

SOCIETAL BEHAVIOR TOWARDS ISLAMIC INSURANCE: A SOCIOLOGICAL AND ANTHROPOLOGICAL PERSPECTIVE ON SHARIA ECONOMIC LAW

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Abstract: Islamic insurance has become a popular investment choice among Muslim communities, as it offers a means to mitigate future risks. The success of Islamic insurance companies is closely linked to the community's understanding of the importance of Islamic insurance. This study aims to identify and analyze the factors influencing societal behaviour towards Islamic insurance from a sociological and anthropological perspective on Sharia economic law. The analytical methods include data reduction, fact presentation, and conclusion drawing. The study's findings indicate that the most significant factor influencing the decision to adopt Islamic insurance is the level of understanding of Sharia principles, followed by the quality of the products. However, indicators such as premiums and promotional activities are less known among respondents, suggesting that insurance companies must enhance their efforts to promote Islamic insurance to the public. This research provides a deeper understanding of the factors influencing societal behaviour towards Islamic insurance and offers relevant recommendations for developing effective marketing strategies for Islamic insurance in Indonesia from both sociological and anthropological perspectives.

Keywords: Islamic Insurance; Societal Behavior; Sharia Economic Law; Public Perception; Sharia Principles

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Introduction

Humanity is a large, interconnected family constantly facing uncertainties and various potential risks. However, humans must take protective measures to minimize these risks. To address future uncertainties and facilitate communal life, humans have formed groups to share responsibilities and support one another.¹ This social foundation underpins the concept of mutual risk-sharing when facing risks such as death, fire, loss, and others. One of the measures taken to mitigate these risks is establishing insurance.

The growing utilization of insurance services over the years has garnered significant attention in society. The increasing competition among insurance companies evidences this. Over time, insurance has transformed into a financial institution focused on risk management. As a non-bank financial institution, insurance has distinct functions and characteristics compared to other financial institutions, primarily involving transferring risk from the insured (original risk bearer) to the insurer.²

Conventional insurance companies collect funds from customers through premiums paid periodically. In return, the insurer covers the risks with compensation agreed upon initially between the customer and the insurer. This transaction involves transferring risk from the customer to the insurance company. In contrast, Islamic insurance (*Takaful*) operates on the principle of mutual assistance (*Ta'awun*) in goodness. Islamic insurance transactions involve two separate contracts: one between the customer and the insurance company and another between the customers.³

Islamic insurance fundamentally involves mutual risk-bearing among participants, where each participant acts as a guarantor for the others. This mutual risk-sharing is based on helping one another in goodness, with participants contributing a portion of their funds (*tabarru*) to cover risks. In essence, Islamic insurance is a system where participants donate part or all of their contributions to pay claims in the event of a calamity experienced by some participants. The core principle of Islamic insurance is

¹ Ajib, "Asuransi Syariah."

² Sula, "Asuransi Syariah."

³ Anwar, "Asuransi Syariah, Halal & Maslahat."

encouraging participants to share risks as emphasized in the Quran, Surah Al-Maidah, verse 2.⁴

In recent years, along with the growth of Islamic banking, Islamic insurance companies have notably emerged, with even conventional insurance companies opening Islamic units. These companies compete by offering superior products. One prominent phenomenon is the Islamic unit-linked product, which has gained popularity among the Indonesian public and continues to dominate the insurance business as of 2015. While unit-linked products are not new in insurance, they are designed to link life insurance products with investment instruments, providing policyholders with direct access to investment benefits.⁵

According to the Indonesian Sharia Insurance Association (AASI), many insurance companies prefer establishing Islamic insurance units rather than creating new ones focused solely on Islamic insurance. The rapid growth of the Islamic insurance industry and the dynamic nature of its products have expanded its functions beyond risk protection to include community fund management. Unit-linked products combine both protection (insurance) and investment elements.⁶

