

Analisis yuridis tanggung jawab hukum Bank Syariah selaku agen pemasaran produk asuransi dalam skema kerjasama bancassurance berdasarkan prinsip Syariah studi bancassurance pada Bank Syariah X =
Juridical analysis of Bank Sharia liability as marketing agencies of insurance product in cooperation scheme of bancassurance sharia study of bancassurance in Bank Sharia X

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Abstrak

ABSTRAK

Kerjasama bancassurance merupakan suatu prospek bisnis yang potensial baik dalam dunia perbankan maupun kegiatan usaha perasuransian. Bancassurance ialah aktivitas kerjasama antara bank dengan perusahaan asuransi dalam rangka memasarkan produk asuransi melalui bank. Dalam perkembangannya, bancassurance tidak hanya dijalankan oleh bank konvensional, tetapi juga dilaksanakan oleh bank berbasis prinsip syariah. Landasan hukum bancassurance yang digunakan ialah Surat Edaran Bank Indonesia 12/35/DPNP tentang Penerapan Manajemen Risiko pada Bank yang Melakukan Aktivitas Kerjasama Pemasaran dengan Perusahaan Asuransi (Bancassurance) yang diberlakukan untuk bank umum yang melakukan kegiatan usaha secara konvensional. Oleh karena itu, berdasarkan penelitian ini, perlu adanya ketentuan spesifik mengenai kegiatan bancassurance berdasarkan prinsip syariah untuk menghindari adanya pelanggaran prinsip syariah. Selain itu, berdasarkan Penjelasan Pasal 24 ayat (1) huruf d UU No. 21 Tahun 2008, bank dilarang untuk melakukan kegiatan perasuransian, namun diperbolehkan untuk memasarkan produk asuransi. Namun, bank tetap memiliki tanggung jawab terhadap kepentingan dan perlindungan nasabah-nasabahnya terkait dengan risiko reputasi dan risiko hukum yang akan dialami bank dalam pelaksanaan kerjasama bancassurance berdasarkan prinsip syariah.

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ABSTRACT

Bancassurance cooperation is a good potential business prospects in the banking field and insurance business. Bancassurance is the activity of cooperation between banks and insurance companies in order to sell insurance products through banks. In its development, bancassurance is not only run by conventional banks, but also carried out by the bank based on Islamic principles. Bancassurance legal basis used is Bank Indonesia Circular Letter 12/35/DPNP on the Application of Risk Management for Banks Conducting Marketing Activities Cooperation with Insurance Company (Bancassurance) that apply to common banks conducting conventional operations. Therefore, based on this thesis, need for specific provisions regarding bancassurance activities based on sharia principles in order to avoid a violation of Islamic principles. In addition, based on the elucidation of Article 24 paragraph (1) letter d Act No. 21 of 2008, banks sharia are prohibited to conduct insurance activities, but are allowed to

sell insurance products. However, the bank still has the responsibility and protection towards the customers? interest because its related with reputational risk and legal risk that the bank will be taken in the implementation of bancassurance cooperation based on Islamic principles.