

## **Analysis of the Rights and Obligations of Customers and Financial Institutions in Islamic Banking Practices in Indonesia: A Literature Review**

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### **Abstract**

*This study aims to analyze the rights and obligations of customers and Islamic financial institutions in Islamic banking practices in Indonesia through a literature review. In this system, the relationship between the two parties is not only based on business contracts, but also prioritizes justice, responsibility, and Islamic values. The results of the study indicate that customers have the right to transparency, security of funds, and services in accordance with Islamic principles, and are obliged to provide valid data and comply with contracts. Financial institutions are required to maintain Islamic principles and provide professional and fair services. Although regulations and supporting systems are available, challenges in the form of low literacy and inconsistent implementation still need attention. This study is expected to enrich understanding and become a reference in the development of fair and sustainable Islamic banking.*

**Keywords:** *Islamic Banking, Rights And Obligations, Customers, Financial Institutions, Implementation, Indonesia.*

### **Abstrak**

Penelitian ini bertujuan menganalisis hak dan kewajiban nasabah serta lembaga keuangan syariah dalam praktik perbankan syariah di Indonesia melalui kajian literatur. Dalam sistem ini, hubungan kedua pihak tidak hanya berbasis kontrak bisnis, tetapi juga mengedepankan keadilan, tanggung jawab, dan nilai-nilai syariah. Hasil kajian menunjukkan bahwa nasabah berhak atas transparansi, keamanan dana, dan layanan sesuai prinsip syariah, serta berkewajiban memberikan data valid dan menaati akad. Adapun lembaga keuangan wajib menjaga prinsip syariah dan memberikan layanan profesional dan adil. Meskipun regulasi dan sistem pendukung telah tersedia, tantangan berupa rendahnya literasi dan inkonsistensi implementasi masih perlu perhatian. Kajian ini diharapkan memperkaya pemahaman dan menjadi rujukan dalam pengembangan perbankan syariah yang adil dan berkelanjutan.

**Kata Kunci:** *Perbankan Syariah, Hak Dan Kewajiban, Nasabah, Lembaga Keuangan, Implementasi, Indonesia.*

## **Introduction**

The development of the Islamic banking industry in Indonesia has shown an increasingly positive trend in recent years. As a predominantly Muslim country, Indonesia has significant potential for implementing a Sharia-based financial system. The presence of Islamic financial institutions, particularly Islamic banking, offers a promising alternative for meeting the financial transaction needs of people seeking to conduct transactions in accordance with Sharia principles (Farma & Umuri, 2024). As public awareness of Islamic economics increases, the growth of Islamic banking assets has also increased significantly year after year (Fitri Arwendi et al., 2024).

In practice, the Islamic banking system emphasizes not only financial returns but also ethical values and fairness in accordance with Islamic Sharia principles. Therefore, the relationship between customers and Islamic financial institutions cannot be viewed simply as a contractual relationship, but also as a moral relationship fraught with responsibilities and rights that must be upheld by both parties (Faris et al., 2024). A proper understanding of the rights and obligations of both customers and financial institutions is a crucial foundation for maintaining the stability and sustainability of the Islamic banking system.

In the regulatory context, the rights and obligations of customers and Islamic financial institutions in Indonesia are stipulated in various laws and regulations, such as Law No. 21 of 2008 concerning Islamic Banking and fatwas issued by the National Sharia Council of the Indonesian Ulema Council (DSN-MUI). However, various obstacles remain in their implementation, ranging from a lack of public understanding of Islamic contracts, suboptimal legal protection for customers, to dispute resolution mechanisms that are deemed not to fully reflect the principles of justice in Islamic law (Purwogandi, 2023).

Several previous studies have examined various legal aspects of Islamic transactions, but discussions specifically highlighting the dynamics of the relationship between rights and obligations between customers and Islamic financial institutions in a comprehensive manner are still limited. Based on this background, this study aims to analyze how the rights and obligations between customers and Islamic financial institutions are implemented in Islamic banking practices in Indonesia through a literature review approach. By examining various findings from previous studies, this article is expected to provide academic contributions in strengthening understanding of the legal relationship between the two parties, as well as providing input in formulating fairer and more applicable policies in the future.