However, unlike conventional insurance, Islamic insurance is founded on mutual assistance, cooperation, shared responsibility, and mutual protection and assurance, implemented through *Tabarru*. Insurance, as a modern contract, inherently involves agreements binding two parties (the insurance participant and the insurance company) to fulfil their obligations. These contracts must adhere to the principles of Islamic insurance and meet the legal requirements for a valid contract.⁷

The general guidelines for Islamic insurance contracts, as stated in the Fatwa No. 21/DSN/MUIX/2001 issued on October 17, 2001, emphasize that contracts must not contain elements of *gharar* (deception, uncertainty), *maisir* (gambling), *riba* (usury),

⁴ Effendi, "Asuransi Syariah Di Indonesia (Studi Tentang Peluang Ke Depan Industri Asuransi Syariah)."

⁵ Hayati, "Investasi Menurut Perspektif Ekonomi Islam."

⁶ Iswanto, "Implementasi Pasal 87 Undang-Undang Nomor 40 Tahun 2014 Tentang Perasuransian Terhadap Pemisahan Unit Usaha Syariah (SPIN OFF) Asuransi."

⁷ Ramadhani and Lestari, "Analisa Strategi Pemasaran Produk Asuransi Dalam Meningkatkan Jumlah Nasabah Asuransi Jiwa Syariah Pada PT. Asuransi Jiwa Syariah Bumi Putera Medan."

zulm (oppression), or *risywah* (bribery), and the activities or investments must be free from sinful elements.⁸

Given the rapid development of Islamic insurance, several research gaps need to be addressed. Firstly, the public's perception, behaviour, and preferences towards Islamic insurance have not been extensively studied. Do people understand the principles of Islamic insurance, and are they inclined to utilize Islamic insurance services?

This study aims to explore these aspects in depth, providing a clearer picture of public acceptance and understanding of Islamic insurance products. Additionally, it will analyze the effectiveness of the *Tabarru* concept in managing risks and providing equitable protection to Islamic insurance participants. By addressing these aspects, this study aims to offer relevant recommendations for developing the Islamic insurance industry in Indonesia, contributing to its more effective and sustainable growth.

Method

This study employs a qualitative approach based on a literature review, utilizing data from books, articles, and journals related to societal behaviour towards Islamic insurance services. The study involves processed data presented through descriptive analysis. The data presentation follows a step-by-step procedure. First, the study outlines the development of the capital market, establishing a connection to the historical evolution of the Islamic capital market as viewed in the literature.⁹ Subsequently, it explains the research topic's significance, functions, and objectives. The data analysis techniques include data reduction, data presentation, and conclusion drawing.

The Concept of Insurance and Its Evolution

Insurance involves preparations made by a group of individuals, each facing unforeseen small losses. When a loss affects one group member, it is collectively borne by all. Human life is fraught with potential calamities, disasters, and misfortunes that can diminish one's economic value, be it personally, within the family, or in business,

⁸ Fauziah, "IMPLEMENTASIFATWA DSN MUI NO. 52/DSN-MUI/III/2006 Tentang Akad Wakalah Bil Ujrah (Studi Kasus Asuransi Muawwanah Pendidikan)."

⁹ WAJO, *METODE PENELITIAN KUALITATIF EKONOMI SYARIAH INTERDISIPLINER INTERKONEKSI*.

due to events such as death, accidents, illness, or old age.¹⁰ Additionally, the loss of functionality of an object, such as accidents, theft, and fire, can also be mitigated through insurance.

Initially, insurance was a method of preparing for agreed-upon risks, where a group would collectively bear the risk should one member face a misfortune. Insurance began with fire insurance in Western Europe and later expanded to maritime insurance during the 13th and 14th centuries as sea transportation for goods and people increased. This form of insurance, originating from Roman practices, was capitalist, aimed at profit and based on commercial calculations. Life insurance did not emerge until the 19th century.¹¹

The emergence of Islamic insurance has provided a valuable option for the Muslim community, who are instructed to ensure that their activities, including financial transactions, comply with Sharia principles. Insurance serves as a means of investment to prepare for future risks, aligning with Allah's command in Surah Al-Hasyr, verse 18, to plan and prepare for the future. Today, Muslims require insurance to protect their assets and families from potential disasters.¹² A thriving business can suddenly collapse due to a fire, or a family can be left destitute without a breadwinner. Insurance cannot prevent calamities, but it can mitigate their financial consequences.

