

## ABSTRACT

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Public awareness of the importance of minimizing the risk get into preventive action to mitigate it. Preventive action is realized by the establishment of insurance as a non-bank financial institutions. The existence of *takâful* cannot be separated from the existence of laws and regulations that rules it. Rule making of *takâful* cannot be separated from legal policy. Therefore, this study is needed to determine the basic that regulation has been regulated related in *takâful* and regulations related with it.

The problems of study are why the basic of *takâful* is still using in regulation form of ministry of finance and how is the rule making in *takâful*. And the aim of this study is to know the reason of regulation in *takâful* that still using ministry of finance regulation and how was the rule making of *takâful*.

This research is a juridical normative with conceptual approach and legislation rule. And the matter of study includes primary legal matter, secondary and tertiary. Primary legal matter derived from legislation related to Takaful, and secondary legal matter obtained from books related to *takâful* and tertiary material obtained from law dictionaries and encyclopedias that contains *takâful*.

From this study it can be concluded that the technical problem and non-technical cause this problem. Technical problem is influenced by limited time and non-technical is influenced by the difficulty of agreement between the government and the House of Representatives (DPR). While the formation of legislation in *takâful* includes the principles of formation of national legislation, the principles in matter of legislation, and procedure of the establishment of legislation. And idiil base is Pancasila, Constitutional base is Law Republic of Indonesia Number 33 of 1945 and operational base is Act 2 of 1992 on Concerning Insurance Undertakings and regulation of the Minister of Finance of the Republic of Indonesia Number 227/PMK.010/2012.