

ABSTRAK

Kasus gagal bayar oleh perusahaan asuransi di Indonesia, seperti Wanaartha Life, mengungkap kelemahan dalam pengelolaan keuangan dan perlindungan hukum bagi pemegang polis. Penelitian ini bertujuan menganalisis pertanggungjawaban perusahaan asuransi terhadap nasabah serta meninjau perlindungan hukum yang tersedia berdasarkan hukum asuransi di Indonesia dan peraturan Otoritas Jasa Keuangan. Penelitian ini menggunakan metode hukum normatif dengan pendekatan kasus, peraturan perundang-undangan, dan konseptual. Data diperoleh melalui studi pustaka yang mencakup bahan hukum primer, sekunder, dan tersier. Analisis dilakukan secara kualitatif terhadap implementasi peraturan seperti Undang-Undang Nomor 40 Tahun 2014 tentang Perasuransian dan Peraturan OJK Nomor 8 Tahun 2024 tentang Produk Asuransi. Hasil penelitian menunjukkan bahwa penyebab utama gagal bayar adalah manajemen investasi buruk, manipulasi laporan keuangan, dan lemahnya pengawasan OJK. Meskipun hukum mengatur prioritas hak pemegang polis dalam likuidasi, implementasinya masih lemah, menyebabkan pengembalian dana yang minim. Studi ini menyoroti perlunya reformasi regulasi dan pengawasan untuk memperkuat perlindungan hukum bagi pemegang polis. Rekomendasi meliputi transparansi laporan keuangan, pengawasan berkala oleh OJK, serta penerapan dana jaminan polis yang efektif guna mencegah dampak negatif gagal bayar di masa depan.

Kata Kunci: Asuransi, Gagal Bayar, Hukum Asuransi

ABSTRACT

Cases of failure to pay by insurance companies in Indonesia, such as Wanaartha Life, reveal weaknesses in financial management and legal protection for policyholders. This research aims to analyze the liability of insurance companies towards customers and review the legal protection available based on insurance law in Indonesia and Financial Services Authority regulations. This research uses normative legal methods with case, statutory and conceptual approaches. Data was obtained through literature study which includes primary, secondary and tertiary legal materials. Qualitative analysis was carried out on the implementation of regulations such as Law Number 40 of 2014 concerning Insurance and OJK Regulation Number 8 of 2024 concerning Insurance Products. The research results show that the main causes of payment failure are poor investment management, manipulation of financial reports, and weak OJK supervision. Although the law regulates the priority of policyholder rights in liquidation, implementation is weak, resulting in minimal refunds. This study highlights the need for regulatory and supervisory reform to strengthen legal protection for policyholders. Recommendations include transparency of financial reports, regular supervision by the OJK, as well as the implementation of effective policy guarantee funds to prevent the negative impact of default in the future.

Keywords: Insurance, Payment Default, Insurance Law