

# Tinjauan yuridis pengawasan syariah compliance pada pengelolaan reksa dana syariah tinjauan pengawasan terhadap pengelolaan instrumen reksa dana Danareksa Syariah saham = Juridical review of syariah compliance supervision in islamic mutual fund review of supervision to Danareksa Syariah saham mutual fund

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## Abstrak

[Penelitian ini membahas dua pokok permasalahan: Pertama, bagaimana kelengkapan pengaturan mengenai pengawasan Syariah compliance pada pengelolaan Reksa Dana Syariah di Indonesia. Kedua, bagaimana penerapan pengawasan Syariah compliance pada pengelolaan Reksa Dana Danareksa Syariah Saham. Metode penelitian yang digunakan adalah yuridis normatif. Pembahasan dimulai dari urgensi dari pengawasan syariah compliance di reksa dana syariah. Penerapan prinsip syariah harus dapat dijalankan dengan baik agar tujuan dari reksa dana syariah tersebut tercapai. Penerapan prinsip syariah tersebut diantaranya proses pemilihan instrumen yang tidak bertentangan dengan prinsip syariah (screening), proses pemisahan unsur haram dari penghasilan yang halal (proses cleansing, pengelolaan yang tidak bertentangan dengan prinsip syariah, serta dijalankan oleh Manajer Investasi dan bank Kustodian yang mengerti tindakan yang bertentangan dengan prinsip syariah. Pengawasan tersebut dilakukan secara bertingkat oleh Bank Kustodian dan Otoritas Jasa Kustodian, namun dengan kurangnya pengaturan lebih lanjut di tataran teknis, dibutuhkan opini dari dewan pengawas syariah yang hingga saat ini keberadaannya di manajer investasi reksa dana syariah belum di legitimasi oleh peraturan perundang-undangan. Pada pelaksanaannya, keberadaan DPS telah menjadi common practice bagi manajer investasi reksa dana syariah termasuk PT. Danareksa Investment Management. .... This research analyzes, (1) How is the completeness of Syariah compliance Supervision Regulation in the Islamic Mutual Fund. (2) How is the Implementation of syariah compliance supervision to Danareksa Syariah Saham. This research employs the normative legal research method. Initially, this research analyzed the urgency of syariah compliance supervision on Islamic Mutual Fund. The Syariah principles should be able to applied well, in order to the purposed of the Islamic Mutual Fund is achieved. the Focus of Syariah compliance on Islamic Mutual Fund are the process of investment instrument screening, the process of cleansing, management of which is not contrary to the syariah principles, as well run by the investment manager and custodian bank who well understand about syariah compliance. The supervision is carried out- rise by the Custodian Bank and Financial Services Authority. but with the lack of the further regulation in the technical level, there should be an opinion of syariah supervisory board, which its presence in Islamic Mutual Fund is not on the legitimacy of the law. In practice, the presence of DPS has become common practice for Investment Manager of Islamic Mutual Fund, including PT. Danareksa Investment Managemen.:This research analyzes, (1) How is the completeness of Syariah compliance Supervision Regulation in the Islamic Mutual Fund. (2) How is the Implementation of syariah compliance supervision to Danareksa Syariah Saham. This research employs the normative legal research method. Initially, this research analyzed the urgency of syariah compliance supervision on Islamic Mutual Fund. The Syariah principles should be able to applied well, in order to the purposed of the Islamic Mutual Fund is achieved. the Focus of Syariah compliance on Islamic Mutual Fund

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