

ACKNOWLEDGMENTS

First and foremost, the author would like to thank Lord Jesus Christ for His countless blessings, guidance and love that made it possible to completed this thesis entitled “THE ROLE OF FINANCIAL SERVICES AUTHORITY IN BANKRUPTCY OF INSURANCE COMPANY IN RELATION TO CUSTOMER LEGAL PROTECTION”. This thesis is written to fulfill one of the requirements to obtain a degree in Bachelor of Law at Universitas Pelita Harapan. At the same time, the Author hope that this thesis can contribute to the development of legal science in Indonesia, particularly in the development of Indonesian Bankruptcy Law.

The Author realizes that in completing this thesis it would not be possible without the guidance, support, motivation and advise from the people surround the Author. In this window of opportunity, the Author would like to express her highest appreciation and most sincere gratitude to the following:

1. Prof. Dr. Bintan R. Saragih, S.H., as the Dean of Faculty of Law of Universitas Pelita Harapan.
2. Dr. Velliana Tanaya, S.H., M.H., as the Director of Faculty of Law of Universitas Pelita Harapan.
3. Dr. Vincensia Esti Purnama Sari, S.H., M.Hum., as Head of Faculty of Law of Universitas Pelita Harapan.
4. Dr. jur. Udin Silalahi, S.H., LL.M., as the author’s thesis advisor who have patiently guided, dedicating his valuable time and advised the author

throughout the journey of writing this thesis. In writing this thesis, The Author took some long detour and not sure to finish this thesis, but with the constant help and guidance from her thesis advisor, the Author finally able to finish this thesis.

5. All of my thesis examiners, Dr. Fajar Sugianto, S.H., M.H. and Ms. Grace Darmawan, S.H., M.H., also Ms. Rini as the secretary defense.
6. Ms. Jerry Shalmont, S.H., M.H., as the Author's academic advisor who have constantly helping the author with all the academic matter.
7. All respected lecturers and staffs of the Faculty of Law in UPH. Thank you for all the valuable lessons and guidance.
8. The Author's parents, Papi and Mami, who have always giving unconditional love, endless support, and continuous prayer for the author. Thank you for always believing in me and never giving up on me. I dedicate this thesis to my beloved parents.
9. To the Author's siblings, Indah Lestari and Zicove. Despite all the bickering and fighting, the love never stops.
10. To the Author's big family, who have support and motivate the Author indirectly and directly.
11. To Dian Novita, the Author's thesis partner who's always motivate and supports the Author throughout the journey of creating this thesis. All the hard work, sweat and tears finally paid off. We finally made it.

12. To the Author's closest friends in UPH: Nabiya, Kerdus, Chika, Alya, Melissa. I will always cherish this law school journey because all of you. Thank you for all the laughter, life lessons, friendship, and memories.
13. To Shelly, Emillia, Melda, Jaka, Bella, Sharon, Patricia, Gilby, Yoga, Sandi and other friends whose name can't be mentioned one by one. I almost quit this thesis but because of your supports and words of encouragement, I can finally able to finish this thesis.
14. To BagsPhile staffs, Teteh and Sindi. Thank you for all the assistance and helps throughout the journey of The Author to obtain a bachelor degree.
15. To the Author's fur babies, Pudding and Lui, who have always accompanied me and being my stress-reliever during the journey of constructing this thesis.

The Author would like to offer her apologies for any mistakes within this thesis and realizes that this thesis is far from perfect. Therefore, the Author welcomes constructive criticism and suggestions from others. Finally, the Author hopes that this thesis can contribute to the Indonesian legal society as a whole and becomes another step towards the positive development of legal science.

