

RINGKASAN

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**PERLINDUNGAN HUKUM TERHADAP
PEMEGANG POLIS ASURANSI JIWA
YANG MENGALAMI LIKUIDASI (STUDI
KASUS AJB BUMIPUTERA CABANG
PEMATANG SIANTAR.)**

(Dr. Herinawati, S.H., M.Hum dan Arif Rahman, S.H., M.H)

Masyarakat harus menyadari urgensinya suatu perlindungan terhadap berbagai ancaman atau risiko yang terjadi dikemudian hari, hal tersebut memicu tingginya penggunaan asuransi. Perjanjian antara tertanggung dan penanggung di tuangkan dalam suatu akta tertulis yang disebut polis, dalam tatanan praktisnya perjanjian Asuransi agar dapat dinyatakan sah, maka harus berdasarkan kepada pasal 1320 KUHPerdara dan pasal 251 KUHD (*Notification*).

Penelitian ini bertujuan untuk menganalisis tentang perlindungan hukum terhadap para pemegang polis yang terlibat dalam klausul baku dalam perjanjian Asuransi Jiwa yang dibuat antara konsumen dengan AJB Bumiputera Cabang Pematang Siantar. Untuk mengetahui hambatan bagi penanggung dan upaya yang telah diterapkan dalam pelaksanaan proses likuidasi di AJB Bumiputera 1912 di Pematang Siantar.

Penelitian ini menggunakan metode kualitatif dan pendekatan yuridis empiris. Data diperoleh melalui studi lapangan (*field research*) studi kepustakaan (*library research*) lokasi penelitian dilakukan pada kota Pematang Siantar, dengan menggunakan metode *purposive sampling* yang kemudian dilakukan analisis data terhadap masalah tersebut.

Dari hasil penelitian yang dilakukan perlindungan hukum terhadap pemegang polis asuransi dapat diperoleh dari lembaga penjaminan asuransi seperti LPS yang memberikan perlindungan kepada pemegang polis asuransi jiwa dalam situasi di mana perusahaan asuransi mengalami likuidasi. Pemegang polis dapat mengajukan klaim kepada LPS untuk mendapatkan kompensasi sesuai dengan ketentuan yang berlaku, invensi pemerintah dan pengawasan regulator intervensi . Tetapi, saat ini AJB Bumi Putera cabang Pematang Siantar tengah mengalami masalah yang sangat serius yaitu gagal bayar klaim asuransi yang nilainya triliunan kepada pemegang polis. Terdapat ketidak pastian hukum terkait kedudukan hukum pemegang polis AJB Bumi Putra 1912 yang di akibatkan adanya penuangan klausa ekonerasi dalam perjanjian baku yang dapat ,menimbulkan kerugian pihak tertanggung dikarenakan adanya penafsiran pemahaman isi kesepakatan pada hubungan kontraktual para pihak. Upaya penyelesaian gagal bayar klaim AJB Bumi putera dapat ditempuh melalui mekanisme Penundaan Kewajiban Pembayaran Utang, likuidasi dan kepailitan

Kata kunci: perlindungan hukum, Asuransi, pemegang polis, tanggung jawab

SUMMARY

DITA PURWATI

**LEGAL PROTECTION FOR LIFE
INSURANCE POLICY HOLDERS
EXPERIENCED LIQUIDATION (CASE
STUDY OF AJB BUMIPUTERA
PEMATANG SIANTAR BRANCH.)**

(Dr. Herinawati, S.H., M.Hum dan Arif Rahman, S.H., M.H)

The public must realize the urgency of providing protection against various threats or risks that may occur in the future, this has triggered the high use of insurance. This opportunity is a great opportunity for insurance companies as well as a challenge that generates profits in the insurance services business. However, very few people do not understand the benefits of insurance or even do not understand at all about the exoneration clause as a standard agreement which requires that all provisions in an agreement eliminate the consumer's right to negotiate which in an insurance agreement is called an exoneration clause, namely responsibility, limited based on one-sided interests. Insurance accepts the transfer of risk from an event. The agreement between the insured and the insurer is set out in a written deed called a policy. In practical terms, for an insurance agreement to be declared valid, it must be based on article 1320 of the Civil Code and article 251 of the Civil Code (Notification).

This research aims to analyze the legal protection of policy holders involved in standard clauses in Life Insurance agreements made between consumers and AJB Bumiputera Pematang Siantar Branch. To find out the obstacles for insurers and the efforts that have been applied in implementing the liquidation process at AJB Bumiputera 1912 in Pematang Siantar.

This research uses qualitative methods and an empirical juridical approach. Data was obtained through field research and library research at the research location in the city of Pematang Siantar, using a purposive sampling method and then analyzing the data on the problem.

From the results of research conducted, legal protection for insurance policy holders can be obtained from insurance guarantee institutions such as LPS which provides protection to life insurance policy holders in situations where the insurance company experiences liquidation. Policy holders can submit claims to LPS to obtain compensation in accordance with applicable regulations, government inventions and regulatory intervention supervision. However, currently the AJB Bumi Putera Pematang Siantar branch is experiencing a very serious problem, namely failure to pay insurance claims which have increased by trillions to policy holders. There is legal uncertainty regarding the legal position of AJB Bumi Putra 1912 policy holders due to the inclusion of an econeration clause in the standard which can , causing losses to the party who is covered due to the interpretation of the understanding of the contents of the agreement in the contractual relationship between the parties. Efforts to resolve AJB Bumi Putera's failure to pay claims can be carried out through the mechanism of Postponement of Debt Payment Obligations, liquidation and bankruptcy.

Keywords: legal protection, insurance, policy holder, responsibility