

**SHARIA ECONOMIC ANALYSIS OF THE IMPLEMENTATION OF SHARIA  
INSURANCE GUARANTEES**

**Fazil<sup>1</sup>, Farhan Zikry<sup>2</sup>, Zulaiva Ulya<sup>3</sup>, Muhammad Hafizh<sup>4</sup>,**

<sup>123</sup> Dosen Universitas Islam Kebangsaan Indonesia

<sup>4</sup> Mahasiswa Universitas Islam Kebangsaan Indonesia

*\*email: fazilkutablang@gmail.com*

*\*Corresponding Author: Fazil*

*Received: 2-02-2024; Revised: 28-03-2024; Accepted: 1-04-2024*

**Abstract:** Sharia insurance is an agreement relating to coverage or guarantee for certain risks of loss. As a health care program, insurance has several objectives, such as protecting oneself, property, objects and commerce as well as economic interests and savings. In the implementation process in Aceh during 2010 there were several things that may not be in accordance with sharia economics. From this the author wants to describe it in journal form. The method the author uses in writing this journal is a descriptive qualitative analysis method of case studies based on literature review. Intensive testing analysis study, using various sources of evidence, both qualitative. As a result, the role and contribution of BPJS to the sustainability of public health insurance is very guaranteed and is felt by the community itself. However, on the other hand, the mechanism that occurs in inputting contains elements of uncertainty, chance and chance which have an impact on gambling and there are indications of usury, namely including fines for delays. Situations like this result in harm to other people or to people who are included in the mechanism process. the. Meanwhile, harm is strictly prohibited in Islam as stated in one of the rules of ushul fiqh.

**Keywords:** *Sharia Insurance, Sharia Economics and BPJS*

**How to Cite:** *Fazil,dkk (2024). Analisis Ekonomi Syariah Terhadap Pelaksanaan Jaminan Asuransi Syariah di BPJS Kesehatan Aceh,,Vol 12 No (Issue)*

## **INTRODUCTION**

Sharia economics is an economic system based on Islamic principles, including justice, balance and mutual assistance. In this system, risk management is an important aspect, because human life is never free from uncertainty and risk. One of the real implementations of risk management in the sharia economy is through sharia insurance (Takaful), which prioritizes the concept of risk sharing, solidarity and mutual cooperation in order to provide guaranteed protection for individuals and society. In the context of health protection, the existence of the Social Security Administering Body (BPJS) Health in Indonesia is one of the government's concrete steps to provide equitable and affordable access to health services. However, the implementation of BPJS Health in Aceh has its own unique characteristics, considering that this province officially applies sharia law in various aspects of life, including economics and health. This requires adjustments to the implementation of BPJS Health so that it is in accordance with sharia principles, especially in terms of managing the guarantees and contracts used.

However, the implementation of sharia insurance coverage in BPJS Health in Aceh is not free from various challenges, both in terms of regulations, operations and public acceptance. Some of the main questions that arise are to what extent the implementation of BPJS Health in Aceh has fulfilled sharia economic principles. What contract mechanism is used, and does the implementation reflect the values of justice and sustainability as mandated in Islamic law?

This research aims to analyze the implementation of sharia insurance coverage at BPJS Health Aceh from a sharia economic perspective. This analysis is important to ensure that policies and program implementation are in line with sharia values, as well as providing strategic recommendations for improving the existing system. It is also hoped that this study can be a real contribution in developing a sharia-based health insurance model that can be applied not only in Aceh, but also in other regions in Indonesia that wish to adopt a similar system. Thus, this research is relevant because it does not only discuss the technical aspects of implementation BPJS Health, but also thoroughly explores the integration of sharia values in responding to the health challenges of modern society.

## **RESEARCH METHODS**

This research uses a descriptive qualitative approach with a focus on in-depth analysis of the implementation of sharia insurance coverage at BPJS Health Aceh. This approach was chosen to understand the phenomenon holistically, with emphasis on exploring sharia economic aspects implemented in the BPJS Health program in Aceh.