The term "insurance" originates from the Dutch word "assurantie," the Italian "insurenzi," the English "assurance," and the Arabic "At-Ta'min," meaning protection, tranquillity, security, and freedom from fear.¹³ According to Law No. 40 of 2014 on Islamic insurance, it is defined as:¹⁴ "A set of agreements, consisting of agreements between the insurance company and the policyholders, and among the policyholders themselves, aimed at managing contributions based on Sharia principles to help and protect each other."

The National Sharia Council - Indonesian Ulama Council (DSN-MUI) Fatwa No. 21 on General Guidelines for Islamic Insurance defines it as:¹⁵ "A mutual protection and cooperation effort among a group of people/parties through investments in the form

¹⁰ Ramadhani, "Prospek Dan Tantangan Perkembangan Asuransi Syariah Di Indonesia."

¹¹ Effendi, "Asuransi Syariah Di Indonesia (Studi Tentang Peluang Ke Depan Industri Asuransi Syariah)."

¹² Nasution, "Pelaksanaan Asuransi Pendidikan Dalam Hukum Ekonomi Syariah."

¹³ Alam and Hidayati, "Akad Dan Kesesuaian Fitur Wakaf Produk Asuransi Jiwa Syariah."

¹⁴ Iswanto, *opcit.*"

¹⁵ Fauziah, *OpCit.*"

of assets or tabarru' funds that provide a return pattern to face certain risks through a Sharia-compliant contract."

According to Article 1 of Law No. 2 of 1992, insurance is defined as an agreement between two or more parties where the insurer binds itself to the insured by receiving insurance premiums to compensate the insured for a loss, damage, or other reasons.¹⁶ The concept of insurance is further clarified by Article 246 of the Indonesian Commercial Code (KUHD), which states that insurance is "an agreement where an insurer binds itself to an insured, by receiving a premium, to provide compensation for a loss, damage, or expected profit loss that might be suffered due to an uncertain event."

The Islamic insurance industry in Indonesia has shown positive growth, driven by regulations from the Financial Services Authority (OJK) requiring the separation of Sharia Business Units (UUS) into independent companies by the end of October 2024, as stipulated in Law No. 40 of 2014 on Insurance and OJK Regulation No. 67/POJK.05/2016. Islamic insurance in Indonesia has been operating for 22 years, starting with PT. Takaful Keluarga in 1994. Despite its relatively young age compared to conventional insurance, which has been operating since 1912 with the establishment of Bumiputera insurance, Islamic insurance has positive growth prospects and significant market potential.¹⁷

Considering Indonesia's status as the world's largest Muslim-majority country, the Islamic insurance industry faces the challenge of marketing its products to this vast market. However, the market for Islamic insurance is not limited to Muslims alone but extends to non-Muslims as well.¹⁸ The positive development of Islamic insurance in Indonesia, although still lagging compared to other countries, is hampered by a lack of public understanding and literacy regarding the importance of insurance. The success of existing Islamic insurance companies in Indonesia cannot be separated from the active role of the community, which is highly aware of the importance of insurance.¹⁹

¹⁶ Hasanah, "Asuransi Dalam Perspektif Hukum Islam."

¹⁷ Irawan, "Penerapan Biaya Kontribusi Dan Klaim Pada Produk Asuransi Jiwa Syariah Di Pt. Sun Life Financial Syariah Sorong Menurut Perspektif Ekonomi Islam."

¹⁸ Al Fazri and Yusrizal, "Peluang Meningkatnya Eksistensi Asuransi Syariah Di Sumatra Utara."

¹⁹ Hisamuddin, "Implementasi Akuntansi Akad Wakalah Bil Ujrah Perusahaan Asuransi Syariah Berdasarkan PSAK 108."

