

Peran dan Dampak Hukum Likuidasi Badan Mediasi dan Arbitrase Asuransi Indonesia terhadap Penyelesaian Sengketa Klaim Asuransi pada Lembaga Alternatif Penyelesaian Sengketa Sektor Jasa Keuangan = The Role, Consequence And Legal Consequence Of The Liquidation Of The Indonesia Insurance Mediation And Arbitration On The Resolution Of Insurance Claims Disputes At The Alternative Dispute Resolution Of Financial Sector

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Abstrak

Tesis ini membahas dan menganalisis peran dan dampak hukum likuidasi Badan Mediasi dan Arbitrase Asuransi Indonesia (BMAI) terhadap penyelesaian sengketa klaim asuransi pada Lembaga Alternatif Penyelesaian Sengketa Sektor Jasa Keuangan (LAPS SJK), dengan 2 permasalahan hukum yang dibahas yaitu 1 bagaimana peran dari BMAI dalam penyelesaian sengketa klaim asuransi dari sejak didirikan pada tahun 2006 hingga dilikuidasi/dinonaktifkan tahun 2020 dan perannya dialihkan ke LAPS SJK, 2 bagaimana dampak hukum likuidasi BMAI dan metode penyelesaian sengketa klaim asuransi di Lembaga Alternatif Penyelesaian Sengketa Sektor Jasa Keuangan (LAPS SJK) pasca likuidasi BMAI. Metode penelitian yang dipergunakan dalam penelitian ini adalah Metode Yuridis Normatif dengan data sekunder, analisis data dilakukan secara kualitatif. Hasil penelitian menunjukkan bahwa 1 BMAI telah menjalankan perannya dalam menjalankan tugas dan fungsinya menyelesaikan sengketa-sengketa klaim asuransi yang diajukan untuk diselesaikan di BMAI melalui Mediasi, Ajudikasi dan Arbitrase. Selama 15 tahun BMAI beroperasi telah menerima pengaduan sengketa klaim asuransi total sebanyak 771 yang mana sebanyak 558 diselesaikan secara Mediasi, 79 diselesaikan secara Ajudikasi, dan sebanyak 7 secara Arbitrase, dan sebanyak 127 adalah sengketa di luar kewenangan BMAI. 2 Likuidasi/pembubaran BMAI telah menimbulkan dampak yang buruk dalam penyelesaian sengketa pada LAPS SJK dan juga potensi dampak hukum terhadap LAPS SJK. Proses penyelesaian sengketa klaim asuransi di LAPS SJK tidak sesuai dengan prinsip penyelesaian sengketa yaitu efisien dan efektif, karena ternyata penyelesaian sengketa klaim sangat lambat dan tidak efektif di LAPS SJK. Tahun pertama operasionalnya LAPS SJK telah menerima pengaduan sengketa klaim sebanyak 177 dan selama tahun 2021 hanya 2 sengketa klaim asuransi yang dapat diselesaikan oleh LAPS SJK, ada sebanyak 175 tidak dapat diselesaikan. Saran dari penelitian ini adalah 1 supaya LAPS SJK melakukan Crash Program untuk menyelesaikan semua sengketa-sengketa yang belum dapat terselesaikan, 2 supaya LAPS SJK menambah sarana, prasarana dan SDM sehingga akan dapat menyelesaikan semua sengketa yang diajukan ke LAPS SJK sesuai dengan prinsip yang dianut olehnya yaitu efisien dan efektif.

.....This thesis analyses the role, consequence and legal consequence of the liquidation of the Indonesia Insurance Mediation and Arbitration Centre (BMAI) on the Resolution of Insurance Claims Disputes at the Alternative Dispute Resolution of Financial Sector (LAPS SJK), with 2 research questions i.e. 1 How is the role of BMAI in resolving insurance claims disputes since its establishment in 2006 until its liquidation in 2020, and its role has been transferred to LAPS SJK, 2 How is the consequence and legal consequence of BMAI's liquidation and the methods of resolution on the insurance claims disputes at LAPS SJK after the

liquidation of BMAI. The research method used in writing this thesis is Yuridical Method with secondary data, the analysis of data is done on qualitative approach. The result is: 1 BMAI has done its role and task very well in resolving the insurance claims disputes which have been submitted to BMAI for resolution by Mediation, Ajudication, and Arbitration. During BMAI's operation in 15 years, it has received 771 insurance claims disputes of which 558 disputes have been resolved with Mediation, 79 disputes have been resolved with Ajudication, and 7 with Arbitration, and rest 127 were not within the jurisdiction of BMAI. 2 Liquidation of BMAI has caused bad effect in resolving the insurance claims disputes and creates the potential of suing LAPS SJK by policyholders and insureds, as it has failed to resolve the insurance claims disputes efficiently and effectively in accordance with its principles, the proses is not efficient and effectively. The first year of its operation, during 2021 it has received 177 insurance claims disputes of which are only 2 disputes resolved, as such there is a number of 175 cases not resolved and still pending. The recommendation of this thesis is to set up a crash programme for speeding up the resolution for the pending disputes, 2 to increase and improve its infrastructure and human capital, with which the pending disputes hopefully will be resolved as soon as possible, and enable it in resolving efficiently and effectively all the disputes received in the future in accordance with its principle.