This type of research is a case study, which aims to reveal how sharia economic principles are applied in the implementation of BPJS Health in Aceh. These case studies allow researchers to explore local contexts and provide an in-depth picture of existing practices. This research uses the source triangulation method, namely

comparing and confirming information from various sources such as literature, official documents and mass media articles. This approach aims to obtain accurate and reliable data.

## RESULTS AND DISCUSSION

### Understanding Sharia Insurance

Insurance in Arabic is known as "al-ta'min", while the insurer is called "al-muamman lahu" or "al-musta'min". The word al-ta'min comes from the root word "amana" which means security, protection, and freedom from fear (Muhammad Ajib).

Therefore, insurance can be understood as a form of mutual cooperation in goodness. Through al-ta'min, people support each other, eliminating worries about potential danger or loss. Apart from that, another term applied to sharia insurance is "Takaful". Takaful comes from the Arabic word "kafala-takafala-yatakafalu" which means to bear each other (Amran Suadi, 2018).

Husain Hamid defines insurance or al-Ta'min as a form of cooperation (ta'awun) that is systematically organized among a large group of people to deal with the possibility of certain events occurring. When some of them were affected by a disaster, assistance was provided by each participant (Abdul Rahman Ghazali, 2010). This assistance aims to cover the losses experienced by affected participants.

According to the National Sharia Council of the Indonesian Ulema Council (DSN-MUI) in its fatwa which regulates general guidelines for sharia insurance, sharia insurance (Ta'min, Takaful, Tadhamun) is defined as a form of cooperation for mutual protection and assistance between groups or individuals. This collaboration is carried out through investment in the form of assets or tabarru, with a return pattern that uses contracts in accordance with sharia principles, as an effort to face risks (Jeni Suryani, 2016).

### Understanding Sharia Economics

Sharia economics is an economic system based on Islamic teachings, with the main principles of justice, balance and mutual benefit. This system is based on the Koran, Hadith and ulama fatwas as the main guidelines for economic management. In the context of sharia insurance, this concept includes efforts to provide protection to individuals and groups through the principles of cooperation (ta'awun) and joint responsibility (takaful) without involving elements of gharar, maysir and usury which are prohibited in Islam (Antonio, 2001).

### Insurance Goals and Interests

As a program to maintain health, insurance has several goals and interests, including the following:

#### 1. Personal Protection, Property, Things and Business

Insurance is a basic need for humans, especially when disaster strikes. In situations such as sudden death, disability, illness, job loss, fire, storm, flood, road accident, or financial loss, people need insurance protection to overcome the impact. Often, victims and their families are forced to bear costs that exceed their financial capabilities, which are usually limited. Thus, insurance has crucial value and is a basic need that covers

various aspects of human life and the various situations they face (Muhammad Nejatullah Siddiqi, 1985).

#### Economic Importance and Savings

Insurance makes it easier for industry, trade and other business sectors to run smoothly on a large scale, which might be difficult to achieve without insurance support. The majority of funds collected through insurance are invested in state securities (bonds/shares) as well as industrial shares, which explicitly contribute to the country's economy, local authorities, as well as the industrial sector.

Several insurance law experts say that several types of insurance function as part of a crucial method for saving and building capital. In some cases, insurance participants (insured) make insurance contracts not only to protect themselves from risks that have the potential to threaten life or property, but rather as a form of savings and a way to build capital.

#### BPJS Health Law

The MUI's decision stating that the implementation of BPJS Health was not in accordance with Islamic law sparked controversy. However, as an independent institution that functions as a forum for ulama, community leaders and Muslim intellectuals in Indonesia, the MUI does not easily give this fatwa without deep consideration. MUI plays an important role in providing guidance, guidance and protection to Muslims in Indonesia.