Public Perception and Analysis of Islamic Insurance in Indonesia

Indonesian society views Islamic economics uniquely. The public often holds high expectations for Sharia-labeled institutions, considering them ideal. This leads to the perception that Sharia-compliant financial services should be more accessible, cheaper, more flexible, and superior to conventional ones. Although not entirely incorrect, this paradigm becomes problematic when the public demands these benefits without making any sacrifices. As discussed, conventional mindsets are deeply rooted in our society, making religious aspects related to *muamalah* (transactions) ambiguously accepted.²⁰

Excessive demands on the relatively young Islamic financial industry, which has only been around for about 23 years, to compete and surpass the long-established conventional financial industry are unreasonable without collective support and sacrifice. Currently, Islamic finance cannot meet all societal needs and provide all the conveniences and affordability expected. Consequently, society views Sharia as complicated, rigid, and unprofitable, with some even believing it is merely conventional finance with a Sharia label. Several misconceptions and paradigms exist within society regarding Islamic economics, including:²¹

1. Islamic economics is synonymous only with banking.
2. Islamic financial institutions should be more permissive.
3. The benchmark for Islamic financial institutions is conventional economics.
4. Investments in Islamic institutions should be more profitable than conventional ones (profit-loss orientation).
5. There is still a dichotomy between worship and *muamalah* (transactions).
6. Islamic economics is narrowly viewed as merely interest-free economics (profit-making).
7. Unfamiliarity with terms of contracts and indifference.
8. Doubt about claim resolution at insurance companies.
9. Doubt about benefits, socialization, and the capabilities of agents.

For Muslims, adhering to Sharia regulations, including in insurance, is obligatory. Conventional insurance contains forms of transactions prohibited by Sharia,

²⁰ Sirajuddin and Muslihati, "Asuransi Dalam Perspektif Hukum Ekonomi Islam."

²¹ Suropto and Salam, "Analisa Penerapan Prinsip Syariah Dalam Asuransi."

such as *gharar* (uncertainty), *maisir* (gambling), and *riba* (usury). In conventional insurance, the contract involves an exchange (*tabadduli*), where premiums are exchanged for coverage, leading to *gharar* due to the uncertainty of claim payouts.²² Additionally, conventional insurance involves gambling, as participants who do not suffer a misfortune receive nothing, while those who have recently joined receive significant payouts. Furthermore, conventional insurance investments often involve interest-based transactions, which are also prohibited.

Islamic insurance removes these prohibited practices by restructuring the contract to *taawuni* (mutual assistance) or *tabarru'* (donation), thus eliminating *gharar*. Consequently, gambling (*maisir*) is also eliminated, and contributions are invested based on profit-sharing principles, primarily *mudharabah* and *musyarakah*.²³

The rapid advancement of information and communication technology has significantly altered societal behaviour. The factors contributing to consumer behavior have evolved, with many transactions now conducted online. Understanding consumer behaviour in the market is crucial, as it has become a trending topic of interest.²⁴ Consumer behavior is essential in determining factors influencing individuals before and after purchasing Islamic insurance policies.²⁵

Consumer behaviour significantly impacts purchasing insurance products and knowledge of Islamic insurance. Factors influencing insurance product purchase decisions include external and internal factors. External factors are the information input from marketing efforts by the company, while internal factors arise from consumers, including motivation, perception, learning, personality, attitudes, and beliefs. Consumer behavior forms the basis of decision-making, driven by a product's utility, benefits, quality, and price.²⁶

Islamic insurance companies must understand consumer behaviour, as consumers possess thoughts, feelings, and actions towards the products offered by these companies. In decision-making, individuals can be influenced by two main factors:

²² Sulistiani, "Analisis Implementasi Wakaf Wasiat Polis Asuransi Syariah Di Lembaga Wakaf Al-Azhar Jakarta."

²³ Betago, Hadi, and Wahjudianata, "Penerimaan Khalayak Terhadap Peran Ibu Dalam Iklan Asuransi Sinarmas MSIG Life 'Ibu Bekerja Atau Ibu Rumah Tangga, Semua Ibu Pasti Hebat.'"

