

## Conformity of the Co-Payment Scheme of OJK Circular Letter No. 7/2025 with the Ta'awuni Principle in Sharia Insurance: A Critical Evaluation from the Perspective of Maqashid Syariah

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### ABSTRACT

This study evaluates the suitability of the co-payment scheme in Circular Letter of the Financial Services Authority (OJK) No. 7 of 2025 with the principle of ta'awun (mutual cooperation) and maqashid syariah (sharia objectives) in sharia insurance. The research method uses a qualitative approach with critical content analysis of regulatory documents, academic literature, and industry data. The results show that the co-payment scheme that charges 10% of claim costs to customers contradicts the principle of ta'awun, because it shifts the logic of collective risk sharing to an individual financial burden. In addition, this policy has the potential to threaten the maqashid sharia, particularly hifzh al-mal (protection of wealth) and hifzh al-nafs (protection of life), by burdening low-income customers and hampering access to health services. Based on these findings, this study recommends three corrective measures: (1) the implementation of a sliding scale scheme that adjusts co-payments to customers' economic capabilities, (2) the development of a hybrid model that integrates tabarru' (benevolent) funds and qardh hasan (interest-free loans) for poor customers, and (3) increased transparency and education to customers. These recommendations are expected to restore sharia principles in sharia insurance while ensuring justice and benefit for all stakeholders

## **INTRODUCTION**

The global insurance industry has faced significant transformation challenges in the past decade, particularly regarding financial sustainability and consumer trust. According to (OECD, 2023), the global health insurance market grew by an average of 4.2% per year since 2020, but this was accompanied by a 23% increase in consumer complaints regarding claims transparency and risk sharing. This phenomenon is even more complex in developing countries such as Indonesia, where sharia insurance, which is supposed to be based on the principle of ta'awun (mutual cooperation), is facing a reputational crisis after cases of default and corruption (Abdul-Rahman et al., 2022). Globally, co-payment schemes have been a solution to reduce moral hazard, but their implementation in the Islamic system raises philosophical questions about compatibility with maqashid sharia (Al-Zuhayli, 2017).

In a theoretical context, the concept of ta'awun in Islamic economics evolved from a classical discourse on community solidarity to a contemporary framework that must adapt to modern regulations (Dusuki & Abozaid, 2020a). However, a recent study shows that 72% of the literature on Islamic insurance still focuses on products without criticizing the impact of regulations on the basic principles of sharia (Khan & Mirakhor, 2021). Shariah maqashid theory, particularly the *hifzh al-mal* (protection of wealth) dimension, is often neglected in insurance policy analysis, despite its potential to be a critical evaluation tool (Auda, 2018). Previous research has mostly discussed the commercialization aspect of Islamic insurance rather than the conflict between regulation and sharia values (Bakar & Rosbi, 2020).

A specific problem arose when the Financial Services Authority (OJK) Circular Letter No. 7 of 2025 implemented a co-payment scheme starting January 2026. This policy, which limits health claim coverage to 90%, potentially contradicts the principle of ta'awun, which emphasizes risk sharing without excessive financial burden (ISRA, 2023a). Data ((OJK), 2024a) shows that 65% of Indonesia's sharia insurance customers earn below the minimum wage, so co-payments risk reducing healthcare accessibility. Furthermore, the unique characteristics of Islamic insurance that emphasize fairness and transparency (AQIS, 2022) are not reflected in the design of this regulation, which instead adopts a conventional model.

The research gap lies in three aspects. First, there is no study that comprehensively examines co-payment through the lens of maqashid syariah (Mohammed et al., 2023). Second, the analysis of the impact of OJK regulations on consumer confidence is still speculative without qualitative data support (M. Hassan & Lewis, 2021). Third, previous research on Islamic insurance in Indonesia tends to be descriptive and does not relate to grand theories such as maqashid sharia (Ascarya & al., 2022). In fact, this theoretical approach can reveal whether co-payments are "risk-sharing" (in accordance with sharia) or "risk-transfer" disguised to customers (El-Gamal, 2020).

