

Kesiapan pelaksanaan Program Penjaminan Polis oleh Lembaga Penjamin Simpanan berdasarkan Undang-Undang No. 4 Tahun 2023 tentang Pengembangan dan Penguatan Sektor Keuangan = Readiness of the implementation of the Insurance Policy Guarantee Program by the Deposit Insurance Agency Based on Law No. 4 of 2023 concerning the Development and Strengthening of the Financial Sector

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Abstrak

Tesis ini membahas program penjaminan polis asuransi berdasarkan peraturan perundang-undangan perasuransian dan Undang-Undang No. 4 Tahun 2023 tentang Pengembangan dan Penguatan Sektor Keuangan ("UU P2SK") yang telah memberikan fungsi baru untuk melakukan penjaminan polis nasabah asuransi, yang harus dilaksanakan oleh Lembaga Penjamin Simpanan dalam jangka waktu 5 (lima) tahun sejak diundangkan. Permasalahan yang dibahas dalam Tesis ini adalah bagaimana pengaturan program penjaminan polis asuransi dalam peraturan perundang-undangan perasuransian dan UU P2SK serta bagaimana kesiapan Lembaga Penjamin Simpanan untuk melaksanakan fungsi program penjaminan polis asuransi. Metode penelitian yang digunakan adalah yuridis-normatif dengan bahan hukum primer dan sekunder, dengan teknik pengumpulan data melalui studi kepustakaan dan wawancara dengan analisis data secara kualitatif. Berdasarkan hasil penelitian, diperoleh kesimpulan bahwa sebelum diterbitkannya UU P2SK, pengaturan terkait program penjaminan polis hanya diatur secara singkat berdasarkan Undang-Undang No. 40 Tahun 2014 tentang Perasuransian dalam Pasal 53 ayat (1) sampai ayat (4), namun semenjak diundangkannya UU P2SK, pengaturan program penjaminan polis menjadi semakin lengkap. Kesimpulan lain adalah Lembaga Penjamin Simpanan telah melaksanakan persiapan program penjaminan polis yaitu menyusun roadmap yang memuat hal-hal yang harus dilaksanakan dengan target pelaksanaan dibagi per-tahun; melakukan benchmark atau studi banding ke negara- negara lain yang telah memiliki lembaga penjamin polisnya sendiri; merancang RPP Program Penjaminan Polis, RPLPS tentang Pelaporan Perusahaan Asuransi, RPLPS tentang Penjaminan Polis Asuransi, dan RPLPS tentang Likuidasi Perusahaan Asuransi untuk selanjutnya akan diterbitkan di awal tahun 2024; melakukan pembentukan grup untuk menangani pelaksanaan program penjaminan polis; melakukan penyesuaian susunan dewan komisioner; dan melakukan program rekrutmen pegawai yang terdiri atas penerimaan lulusan baru dan penerimaan pegawai yang telah memiliki pengalaman kerja minimal 5 (lima) tahun. Saran yang dapat diberikan dalam penelitian ini adalah agar partisipasi dari ahli-ahli di bidang perasuransian dapat ditingkatkan dalam internal Lembaga Penjamin Simpanan melalui pelaksanaan rekrutmen terbuka agar pelaksanaan program penjaminan polis ditangani oleh individu-individu yang berpengetahuan baik di bidang perasuransian. Saran lainnya yakni agar persiapan yang dilaksanakan oleh Lembaga Penjamin Simpanan diawasi dengan baik oleh Otoritas Jasa Keuangan selaku lembaga yang mempunyai fungsi, tugas, dan wewenang pengawasan terhadap lembaga-lembaga keuangan termasuk perasuransian.

.....This thesis discusses the insurance policy guarantee program based on insurance laws and regulations and Law no. 4 of 2023 concerning the Development and Strengthening of the Financial Sector ("P2SK Law") which has provided a new function for underwriting insurance customer policies, which must be

implemented by the Deposit Insurance Corporation within a period of 5 (five) years from its promulgation. The problems discussed in this thesis are how the insurance policy guarantee program is regulated in insurance laws and regulations and the P2SK Law and how prepared the Deposit Insurance Agency is to carry out the function of the insurance policy guarantee program as regulated in the P2SK Law. The research method used is juridical-normative using primary and secondary legal materials, with data collection techniques through literature study and interviews with qualitative data analysis. Based on the research results, it was concluded that before the issuance of the P2SK Law, regulations related to policy guarantee programs were only briefly regulated based on Law no. 40 of 2014 concerning Insurance in Article 53 paragraph (1) to paragraph (4), but since the promulgation of the P2SK Law, the regulation of policy guarantee programs has become more complete. Another conclusion is that the Deposit Insurance Corporation has carried out preparations for a policy guarantee program, namely preparing a roadmap containing things that must be implemented with implementation targets divided per year; carry out benchmarking or comparative studies to other countries that have their own policy insurance institutions; draft RPP Policy Guarantee Program, RPLPS concerning Insurance Company Reporting, RPLPS concerning Insurance Policy Guarantee, and RPLPS concerning Liquidation of Insurance Companies to be subsequently issued in early 2024; establishing a group to handle the implementation of the policy guarantee program; make adjustments to the composition of the board of commissioners; and carrying out an employee recruitment program consisting of accepting new graduates and recruiting employees who have a minimum of 5 (five) years of work experience. Suggestions that can be given in this research are that the participation of experts in the insurance sector can be increased internally at the Deposit Insurance Agency through open recruitment so that the implementation of the policy guarantee program is handled by individuals who have good knowledge in the insurance sector. Another suggestion is that the preparations carried out by the Deposit Insurance Agency be properly supervised by the Financial Services Authority as an institution that has functions, duties and supervisory authority over financial institutions including insurance.