The fatwa was stipulated in the Ijtimak Ulama of the Indonesian Fatwa Commission V which was held at the at-Tauhidiah Islamic Boarding School, Cikura, Tegal, Central Java, on 7-10 June 2015.

Based on the views of DSN-MUI and several other references, it appears that the BPJS Health program as a whole does not fully reflect the ideal concept of social security from an Islamic perspective, especially when viewed from the perspective of the contract between the parties.

If there is a delay in payment of contributions for workers who receive wages, an administrative fine of 2% per month will be imposed on the amount of unpaid contributions, with a maximum limit of three months. This fine must be paid by the employer along with the amount of outstanding contributions. (Itang, IAIN SMH).

Meanwhile, for non-working participants and non-wage earners, delays in depositing contributions will be subject to a fine of 2% per month of the unpaid contribution amount, with a maximum period of six months. This fine must be paid off along with payment of outstanding contributions (Ricardo, 2015).

#### The Relevance of Implementing BPJS Health in Aceh

As a region that applies Islamic law, Aceh has a responsibility to ensure that the BPJS Health program complies with sharia economic principles. This includes sharia-based fund management, clear enforcement of contracts, and ensuring fair and quality services to the community.

With a sharia economic approach, the implementation of BPJS Health in Aceh can become a model for managing health insurance that complies with sharia and provides maximum benefits for the community.

## **Sharia Health Insurance**

Sharia health insurance is a health protection program that is run based on sharia principles. In its implementation, this program aims to provide easy access to health services for the community without burdening participants. The sharia health insurance mechanism includes fair payment of contributions, management of funds using a *tabarru'* pattern, and supervision by the Sharia Supervisory Board to ensure compliance with Islamic principles.

### **Implementation of Sharia Insurance in BPJS Health Aceh**

The implementation of BPJS Health in Aceh is unique compared to other regions in Indonesia. Based on the legal basis of Article 7 (1) and (2) and Article 9 (1) of Law Number 24 of 2011 concerning BPJS, this institution is tasked with implementing health insurance for the community. In Aceh, the implementation of this program began in 2010, before BPJS Health officially operated nationally in 2014.

Aceh is known as a region that formally implements Islamic law, so the various policies implemented are expected to be in line with sharia economic principles, including health insurance. BPJS Health in Aceh tries to accommodate sharia values with stricter regulatory supervision, adapting to the needs of local communities. This is reflected in the Aceh Government's efforts to integrate zakat mal as an alternative source of payment of National Health Insurance (JKN) contributions for the poor.

However, even though there have been efforts towards sharia-based implementation, BPJS Health in Aceh does not fully comply with sharia insurance principles. Some aspects, such as the contracts used and the management of funds, still contain elements of *gharar* (uncertainty) and *riba* (interest), which are contrary to Islamic law. For example, there is a fine for late payment of contributions of 2% per month for non-working participants who do not comply with sharia contracts.

### **Sharia Economic Analysis of the Implementation of BPJS Health in Aceh**

#### **1. Principle of Mutual Help (Ta'awun)**

Sharia insurance has the main principle, namely mutual assistance and mutual assistance between participants (*ta'awun*). In the context of BPJS Health Aceh, this spirit is reflected through a joint funding system to help participants who need health services. However, these funds are not fully treated as *tabarru'* (social funds), but rather resemble premiums in conventional insurance, the management of which is commercial in nature.

#### **2. Free from Gharar, Maisir, and Riba**

Another main principle in sharia insurance is freedom from *gharar* (uncertainty), *maisir* (gambling), and usury (interest). In the implementation of BPJS Health Aceh, several elements that are considered contrary to this principle include: a. *Gharar*: Uncertainty regarding the benefits received by participants due to fund management that is not fully transparent. B. *Usury*: Fines for late payment of contributions calculated based on a certain percentage can be categorized as usury.

