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ODR: An Islamic Jurisprudence Perspective

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Abstract

Modern Dispute resolution mechanisms have been positively influenced by the advent of the internet. Through Online Dispute Resolution (ODR), several ADR mechanisms have been adapted to for small claims, online and cross-border financial transactions. Existing ODR mechanisms seem to ignore certain underpinnings of Islamic jurisprudence in the development. This has made dispute resolution automation unattractive to shariah complaint sectors. Therefore, this paper seeks to examine the relevance of ODR under Islamic jurisprudence. The paper adopts a doctrinal method to expound principles of Islamic jurisprudence (usul-ul-figh) which supports new ways of resolving disputes using the internet. The study finds that existing Islamic law ethos such as: sulh, maslahah, sad-ul-dhariah among others are in agreement with the modern realities of online dispute resolution.

Keywords

Author Keywords: ODR; conflict; resolution; Islamic; jurisprudence; Shari'ah; Sulh; Maslahah; Maqasid

KeyWords Plus: ONLINE DISPUTE RESOLUTION; BANKING; RELEVANCE

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- Islamic ethics: an exposition for resolving ICT ethical dilemmas
By: Abdallah, S.

Times Cited: 2

Journal of Information, Communication and Ethics in Society Volume: 8 Issue: 3 Pages: 289-301 Published: 2010

2. **Building large-scale online dispute resolution & trustmark systems** Times Cited: 3
 By: Abernethy, S.
 P UNECE FOR ODR Published: 2003
 Retrieved from
 URL: <http://www.mediate.com/Integrating/docs/Abernethy.pdf>

3. **Feasibility Analysis of Online Dispute Resolution in Developing Countries** Times Cited: 1
 By: Albornoz, M.
 University of Miami Inter-American Law Review Volume: 44 Issue: 2 Pages: 1-27 Published: 2012

4. **ODR and Justice** Times Cited: 1
 By: Aresty, J; Devanesan, R.
 Online Dispute Resolution: Theory and Practice A Treatise on Technology and Dispute Resolution Pages: 263-306 Published: 2012
 Publisher: Eleven International Publishing., The Hague

5. **Electronic Dispute Resolution (EDR) and the Development of Internet Activities** Times Cited: 2
 By: Baumann, B.
 Syracuse L. Rev. Volume: 52 Pages: 1227 Published: 2002

6. **A JUDICIAL PERSPECTIVE ON ISLAMIC FINANCE LITIGATION IN MALAYSIA** Times Cited: 6
 By: Bin Zakaria, Tun Arifin
 IJUM LAW JOURNAL Volume: 21 Issue: 2 Pages: 143-182 Published: 2013

7. **Creating a Faith-Based Conflict Management System** Times Cited: 1
 By: Bloch, B.
 Harvard Negotiation Law Review Volume: 14 Pages: 249-270 Published: 2009

8. **Malaysia: Principles and Procedural Obstacles** Times Cited: 2
 By: Choong, Yeow Choy; Balan, Sujata
 ANNALS OF THE AMERICAN ACADEMY OF POLITICAL AND SOCIAL SCIENCE Volume: 622 Pages: 286-295 Published: MAR 2009

9. **Application of online systems in alternative dispute resolution** Times Cited: 14
 By: Cona, FA
 BUFFALO LAW REVIEW Volume: 45 Issue: 3 Pages: 975-999 Published: FALL 1997

10. **Developing Online Dispute Resolution for Consumers in the EU: A Proposal for the Regulation of Accredited Providers** Times Cited: 16
 By: Cortes, Pablo
 INTERNATIONAL JOURNAL OF LAW AND INFORMATION TECHNOLOGY Volume: 19 Issue: 1 Pages: 1-28 Published: SPR 2011

11. **Designing a Global Consumer Online Dispute Resolution (ODR) System for Cross-Border Small Value-High Volume Claims-OAS Developments** Times Cited: 7
 By: Del Duca, L.; Rule, C.; Rogers, V.
 UCC Law Journal Volume: 42 Pages: 221 Published: 2010

12. **A new Automated class of Online dispute resolution: Changing the meaning of computer mediated communication** Times Cited: 1
 By: Dusty, B.
 Faulkner Law Review Volume: 2 Pages: 335-360 Published: 2011

13. **ODR and Interpersonal Trust** Times Cited: 1
 By: Ebner, N.
 Online Dispute Resolution: Theory and Practice A Treatise on Technology and Dispute Resolution Pages: 215-248 Published: 2012
 Publisher: Eleven International Publishing., The Hague

14. **ODR: The Next Green Giant** Times Cited: 2
 By: Ebner, Noam; Getz, Colleen.
 Conflict Resolution Quarterly Volume: 29 Pages: 1 Published: 2012

15. Times Cited: 1