## **Research Method**

This research employs a descriptive-qualitative literature review approach. The data sources used are secondary literature, including scientific journals, academic books, laws and regulations, and fatwas from the National Sharia Council of the Indonesian Ulema Council (DSN-MUI) relevant to the research theme. Source selection was conducted purposively, selecting literature that specifically addresses the rights and obligations between customers and financial institutions in the Islamic banking system in Indonesia. Analysis was conducted descriptively and critically to identify, understand, and synthesize information from various perspectives to gain a comprehensive understanding of the issues studied.

## **Results and Discussion**

### **1. Basic Concepts of Rights and Obligations in Islamic Banking**

In Islamic teachings, rights and obligations are fundamental principles in social and economic life, including in Islamic banking practices. Rights are understood as something a person deserves due to a provision or agreement, while obligations are responsibilities that a person must fulfill towards other parties and towards Allah SWT (Antonio, 2021). In an economic context, this concept is rooted not only in formal legal norms but also in Islamic moral and spiritual values derived from the Quran and Sunnah.

In the Islamic banking system, the relationship between customers and Islamic financial institutions is built through contracts based on the principles of mutual assistance (ta'awun), justice (al-adl), and mutual consent (taradhi) (Ascarya, 2019). This demonstrates that fulfilling rights and obligations is not merely a legal imperative but also a form of adherence to Islamic teachings as a whole.

The Qur'an emphasizes the importance of the spirit of helping each other in kindness and piety: "And help you in (doing) righteousness and piety, and do not help you in committing sins and transgressions" (Al-Qur'an, 5:2)

In sharia banking practice, various contracts such as mudharabah, musyarakah, murabahah, and ijarah carry legal consequences that determine the rights and obligations of each party. For example, in a mudharabah contract, the customer as the owner of the funds is entitled to a share of profits from business results managed by the bank, while the bank is obliged to manage the funds in a trustworthy and professional manner (Diva & Lukman, 2022).

Transactions in sharia banking are only legal if they meet the elements of justice and do not contain usury, gharar (uncertainty) and zulm (tyranny) (Sidlo, 2017). This is in accordance with the principles of jurisprudence which state that every transaction must be carried out transparently and on the basis of a fair agreement. Therefore, Islamic financial institutions are obligated to transparently explain the contents of the contract to customers, and customers have the right to know and understand all the risks and benefits of the Islamic banking products they use.

DSN-MUI Fatwa No. 04/DSN-MUI/IV/2000 concerning Murabahah emphasizes that financial institutions are required to clearly explain the cost price and profit margin to customers, as well as provide accurate information regarding the payment terms and methods. This ensures the principles of fairness and clarity.

Legally, the rights and obligations in Islamic banking are also regulated by Law Number 21 of 2008 concerning Islamic Banking. Article 1 paragraph (13) states that Islamic banking must be based on sharia principles, namely Islamic law derived from the Qur'an and Sunnah. This strengthens the legal position of Islamic contracts in Islamic banking in Indonesia. Therefore, the relationship between customers and Islamic financial institutions is not a normal business relationship, but rather a form of religious

worship that must be carried out in accordance with Islamic values. This is an important foundation in building a sharia financial system that is fair, trustworthy, and can be trusted by the wider community.

## **2. Customer Rights and Obligations**

In the Islamic banking system, customers play a crucial role as users of financial institution services. The relationship between customers and Islamic banks is not merely transactional but also bound by Sharia principles that prioritize fairness, honesty, and responsibility. Understanding customer rights and obligations is crucial to ensuring the alignment of banking practices with Islamic values.