This study aims to: (1) evaluate the compatibility of OJK's co-payment scheme with the principle of ta'awun, (2) analyze its implications for sharia maqashid, particularly *hifzh al-mal* and *hifzh al-nafs*, and (3) provide sharia-

based policy recommendations. The theoretical contributions include the development of a new framework linking financial regulation with sharia maqashid, while the practical benefits are guidance for OJK and the industry in designing inclusive policies. Using a qualitative approach of critical content analysis, this study will fill the academic gap as well as answer the social urgency of the crisis of trust in the Islamic insurance industry.

## LITERATURE REVIEW

### 1. *Basic Concepts of Islamic Economics and Maqashid Syariah*

Islamic economics is rooted in Islamic principles that emphasize justice, balance (mizan), and the prohibition of exploitation (riba, gharar). According to (Chapra, 2016), this system aims to achieve falah (holistic welfare) through harmonizing the interests of individuals and society. Unlike conventional economics that focuses on profit maximization, Islamic economics integrates spiritual and ethical values in financial activities (Siddiqi, 2021). This concept is relevant to the research because OJK's co-payment scheme should be evaluated through the lens of distributive justice ('adl) and protection of public interest (maslahah).

The main components of Islamic economics include:

- a. *Limited Ownership*: Wealth is a trust from Allah, so its use must be in accordance with sharia (Qur'an 2:188) (Al-Zuhayli, 2017).
- b. *Prohibition of Usury and Gharar*: Transactions must be transparent and free from exploitative uncertainty (Ayub, 2019).
- c. *Obligation of Zakat and Infaq*: A wealth redistribution mechanism to reduce inequality (Kahf, 2020).

In the context of Islamic insurance, these principles are translated into a risk-sharing (not risk-transfer) model through tabarru' (donation) and mudharabah (profit-sharing) contracts (Dusuki & Abozaid, 2020). OJK's co-payment regulations need to be scrutinized for compliance with the principle of limited ownership, especially when imposing additional costs on low-income customers.

Maqashid sharia (sharia objectives) formulated by Al-Shatibi (d. 1388 AD) is a critical tool for assessing economic policy. (Auda, 2018) classifies maqashid into five basic needs (al-dharuriyyat al-khams): protection of religion (hifzh al-din), soul (hifzh al-nafs), intellect (hifzh al-'aql), offspring (hifzh al-nasl), and property (hifzh al-mal). This research focuses on two dimensions:

- a. *Hifzh al-Mal*: The co-payment policy must ensure that it does not deplete the wealth of customers, especially vulnerable groups (ISRA, 2023).
- b. *Hifzh al-Nafs*: Islamic health insurance aims to protect lives, so limiting claims could potentially conflict with maqashid (Mohammed & al., 2023).

Contemporary models of maqashid such as Maqashid al-Mu'amalat (the purpose of economic transactions) emphasize the protection of consumer rights (haqq al-mustahlik) and financial system stability (Laldin & Furqani, 2021). Co-payment schemes that adopt a conventional approach without Shariah adaptation may ignore this principle.

## 2. Ta'awun Principle in Islamic Insurance

Ta'awun (mutual cooperation) is a fundamental principle in Islam that encourages collaboration to achieve collective good (Qur'an 5:2). According to (Khan & Mirakhor, 2021), in the context of Islamic finance, ta'awun is manifested through risk-sharing and wealth redistribution mechanisms. Unlike the conventional system which is individualistic, ta'awun-based Islamic insurance emphasizes social solidarity through tabarru' contracts, where participants contribute funds as a form of mutual support (Dusuki, 2023). The main components of ta'awun in Islamic insurance include:

- a. *Collectivity*: Premium funds are managed as a common pool to bear the risks of all participants (Abdul-Rahman et al., 2022).
- b. *Non-Profit*: Profit is not the main goal, but protection (takaful) (El-Gamal, 2020).
- c. *Transparency*: Risk sharing should be fair and open to prevent gharar (exploitative uncertainty) (ISRA, 2023).

In this study, OJK's co-payment scheme will be tested whether it still fulfills the principle of ta'awun or shifts to a risk-transfer model that imposes costs on customers.

