personal privacy can be enabled in a manner which will not only provide satisfaction but also remain compliant with Islamic ethics.

### **4.3 Challenge 3: On Justice and Fairness (Adl)**

Fairness-Justice, or Adl-is one of the fundamentals of Islamic Law. Allah says;

"O you who have believed, be persistently standing firm in justice, witnesses for Allah, even if it be against yourselves or parents and relatives".<sup>33</sup>

This entails the fact that in an ODR context, the process of resolution should be non-discriminatory, equitable, and fair to all parties, whether they are technologically savvy or have resources. The challenge remains in designing the ODR platform in an inclusive way, so it is not at the expense of a party who may not be technologically savvy enough or limited by insufficient resources to participate effectively online.

### **3.4 Challenge 4: On Arbitration and Reconciliation**

According to the Islamic law, disputes between two parties is better resolved without acrimony or unnecessary bickering. Thus, negotiation, mediation, arbitration and conciliation process are favoured under Islamic law rather than adversarial system of dispute resolution. As stated by the Prophet Muhammad (peace be upon him), in the Hadith:

"The conciliation between Muslims is permissible, except conciliation which makes unlawful lawful or unlawful lawful" - Tirmidhi.

The necessary processes have to be supported by the ODR platforms in such a way that remains within the Islamic principles, ensuring that any arbitration or reconciliation is duly executed with a full guarantee of

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<sup>33</sup> Suratul Nisa Quran 4:135

transparency, equity, and *Shari'ah* compliance to make sure the process is well conducted with respects to the Islamic ethical standards.

## 5.0 Conclusion

This study delves into the complexities of integrating Islamic law into Online Dispute Resolution (ODR) systems in the digital age. It explores the impact of digitalization on legal systems, highlighting the efficiency and accessibility that ODR platforms bring to dispute resolution processes. However, it also identifies significant challenges in applying Islamic legal principles to these platforms. These challenges include maintaining the integrity of evidence and witness testimony, safeguarding privacy and confidentiality, and ensuring justice and fairness within digital environments. Islamic law's strict requirements, such as the need for reliable testimony, protection of personal data, and the upholding of justice, present difficulties when transposed into the digital realm, where these principles can be compromised.

## 6.0 Recommendations

To address these challenges, the study recommends as follows;

1. The implementation of strong data protection measures, requiring explicit consent for data sharing, educating users on the ethical use of digital platforms.
2. Establishment of Shari'ah-compliant legal frameworks by state legislatures especially in the Shariah compliant states in Nigeria for digital transactions.
3. Profound through judicial pronouncements on Online Dispute Resolution (ODR) by the judges of Shariah Courts of Appeal in the states of the federation where applicable, since judicial deductions (Qiyas) is a source of Islamic law though secondary, especially where there are no clear texts on the subject-matter in the primary sources.

Islamic law experts should brainstorm on solutions aim to reconcile modern technological advancements with Islamic legal principles, ensuring that ODR platforms can function effectively within the framework of *Shari'ah*.