### **2.1 Customer Rights**

Customer rights in Islamic banking encompass several fundamental aspects guaranteed by Sharia principles and national banking regulations. Some of the main customer rights include:

#### **1. Right to Information**

Customers have the right to receive clear, transparent, and accurate information regarding the products and services offered by Islamic banks. This information includes contract mechanisms, financing schemes, profit margins, and the rights and obligations of each party. Transparency of information is part of the principle of *al-shidq* (honesty), which underpins *muamalah* relationships (Ayu Andreana Beru Tarigan & Hartono Paulus, 2019).

#### **2. Right to Security of Funds**

Customers have the right to guaranteed security of funds held in Islamic banks. Financial institutions are required to manage customer funds safely and professionally and are fully responsible for potential losses arising from internal negligence. This aligns with the protection of assets (*hifz al-mal*) in the *maqasid al-syariah* (Fahmi & Akbar, 2025).

#### **3. Right to Fair and Professional Service**

The principle of justice (*al-adl*) is the foundation for providing services to all customers without discrimination. Islamic banks are required to provide honest, friendly, and professional service, in accordance with the Islamic principle of *ihsan*

(Fahmi & Akbar, 2025).

#### 4 Right to File a Complaint

Customers have the right to file a complaint or objection if an error occurs, a contractual discrepancy occurs, or service does not comply with procedures. This right is supported by the bank's obligation to provide a fair and transparent dispute resolution mechanism (Laksanto Utomo et al., 2019).

## 2.2 Customer Obligations

In addition to rights, customers also have moral and legal responsibilities that must be fulfilled when interacting with Islamic banks. These obligations reflect the principle of reciprocal justice (al-mu'adalah) and responsibility for the agreed-upon contract. These obligations include:

### 1. Complying with the Agreed-Upon Contract

In Islam, a contract is a binding contract between both parties. Customers are required to understand and comply with the contents of the contract, including the terms, conditions, and legal consequences for violations. Commitment to the contract reflects the value of trustworthiness, which is highly valued in Islam (Papendang, 2016).

### 2. Paying Obligations on Time

In financing contracts, customers are obligated to make payments according to the specified schedule. Delays or omissions in payments can lead to injustice and harm the financial institution, and violate the principle of *la dharar wa la dhirar* (not to cause harm and mutual harm) (Papendang, 2016).

### 3. Be Honest in Providing Information

Customers must provide accurate and complete information regarding their identity, financial condition, and intended use of funds. Honesty is the foundation for a valid and blessed contract. Manipulation or fraudulent actions contradict Sharia principles and undermine trust (*tsiqah*) in transactions (Papendang, 2016).

### 4. Maintain Ethical Conduct in Transactions

Islam emphasizes the importance of ethics in all aspects of life, including financial activities. Customers are required to maintain ethical conduct in interactions with bank staff, maintain transaction confidentiality, and avoid practices that conflict with Sharia

principles. (Papendang, 2016)

### 2.3 Analysis Based on Maqasid Al-Shariah

Customer rights and obligations in Islamic banking are inseparable from the Maqasid Al-Shariah framework, which is the soul of the Islamic financial system. Customer rights to security, information, and justice reflect the protection of the five main objectives of Sharia: protection of religion (hifz al-din), life (hifz al-nafs), intellect (hifz al-'aql), property (hifz al-mal), and descendants (hifz al-nasl). Likewise, the customer's obligation to comply with contracts and act honestly is a concrete manifestation of commitment to Islamic ethical values.

By upholding the rights and obligations of each party, the Islamic banking system can operate fairly, transparently, and with blessings. This strengthens the role of customers as strategic partners of financial institutions in building a just and sustainable Islamic economy.

## **3. Rights and Obligations of Islamic Financial Institutions**

Islamic financial institutions play a central role in the Islamic economic system. Sharia financial institutions not only manage funds but also implement Sharia principles in financial and banking activities. Therefore, Sharia financial institutions not only have certain authority as institutions but also bear a high degree of moral and sharia-compliant responsibility in carrying out their functions (Badruzaman, 2019). Understanding the rights and obligations of Sharia financial institutions is crucial to ensuring the integrity and sustainability of the Sharia financial system.