### 3. Sharia Fund Management

BPJS Health Aceh has not fully adopted a sharia-based fund management system. In sharia insurance, the funds collected should be invested in the halal sector with a profit sharing system (*mudharabah* or *musyarakah*). However, BPJS Health currently still manages funds using conventional mechanisms, which include investments in sectors that are not necessarily in accordance with sharia principles.

#### **Potential Integration of Zakat in Payment of BPJS Health Contributions**

Aceh, as a region that applies Islamic law, has great potential to utilize zakat as an alternative to JKN financing. This is in line with the regional government's efforts to ease the burden on poor people who have difficulty paying fees. With good zakat management, people who have paid zakat mal will no longer need to pay JKN contributions, so the potential for duplication of payments can be avoided.

However, the integration of zakat with BPJS Health requires clear regulations and strict supervision from the Sharia Supervisory Board to ensure that the implementation of this program is in accordance with sharia principles.

#### **Advantages and Challenges**

##### **Superiority**

- a. Easy Access to Health Services: The JKN program in Aceh has provided broad and fast access to the community, with a health service utilization rate reaching 115%.
- b. Social Solidarity: The mutual funds system creates social solidarity among participants.
- c. Sharia Integration Potential: With the supervision of the Sharia Board, BPJS Health in Aceh has a great opportunity to become a model for implementing sharia insurance in Indonesia.

##### **Challenge**

- a. Compliance with Sharia Principles: There are still several elements that are not in accordance with sharia insurance principles, such as *gharar*, *usury*, and *maisir*.
- b. Transparency in Fund Management: Fund management that is not yet fully transparent is a major obstacle in realizing public trust.
- c. Zakat Regulations and Implementation: Integration of zakat into the BPJS system requires strong regulations and coordination between relevant institutions.

##### **Recommendation**

- a. Contract Reformulation: Aceh BPJS Health needs to replace the contracts used with sharia contracts, such as *mudharabah* or *wakalah bil ujah*, to avoid elements of *gharar* and *usury*.
- b. Sharia Fund Management: Participant funds should be invested in halal sectors with a profit sharing system in accordance with sharia principles.
- c. Zakat Integration: The Aceh government needs to speed up regulations regarding the use of zakat as an alternative to paying JKN contributions.

## **CONCLUSION**

Based on the results of research and analysis of the implementation of sharia insurance coverage at BPJS Health Aceh, several things can be concluded as follows:

1. Sharia Economic Principles in BPJS Health, Implementation of BPJS Health in Aceh shows efforts to implement sharia economic principles, especially related to the spirit of mutual assistance (ta'awun) and cooperation (takaful). This program provides equal access to health services for the people of Aceh regardless of social status. However, the implementation of the sharia insurance system is not fully in accordance with sharia rules, especially in terms of contracts and fund management which contain elements of gharar (uncertainty) and riba (interest).
2. Implementation Successes and Challenges  
BPJS Health in Aceh has succeeded in increasing community access to health services, which can be seen from the high level of service utilization. However, there are still challenges in collecting contributions and fund management mechanisms to be more in line with sharia principles. One important issue is the need for a payment mechanism that is integrated with zakat to ease the burden on the poor, so that payment of contributions does not burden participants who have fulfilled their zakat obligations.
3. Contribution to Community Welfare  
The BPJS Health program plays a significant role in improving the welfare of the people of Aceh by providing affordable and quality health insurance. This program also encourages a sense of solidarity and care between members of society, as mandated by sharia economic principles.
4. Recommendations for Improving Implementation
  - a. To increase the suitability of BPJS Health with sharia economic principles, several strategic steps are needed, such as:
  - b. Strengthening supervision by the Sharia Supervisory Board in managing funds and contracts.
  - c. Integration of the zakat system with payment of contributions for participants from well-off groups.
  - d. Adjustment of contract structures and fund management to eliminate elements of gharar and usury.

## **AGKNOWLEGMENT**

We would like to thank all parties who have provided support, inspiration and suggestions, especially to all lecturers in the Sharia Economics Department at the National Islamic University of Indonesia, the Aceh BPJS Health Office as a research site which has helped us throughout the process, and the entire academic community.

