

Perspektif hukum Islam terhadap BPJS Kesehatan dan solusi polemik hasil ijtima ulama MUI tentang BPJS Kesehatan = Islamic law perspective on BPJS Kesehatan and polemic solutions on the ijtima results of MUI on BPJS Kesehatan

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Abstrak

Berdasarkan Hasil Ijtima Ulama MUI Tahun 2015, BPJS Kesehatan dianggap tidak sesuai dengan syariah Islam, karena mengandung unsur gharar, maisir, dan riba. Permasalahan BPJS Kesehatan yang dianggap tidak sesuai

syariah dibahas berdasarkan perspektif hukum Islam dengan menggunakan metode normatif. Berdasarkan perspektif hukum Islam memang masih terdapat beberapa hal dalam BPJS Kesehatan yang masih belum sesuai dengan syariah. Denda dalam BPJS Kesehatan bisa digolongkan sebagai riba apabila tidak dialokasikan sebagai dana sosial. Selain itu, Pengembangan aset BPJS Kesehatan dengan investasi juga belum memberikan kepastian dilakukan pada sektor yang diharamkan. Solusi yang dapat dilakukan ialah dengan melakukan perbaikan akad melalui pembuatan suatu produk syariah. Akad dalam BPJS Kesehatan harus dimaknai sebagai akad tabarru, sehingga peserta BPJS Kesehatan harus

mempunyai niat ikhlas bahwa iuran yang akan dibayarkan digunakan untuk membantu sesama peserta yang tertimpa musibah. Selain itu, Pelaksanaan program jaminan kesehatan oleh BPJS Kesehatan harus dilakukan berdasarkan konsep taawun (tolong-menolong) sehingga dapat menghindari unsur gharar, maisir, dan riba.

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Based on the perspective of Islamic law, there are some things in BPJS Kesehatan which are still not in accordance with sharia. Fines in BPJS Kesehatan can be classified as riba, if it is not allocated as social funds. Asset development of BPJS Kesehatan with investment also does not provide the certainty on the lawful sector. The problems of BPJS Kesehatan can be solved by revising the contract from the good making of sharia product. Contract in BPJS Kesehatan must be construed as contract tabarru, so the participants of BPJS Kesehatan must have a sincere intention that the dues paid will be used to assist other participants who suffered from disasters. The implementation of the health insurance program by BPJS Kesehatan should be based on the concept of ta'awun (mutual help) so as to avoid gharar, maisir and riba.;

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