### 3.1 Rights of Sharia Financial Institutions

As legitimate institutions recognized by law and Sharia, Sharia financial institutions have several rights in carrying out their operations, including:

#### 1. Right to Customer Compliance with Contracts

Sharia financial institutions have the right to demand that customers comply with all provisions agreed upon in the contract. This right is essential to ensure the continuity of healthy and balanced legal relationships. If a customer defaults, the Islamic financial institution has the right to take dispute resolution steps in accordance with applicable law, whether through deliberation, mediation, or Sharia courts (Az-Zarqa, 2020).

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## 2. Right to Returns in Accordance with the Contract

In mudharabah or musyarakah contracts, Islamic financial institutions have the right to receive a share of the profits according to the agreed-upon ratio. In murabahah contracts, Islamic financial institutions also have the right to receive a margin as compensation for the risks and services provided. This right stems from the legitimacy of the contract and the principle of fairness in transactions (Papendang, 2016).

## 3. Right to Public Trust

Islamic financial institutions have the right to build and maintain public trust through a professional image and high Sharia compliance. This trust is a crucial asset that underpins customer loyalty and the sustainability of the institution's operations (Afrianty et al., 2019).

## 4. Right to Legal Protection

As legal entities, Islamic financial institutions are entitled to legal protection from the state against practices that are detrimental or defame the institution. This right includes protection against defamation, customer fraud, and third-party intervention that violates Sharia law and principles (Fadlan, 2022).

### 3.2 Obligations of Islamic Financial Institutions

In addition to their rights, Islamic financial institutions bear a significant responsibility to ensure that all their operations comply with Islamic principles and positive law. Some of the main obligations of Islamic financial institutions include:

#### 1. Complying with Islamic Principles in All Transactions

Islamic financial institutions are required to ensure that all products and services offered are free from elements of usury (riba), gharar (gharar), maysir (gambling), and practices contrary to Islamic law. This includes the obligation to execute valid contracts and comply with fatwas from the National Sharia Council (DSN-MUI) and regulations from the Financial Services Authority (OJK) (Ria Regita, 2025).

#### 2. Transparency to Customers

This obligation includes providing honest, complete, and non-misleading information to customers regarding risks, benefits, and contract schemes. This transparency is a manifestation of the principles of al-shidq (honesty) and mas'uliyah

(responsibility) inherent in Islamic institutions (Ria Regita, 2025).

### 3. Safeguarding the Trust of Customer Funds

As recipients and managers of funds, Islamic financial institutions are obligated to safeguard these trusts with professionalism and high integrity. Any form of misuse of funds violates Sharia principles and can result in sin and legal sanctions (Afrianty et al., 2019).

### 4. Providing Fair and Professional Services

Islamic financial institutions are required to serve all customers fairly, without discrimination, and with Islamic morals. Good service not only reflects the quality of the institution but is also part of worship and da'wah bil hal in Islamic economic practices (Afrianty et al., 2019).

### 5. Educating Customers and the Public

Islamic financial institutions are also obligated to provide Sharia financial education and literacy to the public. This effort is crucial for increasing public understanding of Islamic economic principles and expanding Sharia financial inclusion in Indonesia (Ria Regita, 2025).

## 3.3 Analysis within the Framework of Ethics and Maqasid al-Shariah

The balance between the rights and obligations of Islamic financial institutions reflects Islamic ethical values that uphold justice, responsibility, and professionalism. The rights of Islamic financial institutions cannot be exercised arbitrarily but must be accompanied by a commitment to the values of maqasid al-shariah, particularly in the aspects of safeguarding assets (hifz al-mal), social justice (al-'adl), and protecting the community.

By carrying out their obligations optimally and professionally, Islamic financial institutions will gain greater public trust and contribute significantly to building a blessed and just economic system. The success of Islamic financial institutions is not only assessed in terms of profit, but also in terms of integrity, social benefits, and compliance with Islamic values.

#### **4. Analysis of Implementation in Practice in Indonesia**

The development of the Islamic banking industry in Indonesia has shown a positive trend from year to year. However, the implementation of Sharia principles, particularly regarding the rights and obligations between customers and financial institutions, still faces various structural and practical challenges. This analysis was conducted to determine the extent to which theory aligns with reality on the ground.

