

# Janin sebagai objek perjanjian asuransi ditinjau menurut perspektif hukum islam studi terhadap produk asuransi janin PT XXX = The fetus as object of the insurance agreement is reviewed from the prespective of islamic law

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## Abstrak

[Studi dalam penelitian ini mengenai Janin sebagai objek perjanjian asuransi ditinjau menurut perspektif hukum Islam. Masalah yang diangkat dalam penelitian ini adalah : (1) Bagaimana pelaksanaan asuransi janin di Pt. xxx menurut Peraturan perundang-undangan yang mengatur asuransi di Indonesia. (2) Bagaimana hukum asuransi janin dalam kandungan menurut hukum Islam. (3) Bagaimana perlindungan konsumen Muslim pada produk Asuransi Janin di Indonesia. Dalam penelitian ini menggunakan analisis deskriptif kualitatif. Analisis ini digunakan untuk mengetahui pelaksanaan asuransi janin di Pt. xxx menurut peraturan Perundang-undangan yang mengatur asuransi di Indonesia. Mengetahui hukum asuransi janin dalam kandungan bagi kaum muslim. Mengetahui perlindungan konsumen Muslim pada produk Asuransi Janin di Indonesia. Hasil analisis deskriptif ini bahwa, dalam perundang-undangan di Indonesia tidak mengatur tentang asuransi janin. Akan tetapi, pembahasan tentang janin, objek perjanjian dan asuransi diatur dalam Undang-undang maupun Peraturan lainnya.

Menurut hukum Islam dalam jual beli yang di dalamnya ada unsur gharar maka akan berakibat batalnya transaksi tersebut. Sehingga tujuan dari terciptanya kemaslahatan bagi umat manusia atau maqashidu syariah yang dicita-citakan tidak tercapai. Produk asuransi yang telah beredar sejak 2012 ini juga memiliki nasabah yang beragama Islam, oleh karena itu kaitannya dengan perlindungan

konsumen muslim yang memakai jasa produk asuransi janin ini cukup erat, akan tetapi belum juga ada peraturan yang mengatur tentang hal ini.;Point in this research about the fetus as an object of the Insurance agreement is reviewed from the prespective of Islamic law, the issues in this research were : (1) How is the implementation of a fetus in PT. xxx according to the legislation governing insurance in Indonesia? (2) How is the law of fetus insurance, according to Islamic law? (3) How muslim consumer protection at fetus insurance products in Indonesia? In this research, using qualitative analysis deskriptif. This analysis is used to

determine fetus insurance implementation in PT. xxx according to the rule of legislation governing in Indonesia, Knowing fetus insurance laws for muslim. Knowing the muslim consumer protection at fetus insurance products in Indonesia. Result of descriptive analysis is, in Indonesia legistation doesn't regulate fetus insurance, but discussions about fetus, object of agreement and insurance is set in statute as well as rules else. According to Islamic law in the commerce, that be found in "Gharar" inside, it will be cancellation of the transaction, so the purpose benefit of the creation to mankind or "sharia maqashidu" will be unless. Insurance products that have been since 2012 and have muslim customer also, therefore, to do with muslim customer protection who use the service of an insurance product is quite closely fetus., Point in this research about the fetus as an object of the Insurance agreement is reviewed from the prespective of Islamic law, the issues in this research were : (1)

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