### DAFTAR PUSTAKA

- Junaidi Ganle, *Hukum Asuransi di Indonesia*,(Jakarta:Sinar Grafika, 2013
- Muhammad Shohib Thohir, *Mushaf Aisyah Al-Qur'an dan Terjemah*, (Jakarta: Jabal Rudhatul Jannah, 2010M / 1431 H)
- Amran Suadi, "*Penyelesaian Sengketa Ekonomi Syariah Penemuan dan Kaidah Hukum*" Jakarta: Kencana, 2018
- Abdul rahman Ghazali ,et.al. "*Fiqh Muamalat*". Jakarta: Kencana, 2010.
- Dwi Septa Aryani, ("*Ekonomi Syariah (dengan pendekatan hasil penelitian*"). Kuningan: Nusa Liters Inspirasi, 2019.
- Mardani, "*Aspek Hukum Lembaga Syariah Di Indonesia*"
- Jeni Suryani "*Pengelolaan Lembaga Keuangan Syariah*".(Malang, Empat Dua, 2016
- Gemala Dewi, "*Aspek-Aspek Hukum Dalam Perbankan & perasuransian Syariah Di Indonesia edisi 3*", (Depok: Kencana, 2017.
- Muhammad Nejatullah Siddiqi, *Insurans in islamic economy, London, The Islamic Fondation*, 1985.
- Nurwidiatnmo, *Laporan Akhir Tim Analisis dan Evaluasi Hukum Tentang Perasuransian Syariah UU No. 22 Tahun, 1992*. Jakarta : Dapertemen Hukum dan HAM RI. 2008.
- Ateng, BPJS Kesehatan dalam Perspektif Ekonomi Syariah,(Banten: IAIN Sultan Maulana Hasanuddin Banten), *Jurnal Ahkam*, Vol. XV, No. 2, Juli 2015.
- Ricardo, "Di Balik Keluarnya Fatwa MUI BPJS Kesehatan Tak Sesuai Hukum Islam", Berita Harian JPNN, PT. Jawa Pos National Network, 2015.
- Antonio, Muhammad Syafi'i. Bank Syariah dari Teori ke Praktik. Jakarta: Gema Insani Press. 2001.
- Ascarya. Akad & Produk Bank Syariah. Jakarta: Rajawali Pers, 2015.
- Karim, Adiwarman A. Ekonomi Islam Suatu Kajian Ekonomi Makro. Jakarta: Rajawali Press, 2010.
- Hasan, Berbagai Macam Transaksi dalam Islam. Jakarta: Rajawali Press, 2004.
- Rosyidah, Peran BPJS Kesehatan dalam Perspektif Syariah. Malang: Universitas Brawijaya Press, 2019
- Saleh, Alwi. Asuransi Syariah: Konsep dan Implementasi. Bandung: Alfabeta, 2011.
- Widodo, Manajemen Risiko Syariah. Yogyakarta: Graha Ilmu, 2018.
- Afkar, Syamsul. Perkembangan Asuransi Syariah di Indonesia. Yogyakarta: UII Press, 2020.
- Wibowo, Hanif. Fatwa DSN-MUI tentang BPJS Kesehatan. Jakarta: Mizan, 2015.
- Hamid, Abdul, Mekanisme Operasional Asuransi Syariah. Depok: Rajawali Pers, 2017.
- Tarmizi, Anwar, Jaminan Kesehatan dalam Perspektif Islam. Jakarta: Balai Pustaka, 2016.
- Lubis, H. Muhammad Said, Reformasi BPJS Kesehatan dalam Islam. Banda Aceh: Syiah Kuala Press, 2020



Mansur, Abdullah, Hukum dan Kebijakan Asuransi Syariah. Malang: UMM Press, 2021

Hakim, Luqman, Perbankan dan Asuransi Syariah. Bandung: Pustaka Setia, 2015