

## Tinjauan hukum crowdfunding syariah sebagai media alternatif pembiayaan = Legal analysis of sharia crowdfunding as alternative method of financing

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### Abstrak

#### <b>ABSTRAK</b><br>

Kemajuan teknologi mendorong lahirnya inovasi baru dalam pembiayaan atau permodalan unit usaha, salah satunya ditunjukkan dengan kemunculan platform crowdfunding. Kebutuhan umat Islam di Indonesia terhadap sumber pendanaan yang berbasis syariah juga mendorong lahirnya crowdfunding syariah. Analisis difokuskan pada bagaimana bentuk transaksi pembiayaan melalui platform crowdfunding syariah, dan bagaimana regulasi yang ada mengatur mengenai hal ini. Penelitian ini merupakan penelitian yuridis normatif dengan studi kepustakaan. Hasil penelitian menunjukkan bahwa sudah dilakukan pembiayaan menggunakan akad murabahah dan mudharabah pada platform crowdfunding syariah yang berbasis pinjaman, dan pembayaran zakat pada platform crowdfunding berbasis donasi. Mengenai aspek regulasi sendiri, penyusunan regulasi untuk kegiatan lending-based crowdfunding masih dalam proses perancangan di OJK. Dalam pengembangan pengaturan kegiatan crowdfunding ini, dapat dirujuk regulasi crowdfunding syariah dan equity-based crowdfunding yang sudah ada dan berlaku di Malaysia dan Amerika Serikat.

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#### <b>ABSTRACT</b><br>

The development of technology allows new innovation in business financing, as showed with the existence of crowdfunding platform as a media of financing. The need of Moslems of sharia financing in turn push the founding of sharia crowdfunding platform. Analysis is being focused on the form of transaction inside sharia crowdfunding platform, and how the law regulates this activity. This is a normative legal research which is conducted through literature and desk study. The research results shows that financing by murabahah, musyarakah and mudharabah scheme has been implemented in lending-based sharia crowdfunding platform, and the payment of zakah through the donation-based platform. As for the regulatory aspect, the drafting of lending-based crowdfunding activity regulation is currently under the finishing process. As for the development of the regulation of crowdfunding activity, the already established regulation of sharia platform and equity-based crowdfunding activity in Malaysia and United States of America will be a good example to be used as a reference for a further development of regulation of crowdfunding activity.