ANALISIS PERLINDUNGAN HUKUM DAN PENYELESAIAN KLAIM PEMEGANG POLIS DALAM KASUS INSOLVENSI PERUSAHAAN ASURANSI

(Studi Kasus PT Asuransi Jiwasraya)

Dari:
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Intisari

Penelitian ini memiliki dua tujuan utama, yaitu menganalisis perlindungan hukum dan sistem penyelesaian klaim bagi pemegang polis dalam kasus insolvensi perusahaan asuransi di Indonesia. Studi kasus difokuskan pada PT Asuransi Jiwasraya, di mana mekanisme penyelesaian klaim setelah terjadi gagal bayar menunjukkan adanya kelemahan mendasar dalam regulasi dan pelaksanaan perlindungan konsumen. Penelitian dilakukan dengan metode normatif-empiris melalui studi pustaka, analisis dokumen hukum, serta wawancara kepada pemegang polis dan pihak terkait sebagai data primer. Analisis dilakukan secara kualitatif terhadap implementasi kerangka hukum yang berlaku, serta identifikasi kendala dan dampaknya terhadap hak-hak polis.

Jenis penelitian yang digunakan adalah penelitian normatif empiris yang bersifat deskriptif. Penelitian normatif dilakukan dengan penelitian kepustakaan untuk mendapatkan data sekunder atas berbagai bahan hukum primer, bahan hukum sekunder dan bahan hukum tersier dengan alat berupa studi dokumen. Penelitian hukum empiris dilakukan dengan cara studi kelapangan untuk mendapatkan data primer dengan cara wawancara kepada subjek penelitian dengan alat berupa pedoman wawancara. Hasil penelitian ini dianalisis secara kualitatif.

Hasil penelitian menemukan bahwa proses penyelesaian klaim Jiwasraya pasca insolvensi berlangsung sangat lama, nilai pengembalian yang diterima pemegang polis jauh di bawah janji polis asli, dan banyak hak dasar konsumen yang tidak terpenuhi. Ketiadaan mekanisme perlindungan seperti Program Penjaminan Polis dan minimnya pengawasan yudisial dalam likuidasi administratif memperburuk posisi konsumen. Penelitian merekomendasikan reformasi regulasi, penguatan pengawasan, serta percepatan implementasi jaring pengaman sistemik bagi pemegang polis asuransi di masa depan.

Kata Kunci: Perlindungan Hukum, Penyelesaian Klaim, Polis, Insolvensi, Konsumen Asuransi.

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ANALYSIS OF LEGAL PROTECTION AND CLAIM SETTLEMENT FOR POLICYHOLDERS IN THE CASE OF INSURANCE COMPANY INSOLVENCY

(Case Study of PT Asuransi Jiwasraya)

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ABSTRACT

This research has two primary objectives: to analyze legal protection and claim settlement systems for policyholders in the context of insurance company insolvency in Indonesia, with a specific focus on PT Asuransi Jiwasraya. The claim settlement mechanism following default demonstrates fundamental weaknesses in both regulation and consumer protection implementation. The research employed a normative-empirical methodology combining library studies, legal document analysis, and interviews with policyholders and relevant stakeholders as primary data sources. Qualitative analysis was conducted on the implementation of prevailing legal frameworks and identification of obstacles affecting policyholder rights.

The research employed descriptive normative-empirical methodology. Normative research was conducted through library studies to obtain secondary data from various primary legal materials, secondary legal materials, and tertiary legal materials through document analysis. Empirical legal research was conducted through field studies to obtain primary data via interviews with research subjects using interview guidelines. Research findings were analyzed qualitatively.

Findings reveal that the post-insolvency claim settlement process for Jiwasraya was extremely prolonged, with payout values received by policyholders falling far below the original policy promises, and many basic consumer rights remaining unfulfilled. The absence of protection mechanisms such as a Policyholder Guarantee Program and minimal judicial oversight in administrative liquidation significantly worsened the consumers' position. The research recommends regulatory reform, strengthened supervision, and accelerated implementation of systemic safety nets for insurance policyholders in the future.

Keywords: Legal Protection, Claim Settlement, Policyholder, Insolvency, Insurance Consumer.

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