

Peran otoritas jasa keuangan dalam bidang pengawasan sebagai upaya perlindungan konsumen jasa keuangan syari'ah

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Abstrak

The development of the Shari'ah financial services sector in Indonesia is growing rapidly, this phenomenon innovating the importance of the protection of consumers against the Shari'ah financial services which is offered by the provider; whether they are Shari'ah banks, insurances or the capital market form. The purpose of this protection is none other as a part of the maqashid shari'ah realization compliance. The protection of consumers in financial services is divided into two aspects: regulation and oversight. Both aspects are the authority and also the duty of the Financial Services Authority of Shari'ah since the adoption of Law Number 21 of 201 on the Financial Services Authority, relating to: the supervision of the institution does not have the role to be the supervisor in relation to Shari'ah financial services, because it is not regulated in detail and there is only one article which sets it. However, this condition is inversely proportional with the regulation and the supervision of the conventional financial services which are regulated in detail in this Act. The arising problem because of the regulation, which is not detailed, directs the Shari'ah financial service costumers to be not protected from the transactions that are prohibited by Isalm, so the aim of the establishment of the OJK is not fulfilled. This paper attempts to examine the protection of the Shari'ah financial service consumers through the supervision mechanism by the financial services authority. Financial services authority known as the OJK, has the function of regulating and supervising the financial services either conventional or Shari'ah. Specifically for the function as the supervisory institution has the role the protect the consumers from the behavior of the financial service provider. This protection is not only for the conventional financial services consumers but also for the Shari'ah financial service consumers. The role of OJK in protecting the Shari'ah financial service consumers is done together with the DSN-MUI as the external supervisor.