

Peran Notaris dalam Perjanjian Line Facility Akad Murabahah: Studi Pembiayaan Pembelian Kapal Tunda dan Tongkang pada Bank Syariah X = Notary's Role in Murabaha Line Facility Agreement: Study of Tugboat and Cargo Vessel Financing at Syariah Bank X

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Abstrak

Bisnis pelayaran merupakan salah satu bisnis yang memerlukan dana besar. Dengan perjanjian line facility akad murabahah Bank Syariah X memberikan pembiayaan pembelian kapal kepada PT Y. Tesis ini membahas mengenai bagaimana ketentuan akad Murabahah dalam pemberian Line Facility Pembelian Kapal Tunda dan Tongkang pada Bank Syariah X berdasarkan Fatwa Dewan Syariah Nasional Nomor 45/DSN-MUI/II/2005 tentang Line Facility juncto Fatwa Dewan Syariah Nasional Nomor 04/DSN-MUI/IV/2000 tentang Murabahah, Kompilasi Hukum Ekonomi Syariah dan Peraturan Bank Indonesia Nomor 10/16/PBI/2008 tentang Pelaksanaan Prinsip Syariah dalam Kegiatan Penghimpunan Dana dan Penyaluran Dana serta Pelayanan Jasa Bank Syariah. Selain itu juga membahas mengenai peran dan tanggung jawab Notaris dalam perjanjian tersebut berdasarkan UUJN/UUJNP.

Dengan penelitian yuridis normatif, penulis meneliti dokumen-dokumen terkait peristiwa hukum tersebut. Penulis menemukan fakta bahwa Bank membeli barang yang diperlukan nasabah dengan memberikan kuasa khusus kepada nasabah atas nama Bank. Walau demikian akad yang dibuat notaris adalah sah karena telah sesuai dengan ketiga peraturan tersebut di atas, meskipun belum sejalan dengan prinsip syariah yang termuat dalam kitab-kitab fiqh.

.....The shipping business is one of those businesses that require huge funds. With murabaha line facility agreement Syariah Bank X provides financing of the ship to PT Y. This thesis describes how the provisions in the granting Murabaha Line Facility Agreement of tugboat and cargo vessel financing based on Fatwa No. 45/DSN-MUI/II/2005 on Line Facility in conjunction with Fatwa No. 04/DSN-MUI/IV/ 2000 on Murabaha, Kompilasi Hukum Ekonomi Syariah and Bank Indonesia Regulation Number:10/16/PBI/2008 regarding the implementation of Sharia in the Activity Fund Raising and Distribution Sharia Bank Services and Funds. It also discusses the roles and responsibilities of Notary in the agreement based on UUJN /UUJNP.

With normative juridical research, the authors examine the documents relating to such legal events. The authors found the fact that the Bank purchased the necessary goods by giving customers special authorization on behalf of the Bank. However, the contract made by a notary is legal because it is in accordance with the above three rules, although not in line with the principles of sharia contained in the books of fiqh.