

Tinjauan Yuridis Terhadap Sistem Perbankan Syariah Dalam Memberikan Perlindungan Hukum Kepada Nasabah : Studi Kasus: PT Bank Muamalat dan PT Bank Syariah Mega Indonesia = Judicial review against sharia banking system in providing legal protection to customers : Case study PT Bank Muamalat and PT Bank Syariah Mega Indonesia

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Abstrak

[ABSTRAK

Tesis ini membahas mengenai tinjauan yuridis terhadap sistem perbankan syariah dalam memberikan perlindungan hukum kepada nasabah. Dalam kenyataannya banyak pelaku usaha atau pihak perbankan yang memiliki kecenderungan untuk mengesampingkan hak-hak nasabah serta memanfaatkan kelemahan nasabah tanpa harus mendapatkan sanksi hukum. Minimnya kesadaran dan pengetahuan masyarakat konsumen seringkali dijadikan lahan bagi pelaku usaha dalam transaksi yang tidak mempunyai itikad baik dalam menjalankan usaha yaitu berprinsip mencari keuntungan yang sebesar-besarnya dengan memanfaatkan seefisien mungkin sumber daya yang ada. Pokok permasalahan dari tesis ini adalah bagaimana perlindungan hukum sistem perbankan syariah terhadap nasabah dan bagaimana implementasi sistem perbankan syariah dalam memberikan perlindungan hukum kepada nasabah. Penelitian tesis ini menggunakan penelitian dengan metode pendekatan yuridis normatif yang bersifat deskriptif dan preskriptif analitis, yaitu dengan menelaah dan mengkaji ketentuan-ketentuan perundang-undangan, terutama Undang-undang perbankan Nomor 7 Tahun 1992 sebagaimana telah diubah dengan undang-undang Nomor 10 Tahun 1998, Undang-undang No. Undang-undang Perbankan Syariah Nomor 21 Tahun 2008 dan peraturan lain yang berhubungan dengan sistem perbankan syariah dalam memberikan perlindungan hukum kepada nasabah. Berdasarkan hasil penelitian menunjukkan bahwa bank-bank syariah saat ini telah memberikan perlindungan hukum kepada nasabah melalui perjanjian-perjanjian yang diadakan antara pihak bank dengan nasabah yang berdasarkan kesepakatan kesepakatan kedua belah pihak, selain itu adanya penerapan prinsip good corporate governance juga memberikan kepastian hukum akan hak-hak nasabah bank syariah telah terlindungi.

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ABSTRACT

This thesis discusses the judicial review against the Islamic banking system in providing legal protection to customers. In fact, many businesses or the banks that have a tendency to override the rights of clients and customers exploit weaknesses without having to obtain legal sanction. The lack of awareness and knowledge of the consumer society is often used as a ground for businesses in transactions that do not

have good faith in doing business that is principally intended to seek maximum profits by efficiently utilizing existing resources. Subject matter of this thesis is how the Islamic banking system of legal protection to customers and how the implementation of Islamic banking system in providing legal protection to customers. This thesis research uses research methods normative juridical approach is descriptive and prescriptive analytical, namely by examining and reviewing the provisions of legislation, particularly the banking Act No. 7 of 1992 as amended by Act No. 10 of 1998, Law no. Islamic Banking Act No. 21 of 2008 and other legislation relating to Islamic banking system in providing legal protection to customers. Based on research results indicate that Islamic banks are now providing legal protection to customers through agreements held between the bank and the customer is based on the consensus agreement of the parties, other than that the application of principles of good corporate governance will also provide legal certainty rights Islamic bank customer's rights are protected.; This thesis discusses the judicial review against the Islamic banking system in

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