Conventional insurance operates on the principle of risk-transfer from the customer to the company, with premiums as compensation (Zainol & Kassim, 2022). In contrast, Islamic insurance adopts risk-sharing where participants guarantee each other through collective funds (M. K. Hassan & Lewis, 2021). The fundamental difference lies in:

Table 1. Fundamental Differences between Conventional Insurance and Shariah Insurance

Aspek	Asuransi Syariah (Ta'awun)	Asuransi Konvensional
Tujuan	Perlindungan bersama ( <i>takaful</i> )	Profit-maximization
Sumber Dana	Dana <i>tabarru'</i> (sukarela)	Premi kontraktual
Kepemilikan	Milik bersama peserta	Milik perusahaan

Case studies in Malaysia show that the application of ta'awun reduces moral hazard by 40% compared to conventional models (Bakar & Rosbi, 2020). However, OJK co-payments have the potential to erode this principle by imposing additional costs that are individualized. OJK co-payment policy No. 7/2025 that limits claims to 90% contradicts the essence of ta'awun because:

- a. *Financial Burden*: Low-income customers (65% according to OJK data, 2024) are forced to bear 10% of treatment costs, potentially ignoring the principle of protection (*hifzh al-mal*) (Mohammed et al., 2023).
- b. *Distortion of Solidarity*: Co-payments turn the logic of tabarru' into a commercial transaction (Ascarya et al., 2022).

The best example of the application of ta'awun is the Malaysian Takaful scheme that abolishes co-payments for critical illness, prioritizing the principle of fairness (Laldin & Furqani, 2021).

### 3. *Maqashid Sharia as a Policy Evaluation Framework*

Maqashid sharia (the objectives of sharia) is the philosophical framework underlying all Islamic law. According to Al-Shatibi (d. 1388 AD), maqashid sharia aims to realize human welfare through the protection of five basic needs (al-dharuriyyat al-khams). (Auda, 2018) developed a systemic approach to maqashid by emphasizing the interconnection between various sharia objectives. In the contemporary context, maqashid sharia has evolved into a dynamic policy analysis tool. (Laldin & Furqani, 2021) identified three levels of maqashid:

- a. *Dharuriyyat (Primary Needs)*: Includes the protection of religion, soul, mind, offspring, and property.
- b. *Hajiyyat (Secondary Needs)*: Refinement of primary needs
- c. *Tahsiniyyat (Tertiary Needs)*: Refinement of life

Hifzh al-mal (protection of property) and hifzh al-nafs (protection of life) are the two main pillars of maqashid sharia that are relevant to Islamic insurance. According to (Mohammed et al., 2023), hifzh al-mal in the context of Islamic insurance contains three basic principles:

- a. Prohibition against destruction of property (ithmam al-mal)
- b. Obligation to utilize property productively
- c. Protection against economic injustice

Meanwhile, hifzh al-nafs in sharia health insurance includes:

- a. Guaranteed access to basic health services
- b. Protection from excessive financial burden
- c. Prevention of exploitative practices

The application of the maqashid syariah framework to evaluate OJK's co-payment policy requires a multidimensional analysis. (Ascarya et al., 2022) developed a maqashid-based policy evaluation matrix that includes:

- a. *Quantitative Aspect*: Measurement of financial impact on customers
- b. *Qualitative Aspect*: Compliance with the principles of justice and benefit
- c. *Institutional Aspect*: Compliance with sharia principles

Case studies from Malaysia show that the application of the maqashid index in evaluating insurance products can increase customer satisfaction levels by 25% (Bakar & Rosbi, 2020). In the context of OJK co-payments, it is necessary to develop specific indicators that measure the level of financial burden on customers, the availability of alternative financing and the impact on accessibility of health services.

## METHODOLOGY

This study uses a qualitative design with a critical content analysis approach to evaluate the suitability of the co-payment scheme of OJK Circular Letter No. 7/2025 with the principles of ta'awun and maqashid sharia. This design was chosen because it allows in-depth exploration of regulatory texts, policy documents, and academic literature related to Islamic insurance (Creswell & Creswell, 2023). This approach is also suitable for uncovering conflicts between

modern regulations and sharia principles, as used in a similar study by (Dusuki & Abozaid, 2020) in analyzing the adaptation of Islamic finance to the conventional system.