Tangerang, 5th August 2021



Angelia

TABLE OF CONTENTS

	Page
COVER.....	i
FINAL ASSIGNMENT STATEMENT AND UPLOAD AGREEMENT	ii
THESIS ADVISOR APPROVAL	iii
EXAMINATION BOARD APPROVAL	iv
ABSTRAK.....	v
ACKNOWLEDGMENTS	vi
TABLE OF CONTENTS.....	ix
LIST OF ABBREVIATIONS	xii
CHAPTER I INTRODUCTION.....	1
1.1 Background	1
1.2 Formulation of Issue.....	20
1.3 Research Objectives	20
1.4 Benefits of The Research	21
1.4.1 Theoretical benefit.....	21
1.4.2 Practical Benefit	21
1.5 Systematics of Writing	22
CHAPTER II LITERATURE REVIEW.....	24
2.1 Theoretical Framework	24
2.1.1 General Overview of Bankruptcy	24
2.1.1.1 Definition of Bankruptcy	24
2.1.1.2 The Function of Bankruptcy Institution.....	26
2.1.1.3 The Principles of Bankruptcy.....	28
2.1.1.4 The Requirements of Bankruptcy Applications	30
2.1.1.5 Parties Who Can Apply for Bankruptcy Statement	36
2.1.1.5.1 OJK as The Bankruptcy Applicant for Insurance Company	36
2.1.1.6 The Procedures of Bankruptcy Application towards Insurance Company.....	41
2.1.2 General Overview of OJK.....	43
2.1.2.1 Definitions of OJK	43

2.1.2.2	The Principles of OJK	45
2.1.2.3	Functions, Duties and Authority of OJK.....	47
2.1.2.4	The role of OJK related to Consumer Protection of Insurance Policyholder	50
2.1.3	General Overview of Insurance.....	55
2.1.3.1	Insurance Policyholder	58
2.1.3.2	Legal Protection for Insurance Policyholder in Bankruptcy	61
2.2	Conceptual Framework	65
2.2.1	The Authority of OJK as The Bankruptcy Applicant for Insurance Company	65
2.2.2	The Requirement to File Bankruptcy Statement of Insurance Company	68
CHAPTER III RESEARCH METHODS		70
3.1	Definition of Legal Research	70
3.2	Types of Legal Research	71
3.3	Method of Legal Approach	73
3.4	Types of Research Data.....	75
3.5	Data Analysis Technique	77
CHAPTER IV RESEARCH RESULTS AND ANALYSIS.....		78
4.1	Research Results	78
4.1.1	The Authority of OJK as the Bankruptcy Applicant of Insurance Company.....	78
4.1.2	The Role of OJK in Providing Legal Protection To Insurance Policyholder.....	91
4.1.2.1	The Role of OJK in Providing Legal Protection to Insurance Policyholder in the Bankruptcy of Insurance	94
4.2	Analysis.....	100
4.2.1	The Relevancy of OJK As the Bankruptcy Applicant Towards Insurance Company According to UU KPKPU... ..	100
4.2.2	The Relevancy of the Requirement of Bankruptcy Statement According to UU KPKPU in relation to OJK as The Applicant for Bankruptcy Statement of Insurance Company	122
CHAPTER V CONCLUSIONS AND RECOMMENDATIONS		128

5.1	Conclusions	128
5.2	Recommendations	130
BIBLIOGRAPHY		133



LIST OF ABBREVIATIONS

ADR	Alternative Dispute Resolution
AJBAJ	PT. Asuransi Jiwa Bumi Asih Jaya
AKPI	Indonesia Administrator and Receiver Association or <i>Asosiasi Kurator dan Pengurus Indonesia</i>
BPK	Financial Audit Agency or <i>Badan Pemeriksa Keuangan</i>
BTSM	The specified minimum solvency level or <i>Batas Tingkat Solvabilitas Minimum</i>
KUHAPer	Indonesian civil procedural law or <i>Kitab Undang-Undang Hukum Acara Perdata</i>
KUHD	Indonesian Commercial Code or <i>Kitab Undang-Undang Hukum Dagang</i>
KUHPer	Indonesian Civil Code or <i>Kitab Undang-Undang Hukum Perdata</i>
UU PK	Law No. 8 of 1999 on Consumer Protection
UU KPKPU	Law No. 37 year 2004 on Bankruptcy and Suspension of Obligation for Payment of Debt

UU OJK	Law No. 21 year 2011 on Financial Services Authority
UU Perasuransian	Law No. 40 year 2014 on Insurance
OJK	Financial Services Authority or <i>Otoritas Jasa Keuangan</i>
PKPU	Postponement of debt payment obligations or <i>Penundaan Kewajiban Pembayaran Utang</i>
PKU	Business activity restriction sanction or <i>Pembatasan Kegiatan Usaha</i>
YLKAI	Indonesian Insurance Consumer Foundation or <i>Yayasan Lembaga Konsumen Asuransi Indonesia</i>

