

**ANALISIS PEMBERLAKUAN PERJANJIAN ASURANSI PADA
PERUSAHAAN ASURANSI DI INDONESIA SERTA PERLINDUNGAN
HUKUM BAGI TERTANGGUNG (KONSUMEN) AKIBAT
PEMBERLAKUAN ASURANSI YANG TIDAK SESUAI DENGAN
KETENTUAN DIKAITKAN DENGAN UU PERASURANSIAN *JUNCTO*
POJK NOMOR 69/POJK.05/2016**

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INTISARI

Penelitian ini bertujuan untuk menganalisis pemberlakuan perjanjian asuransi pada perusahaan asuransi di Indonesia serta mengkaji perlindungan hukum bagi tertanggung (konsumen) yang melakukan perjanjian asuransi dengan perusahaan asuransi di Indonesia yang tidak melaksanakan ketentuan tentang berlakunya perjanjian asuransi.

Jenis penelitian ini adalah penelitian yuridis normatif dan yuridis empiris yang menitikberatkan pada data sekunder secara kepustakaan untuk kemudian dilanjutkan dengan penelitian terhadap data primer melalui penelitian lapangan. Data penelitian lapangan diperoleh dari wawancara dengan Pejabat Otoritas Jasa Keuangan Departemen Perlindungan Konsumen serta Divisi Legal (*Corporate Legal*) PT. AXA Mandiri Financial Services dan Divisi Legal (*Corporate Legal*) PT. MNC *Life Assurance*. Selanjutnya data yang diperoleh tersebut dianalisis dengan metode kualitatif.

Berdasarkan hasil penelitian dan pembahasan disimpulkan bahwa polis bukan merupakan bukti mutlak untuk terbentuknya perjanjian asuransi, walaupun polis belum terbit, perjanjian asuransi berlaku dan mengikat para pihak setelah dibayarnya premi / kontribusi oleh tertanggung serta perlindungan hukum bagi tertanggung (konsumen) adalah perlindungan hukum yang bersifat preventif dan represif. Penyelesaian sengketa di luar pengadilan dapat dilakukan melalui Lembaga Alternatif Penyelesaian Sengketa yaitu Badan Mediasi dan Arbitrase Asuransi Indonesia

Kata Kunci: asuransi, polis, sengketa, konsumen, perlindungan hukum, BMAI.

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ANALYSIS OF THE IMPLEMENTATION OF INSURANCE AGREEMENTS IN INSURANCE COMPANIES IN INDONESIA AND LEGAL PROTECTION FOR INSURED (CONSUMER) DUE TO INSURANCE ENFORCEMENT THAT DOES NOT COMPLY WITH THE PROVISIONS RELATED TO THE INSURANCE ACT Juncto REGULATION OF FINANCIAL SERVICES AUTHORITY NUMBER 69/POJK.05/2016

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ABSTRACT

This research is intended to analyze the enforcement of insurance agreements to insurance companies in Indonesia and review the legal protection of the insured (consumers) who make insurance agreements with insurance companies in Indonesia who does not implement provisions concerning the entry into force of the insurance agreement.

This type of research is normative juridical and empirical juridical research that focuses on secondary data in the literature to then proceed with research on primary data through field research. Field research data were obtained from interviews and correspondence with the Financial Services Authority Officials of the Consumer Protection Department and the Legal Division (Corporate Legal) of PT. AXA Mandiri Financial Services and the Legal Division (Corporate Legal) of PT. MNC Life Assurance. Furthermore, the data obtained are analyzed by qualitative methods.

Based on the research and discussion concluded that the policy is not an absolute proof for the establishment of an insurance agreement, although the policy has not been published, the insurance agreement applies and bind the parties after the paid premium/contribution by the insured and the protection of the Law for the insured (consumer) is a preventive and repressive legal protection. Settlement of disputes outside the court can be conducted through alternative institutions of dispute resolution namely the Mediation Board and Indonesian insurance arbitration

Keywords: *insurance, police, dispute, consumer, legal protection, BMAI.*

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