

Penerapan asas proporsionalitas almusawah pada klausul baku akad murabahah tinjauan akad pada bank syariah mandiri bank permata syariah dan bpd diy syariah = Application of proportionality principle al musawah on standard clause murabaha contract legal review of contract bank syariah mandiri bank permata syariah and bpd diy syariah / Rana Agni Bukit

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Abstrak

Skripsi ini membahas mengenai permasalahan pelaksanaan asas proporsionalitas (al musawah) dalam suatu akad Murabahah perbankan syariah. Penelitian yuridisnormatif digunakan dalam pembahasan skripsi ini dengan menggunakan data sekunder melalui studi dokumen. Hasil penelitian menunjukkan bahwa dari tiga tahapan penerapan klausul baku akad murabahah yaitu tahap pra-akad, penerapan, dan dispute settlement terdapat kelompok klausul yang tidak sesuai dengan asas proporsionalitas (al musawah) yaitu pada klausul tentang penyerahan barang, klausul resiko dan asuransi (risk & insurance), klausul negative covenant, dan klausul wanprestasi salah satu bank yang cenderung merugikan pihak nasabah.

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This thesis analyzes the issue arising from application of the proportionality principle (Al Musawah) Murabaha contract in Islamic banking. Method of legal-normative research is used to write this thesis with the secondary data and literature study. Based on the analysis and discussion showed that there are the three phases of application standard clause in murabaha contract are a pre-contract stage, application, and dispute settlement. Some Clauses do not comply with proportionality principle of (al musawah) they are clause about the delivery of goods, risk & insurance covenant, negative covenant, and one of bank has default clause tends to harm the client.