

Analisis pemenuhan prinsip syariah oleh bank umum konvensional dalam menjalankan kegiatan usaha berdasarkan prinsip syariah / Ahmad Subarkah

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Abstrak

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Salah satu kegiatan usaha yang sangat dibutuhkan keberadaannya di dunia ekonomi dewasa ini adalah kegiatan usaha lembaga perbankan yang berfungsi sebagai lembaga intermediasi (intermediary institution). Termasuk Bank Syariah yang melakukan kegiatan usaha tidak berdasarkan penerapan bunga (interest free), namun berdasarkan Prinsip Syariah, yaitu prinsip pembagian keuntungan dan kerugian (profit and loss sharing principle). Setelah industri perbankan Indonesia terpuruk dan berlangsung akibat krisis moneter sejak Juli 1997, Bank Syariah dengan sistem bagi hasil dapat bertahan dan sebagai perbankan paling sehat dibandingkan dengan Bank Umum Konvensional ("Bank Konvensional") dikarenakan tidak terpengaruh adanya negatif spread. Bank Konvensional dan Bank Syariah dalam beberapa hal memiliki persamaan, namun juga mempunyai perbedaan yang cukup mendasar, sehingga menimbulkan pertanyaan apakah kegiatan usaha berdasarkan Prinsip Syariah oleh PT. Bank Negara Indonesia (Persero) Tbk. ("BNI") selaku Bank Konvensional (dual banking system) dapat melaksanakan usahanya berdasarkan prinsip Syariah Islam. Metode analisis data menggunakan pendekatan metode kualitatif yang memberikan gambaran umum terhadap apa yang diteliti. Pokok permasalahan yang dibahas dalam tesis ini adalah Apakah kegiatan usaha berdasarkan Prinsip Syariah oleh BNI sebagai Bank Konvensional telah sesuai dengan Peraturan Perbankan; Bagaimanakah cara BNI mempertahankan prinsip-prinsip Syariah dalam menjalankan usaha berdasarkan Prinsip Syariahnya; Bagaimanakah cara pengawasan BI dan DPS terhadap BNI yang menjalankan kegiatan usaha berdasarkan Prinsip Syariah. BNI telah melakukan kegiatan usaha berdasarkan Prinsip Syariah sesuai Peraturan Perbankan dan untuk mempertahankan Prinsip-prinsip Syariah, BNI telah mengimplementasikan kebijakan Otonomi Khusus; Pemisahan Bisnis Syariah & Konvensional; Sistem Pengelolaan Dana Bank Syariah; Pembentukan DPS; dan Penerapan Produk dan Jasa BNI Syariah sesuai Syariah. Mekanisme Pengawasan BNI Syariah dilakukan langsung oleh BI dan DPS serta berkoordinasi dengan DSN. BNI harus tetap menjalankan kebijakan Otonomi Khusus dan pengawasan ketat dari BI, DSN serta DPS sangat diperlukan guna menjamin dana nasabah yang menginginkan dananya dikelola sesuai dengan Prinsip Syariah tetap terjaga.

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One of the much needed business activities existent is the activity of the banking institution that role as intermediary institution. Included the Shari Bank has done business activity, not based on interest (interest free), however based on the Shari Principle, it means profit and loss sharing principle. After the Indonesian banking industry crashed and continuing because of the monetary crisis since July 1997, the Shari Bank with sharing principle can sustain and as healthier banking compared to the Conventional Bank due to it was not affected with the negatif spread. The Conventional Bank and Shari Bank in certain matters has a similarity, but also has a quit basis differences, so that rise up a query whether the business activity based on Shari Principle by IT. Bank Negara Indonesia (Persero) Tbk. ("BN1") as the Conventional Bank ("dual banking system") could implement its business based on the Islam Shari Principle. Methodology of data analyses uses qualitative methodology approach, which express the general picture toward the research. The main problems being raised up in this thesis: do the business activity based on the Shari Principle by BNI as the Conventional Bank has been in compliance with the Banking Regulation; How the ways of BNI sustains the Shari Principles in doing business based on its Shari Principle; How the ways of supervision by BI and the Shari Supervisory Board to BNI whom doing business based on the Shari Principle. BNI has been doing business activity based on the Shari Principle in accordance with Banking Regulation and to sustain its Shari Principles, BNI has implemented the policy of Special Autonomy; the Separation the Shari and Conventional Businesses; Management System for Shari Fund Bank; Establishment of the Shari Supervisory Board; and apply the Products and Services of BNI Shari in accordance with Shari. The Mechanism of Shari BNI supervision is done directly by BI and the Shari Supervisory Board and also coordinated with the National Shari Board. BNI has to remain doing the policy of Special Autonomy and the tight supervision is needed in order to guarantee the customer's fund who want its fund is managed in accordance with Shari Principle remain guarded.