²⁴ Simatupang and Atika, "Pengaruh Stigma Negatif Asuransi Terhadap Produk Asuransi Syariah (Studi Kasus Nasabah PT Asuransi Jiwa Syariah Bumiputera)."

²⁵ Febriyanti, "Pengaruh Pemahaman Dan Kepentingan Masyarakat Terhadap Minat Untuk Menjadi Peserta Asuransi Syariah (Studi Di Desa Cibogo Kec. Cisauk Kab. Tangerang Banten)."

²⁶ Sinulingga, Sihotang, and Kom, "Perilaku Konsumen."

internal factors (psychological needs, educational background, sensory perceptions, personality, experience, and current individual state) and external factors (perceptions of objects or circumstances, environmental influences, and stimulus strength).²⁷ The following are categorized factors influencing behavior towards Islamic insurance:

a. **Income Influence on Insurance Behavior**

Income is the total earnings obtained through hard work. High-income individuals typically allocate their excess funds into savings, investments, and insurance to protect themselves and their families. Insurance is often seen as a non-essential need, affordable only to those who have already met their primary needs and have surplus funds.

b. **Educational Level Influence on Behavior Towards Islamic Insurance**

According to Law No. 20, education types include general, vocational, academic, professional, vocational, religious, and unique education. The educational level significantly influences insurance consumers' decision-making regarding insurance products.

c. **Age Influence on Behavior in Choosing Islamic Insurance**

Age is defined as the number of years since birth. Adulthood involves significant intellectual changes. Age differences influence the choice of Islamic insurance, reflecting a person's maturity level: the older a person, the more rational their thinking and decision-making regarding Islamic insurance. Age can change the goods and services purchased over a lifetime based on preferences.

d. **Lifestyle Influence on Behavior Towards Islamic Insurance**

Lifestyle categorizes consumers psychographically. Principally, it involves how individuals spend and manage their wealth.

e. **Attitude Influence on Behavior Towards Islamic Insurance**

Attitude refers to one's perspective on insurance. Analysis shows that attitude significantly and positively affects the selection of Islamic insurance products. The more favourable the attitude, the stronger the influence on choosing Islamic insurance products.

²⁷ Prameswari and SRI, "Analisis Faktor-Faktor Yang Mempengaruhi Loyalitas Konsumen Pada Asuransi Prudential Di Kota Semarang."

f. Islamic Perspective on Islamic Insurance

The decision to choose insurance is not explicitly mentioned in the Qur'an but can be inferred as a basis for making such decisions. As Allah says: "And let those [executors and guardians] fear [injustice] as if they [themselves] had left weak offspring behind and feared for them. So, let them fear Allah and speak words of appropriate justice." (Surah An-Nisa, 4:9). This verse implies that choosing insurance is not just about mutual assistance and protection but also a guarantee for future investments.²⁸

Conclusion

In societal behaviour, higher income levels reflect greater purchasing power. With this purchasing power, consumer behaviour in selecting insurance products becomes more straightforward and effective. Individuals with surplus income can allocate their financial resources to invest in reputable Islamic insurance companies. This allows them to protect their families from potential future adversities.

Furthermore, the level of education significantly influences the choice of Islamic insurance products. Educational attainment is closely linked to the knowledge society possesses about Islamic insurance. When individuals are well-informed and have detailed knowledge about Islamic insurance, they are more likely to trust and choose these products, countering negative perceptions. Education helps individuals understand the principles of Islamic insurance contracts (*Akad*) and the agreements within Islamic insurance companies, fostering trust and encouraging informed decision-making.

Both income and education levels play crucial roles in shaping consumer behavior towards Islamic insurance. A well-informed and financially capable society is better equipped to make sound decisions, enhancing the overall growth and acceptance of the Islamic insurance industry.

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²⁸ Rafsanjani, "Peran Dewan Pengawas Syariah (DPS) Pada Lembaga Keuangan Syariah (Pendekatan Psikologi Sosial)."

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