The main method used is library research with data collection techniques through documentary review of primary and secondary sources. Primary sources include OJK Circular Letter No. 7/2025 on health insurance co-payments and the fatwa of the National Sharia Council (DSN-MUI) related to Islamic insurance (No. 21/DSN-MUI/X/2001). Secondary sources include reputable journal articles (Scopus/WoS), textbooks, and the OECD report on health insurance (OECD, 2023). This approach is in line with a study (Mohammed et al., 2023) that used text analysis to evaluate Islamic finance policies. To ensure validity, the study adopted source triangulation by comparing findings from policy documents, Islamic literature, and empirical industry data (Creswell & Creswell, 2023).

Data analysis uses an inductive-deductive method based on Al-Syatibi's maqashid syariah framework, which includes five basic principles (hifzh al-din, al-nafs, al-aql, al-nasl, wa al-mal). The analysis technique involves:

- a. Content analysis to identify OJK policy patterns that conflict or align with the principle of ta'awun (Khan & Mirakhor, 2021).
- b. Comparative analysis to compare the implementation of co-payment in Islamic vs. conventional insurance (Bakar & Rosbi, 2020).
- c. Normative evaluation based on the theory of maslahah (benefit) and mafsadah (harm) in Islamic law (Al-Zuhayli, 2017).

## RESULTS AND DISCUSSION

### 1. *Analysis of Co-Payment Conformity with Ta'awun Principles*

The analysis shows that the 10% co-payment scheme in OJK Circular Letter No. 7/2025 contradicts the basic principle of ta'awun (mutual cooperation) in sharia insurance. Based on DSN-MUI fatwa No. 21/2001, the tabarru' (benevolent fund) mechanism should be non-commercial and oriented towards collective risk sharing. However, co-payment shifts some of the financial responsibility to the customer, thus turning the logic of solidarity into an individualized transaction (Ascarya et al., 2022). Data ((OJK), 2024a) corroborates this finding, where 65% of sharia insurance customers earning below the minimum wage have the potential to have difficulty meeting the payment of 10% of treatment costs. This condition contradicts the principle of al-musamahah (leniency) in fiqh muamalah, which prohibits giving excessive burdens to financially weak parties (Al-Zuhayli, 2017).

The analysis reveals that the co-payment scheme in OJK Circular Letter No. 7/2025 has shifted the risk-sharing paradigm (collective risk sharing) which is the foundation of Islamic insurance towards risk-transfer (risk transfer to customers). This finding is in line with El-Gamal's (2020) criticism of the commercialization of Islamic products that adopt conventional mechanisms. Data ((OJK), 2024a) shows that:

- a. 65% of sharia insurance customers are low-income (below the minimum wage)
- b. 15% increase in health claim submissions in the last 2 years

- c. 8% decrease in public participation in Islamic insurance programs after the announcement of *co-payments*

This condition contradicts the principles of al-'adl (justice) and al-takaful (mutual guarantee) in the Islamic insurance system (Dusuki & Abozaid, 2020). DSN-MUI Fatwa No. 21/2001 explicitly prohibits practices that turn tabarru' into commercial transactions based on profit and loss. Sharia Implications:

- a. *Violation of Ta'awun Principle*: The 10% co-payment is compulsory and does not consider the economic capacity of customers (Mohammed et al., 2023)
- b. *Information Asymmetry*: Customers are not involved in the process of determining the amount of co-payment (Khan & Mirakhor, 2021)

## 2. *Shariah Maqashid-based Evaluation*

### *Impact on Hifzh al-Mal (Protection of Property)*

The concept of ithmam al-mal (destruction of property) is prohibited in Islam because it contradicts the objectives of maqashid sharia, particularly hifzh al-mal (protection of property). Imam Al-Syatibi in Al-Muwafaqat asserts that any transaction that results in a disproportionate loss of property benefits is invalid. Case Example: If a customer with an income of Rp3 million/month has to pay a co-payment of Rp500,000 for a claim of Rp5 million, this means 16.6% of monthly income is used up for one claim. In fact, Islam teaches taysir (ease) for the difficult (QS. Al-Baqarah: 185). A survey ((OJK), 2024a) shows that 60% of sharia insurance customers earn less than Rp5 million/month. The burden of a 10% co-payment can drain 20-30% of monthly income if claims occur consecutively (for example: hospitalization + medicine). A flat rate co-payment (e.g. 10% for all customers) does not fulfill the principle of 'adl (justice). In fiqh muamalah, the burden must be proportional to ability (kafa'ah).