##### **4.1 Implementation of Customer Rights and Obligations**

In practice, the implementation of customer rights and obligations still faces complex dynamics. Some customers receive fair treatment and transparent information, while others do not fully understand the contracts they are entering into. Many customers sign contracts without reading the entire contents, creating misunderstandings that ultimately lead to potential disputes (PUTRI, 2023).

For example, in murabahah contracts, customers often assume the contract is similar to a conventional credit system, without understanding the principles of buying and selling and the agreed-upon profit margin. This demonstrates the importance of intensive customer education as part of the obligations of Sharia financial institutions.

However, in general, customer rights, such as obtaining clear information, choosing appropriate products, and receiving fair service, have begun to be better implemented, particularly by large Islamic banks with better service systems and human resources.

##### **4.2 Implementation of the Rights and Obligations of Islamic Financial Institutions**

Islamic financial institutions in Indonesia have demonstrated a commitment to sharia principles, particularly in maintaining transparency and prudence in financing. Islamic financial institutions have also begun actively developing SOPs in accordance with the DSN-MUI fatwas and OJK regulations. However, challenges remain in the implementation of some obligations, such as providing assistance and education to customers, particularly in more complex contracts like *ijarah muntahiyah bittamlik* or *musyarakah mutanaqisah*. Some Islamic banks have not fully explained the detailed contract structure to customers, leading to an imbalance of information (RIANA, 2024).

In terms of rights, Islamic financial institutions have received adequate legal protection, including the right to sue customers in the event of default. However, in

practice, dispute resolution is sometimes still conducted through conventional channels due to limited access to Sharia courts or a lack of public understanding.

#### 4.3 Critical Evaluation of Field Practices

The implementation of rights and obligations in the Indonesian Islamic banking sector is not yet entirely ideal. According to Munir (2023), several key challenges identified include:

- Low Sharia literacy among customers, especially for financing products.
- Lack of consistency in the application of Sharia Standard Operating Procedures (SOPs) between institutions.
- Limited human resources with a thorough understanding of Islamic muamalah jurisprudence, especially in the regions.
- Inequality in the information relationship between Islamic financial institutions and customers, which has the potential to create information asymmetry.

Yet, one of the main principles of Islamic muamalah is clarity (*bayān*) and mutual consent (*an-taradin minkum*). This imbalance in understanding can diminish the perfection of the contract and open up opportunities for elements of injustice. Nevertheless, efforts to improve are ongoing. The Financial Services Authority (OJK) and the Indonesian Ulema Council (DSN-MUI) regularly conduct product evaluations and provide education to Islamic financial institutions. Furthermore, improving Sharia competency certification for bank employees is a strategic step to strengthen Sharia practices in the field.

#### **Conclusion**

Based on the previous discussion, it can be concluded that the rights and obligations of customers and Islamic financial institutions are a crucial foundation for maintaining balance and fairness in Islamic banking practices in Indonesia. Customer rights include the right to transparent information, fair service, and security of entrusted funds. Conversely, customers' obligations include providing valid data, following established procedures, and refraining from actions detrimental to the bank. Furthermore, Islamic financial institutions have the right to profit from valid Islamic

contracts and to collect customer obligations. However, they are also obligated to apply the principle of prudence, maintain public trust, and operate in accordance with Islamic principles, including transparency, fairness, and social responsibility.

The implementation of these principles in practice in Indonesia has generally been in accordance with Islamic principles, although challenges remain in some areas, such as unequal public understanding, limited Islamic financial literacy, and the need for more comprehensive Islamic oversight. Therefore, going forward, stronger synergy is needed between supervisory authorities, financial institutions, and the public to improve understanding and implementation of rights and obligations in accordance with the principles of maqasid sharia. Furthermore, ongoing education and competency development of human resources in Islamic banking will be key to consistently realizing the values of fairness, transparency, and responsibility within the national Islamic financial system.

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