The following is a comparative study between Indonesia and Malaysia

1. *BPJS Health*: Uses a cross-subsidy system - rich participants pay more to cover poor participants (according to the principle of ta'awun).
2. *Sharia Insurance in Malaysia*: Co-payments are applied only for claims above a threshold (e.g. RM10,000) or adjusted according to premium levels.

The real impact if this co-payment is applied is that low-income customers tend to avoid claims for fear of not being able to pay the co-payment. As a result, the goal of health protection (hifzh al-nafs) fails to be achieved. If the co-payment is considered burdensome, customers may switch to conventional insurance that offers cheaper premiums (even though it contains gharar). Data from (Malaysia, 2022) shows a 15% drop in takaful customers after the implementation of strict co-payments. Departing from the above problems, there are at least 2 alternative policies, namely:

### 1. *Sliding Scale Scheme*

Co-payment is adjusted to income (example: 5% for income <Rp5 million, 10% for >Rp10 million). Legal basis: QS. At-Talaq: 7 ("Allah does not burden anyone but according to his ability").

### 2. *Benevolent Fund (Qardh Hasan)*

Reserve funds from company or institutional zakat to help poor customers. Practice Example: Takaful Indonesia has a Qardh al-Hasan program for emergency claims.

### ***Impact on Hifzh al-Nafs (Protection of Life)***

Hifzh al-Nafs (protection of life) is the highest priority in maqashid sharia, even above hifzh al-mal (Al-Ghazali, Ihya Ulum al-Din). Any policy that impedes access to healthcare goes against this principle. Specific evidence relating to Hifzh al-Nafs include:

1. *QS. Al-Maidah (5): 32*: "Whoever preserves the life of a human being, it is as if he preserves the life of all human beings."
2. *Hadith*: "Seek treatment, O servants of Allah, for Allah does not create a disease without creating a cure." (HR Ahmad).

The impact of *co-payments* on access to healthcare includes:

#### *Treatment Delay:*

- a. A study ((OJK), 2024) showed that 30% of sharia insurance patients delayed treatment for fear of not being able to pay the co-payment. Example: Diabetes patients who reduce the frequency of control due to lab co-payments.
- b. Real Case: ((YLKI), 2024) In East Jakarta, a sharia insurance customer died after delaying heart surgery because he did not have the funds for a 10% co-payment (Rp15 million of the total claim of Rp150 million).

*Geographical Inequality*: Customers in remote areas (e.g. Papua) often have difficulty accessing insurance partner hospitals, so they are forced to pay in full at non-partnered facilities - then only receive partial claims after co-payments.

In addition to threatening access to health, *co-payments* also have the potential to exploit vulnerable customers, including:

- a. *Elderly*; Has a high risk of claims but a fixed income (pension). Data ((BPS), 2023) states that 40% of Indonesia's elderly depend on family assistance for health costs.
- b. *Informal Workers*; Do not have a stable income. Example: Online motorcycle taxi drivers who have to choose between paying co-payments or daily living expenses.

The forms of exploitation of vulnerable customers include:

1. *Forcing Unnecessary Claims*; some partner hospitals allegedly "steered" patients for medical procedures with high co-payments (e.g. non-emergency heart stents). Indonesian Consumers Foundation (((YLKI), 2024) report on the practice of overmedicalization in Islamic hospitals.
2. *Non-Transparency of Information*; Customers are not clearly informed about the amount of co-payment before the procedure, violating the principle of trust (QS. Al-Baqarah: 283).

Departing from the above problems, there are at least 3 alternative policies, namely:

1. *Exclusion of Co-Payment for Emergency Services*; Adopting DSN-MUI fatwa No. 117/2018 Article 8: "In emergency conditions, participants may not be burdened with additional costs."
2. *Solidarity Fund (Tabarru' Jama'i)*; Establishing a pool of funds from voluntary contributions of high-net-worth customers to cover co-payments of vulnerable groups. Successful example: "Takaful Care" program in Malaysia.
3. *Customer Education*; Socialization of customer rights and obligations through insurance mobile app, including transparent *co-payment* calculator.

### 3. Findings-based Policy Recommendations

#### **Hybrid Model: Integration of Tabarru' and Qardh Hasan**

##### *Basic Concept:*

- a. *Pure Tabarru'*: Benevolent funds from participants without return (in accordance with Fatwa DSN-MUI No. 117/2018).
- b. *Qardh Hasan*: Interest-free loans for poor customers, repaid when financial conditions improve (QS. Al-Baqarah: 245).

##### *Implementation Mechanism:*

- a. *Collective Tabarru' Fund*; Each customer sets aside 2-5% of the premium for a benevolent fund. Example: If 1 million customers deposit Rp10,000/month, Rp10 billion/month will be collected to cover co-payments for vulnerable groups.
- b. *Qardh Hasan Emergency*; Customers who are unable to pay the co-payment can apply for an interest-free loan, with a flexible repayment period. Case Study: Bank Syariah Indonesia (BSI) has successfully implemented this for health financing with a 95% repayment rate (BSI, 2023).

##### *Legal Basis:*

- a. QS. Al-Maidah (5): 2: "Help each other in goodness."
- b. Fatwa DSN-MUI No. 21/2001 concerning General Guidelines for Sharia Insurance.

#### **Revision of OJK Circular Letter: Co-Payment Adjustment Based on Customer Ability (Sliding Scale Scheme)**

Table 2. Co-Payment Adjustment Based on Customer Ability

Penghasilan/Bulan	Persentase Co-Payment
< Rp5 juta	0-2%
Rp5-10 juta	3-5%
> Rp10 juta	5-10%

Co-payments are adjusted to the customer's income level. Legal Basis for the Principle of Justice ('Adl): As per QS. At-Talaq (65): 7 about charging according to ability and there is supporting data where 70% of sharia insurance customers earn < Rp7 million / month (OJK), 2024) and a similar model in Malaysia (Malaysia, 2022) managed to reduce the claim avoidance rate by 25%. In addition, OJK's role is needed to:

- a. Force Islamic insurance companies to provide a transparent co-payment calculator on mobile applications.
- b. Establish a customer complaint task force to monitor unfair co-payment practices.

#### **Strengthening Education and Transparency**

- a. *Digital socialization*; animated videos on customer rights in simple language (e.g. co-payment exemption rights for critical illness)

- b. *Partnerships with Islamic organizations*; NU and Muhammadiyah can mediate education at the grassroots level
- c. *Product labeling*; add “DSN-MUI certified” sign with co-payment details on the policy. Examples in other countries Islamic insurance in Turkey is required to include all fees in the contract with a minimum font of 12pt (TKBB Regulation, 2021).

## CONCLUSIONS AND RECOMMENDATIONS

This study concludes that the co-payment scheme in OJK Circular Letter No. 7/2025 is not in line with the principle of ta'awun in sharia insurance, because it shifts the financial burden to customers and reduces the spirit of mutual cooperation. The implications for maqashid sharia, especially hifzh al-mal and hifzh al-nafs, are also negative, because co-payment has the potential to burden low-income customers, hinder access to health, and create injustice in claim financing. These findings indicate the need for policy adjustments to be more in line with sharia principles. Based on the results of the study, it is recommended that OJK and industry players implement three main recommendations.

First, replace the flat rate co-payment with a sliding scale scheme that takes into account the customer's economic capabilities. Second, develop a hybrid model that integrates tabarru' and qardh hasan funds to help underprivileged customers. Third, increase transparency and education for customers regarding their rights and obligations in insurance claims. These steps are expected to restore the principle of ta'awun, guarantee justice, and protect maqashid sharia in the sharia insurance industry.

## FURTHER STUDY

This study still has limitations, so further research is needed related to the topic of Conformity of the Co-Payment Scheme of OJK Circular Letter No. 7/2025 with the Ta'awuni Principle in Sharia Insurance: A Critical Evaluation from the Perspective of Maqashid Syariah in order to perfect this study and increase insight for readers.

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