



ISSN 2797-8508 (Print)
ISSN 2807-8330 (Online)

VOL. 4 NO. 1, JANUARY (2024)

Article History

Riwayat Artikel

Dikirimkan: August 23, 2023

Submitted

Revised: December 10, 2023

Direvisi

Received: January 2, 2024

Diterima

How to cite

Saran Perujukan

Haryanto, I., Suherman, S., Sakti, M., & Khalilullah, I. H. (2024). Unleashing the Power of Class Action Lawsuits: Redefining Justice for Insurance Policyholders in Indonesia. *Ikatan Penulis Mahasiswa Hukum Indonesia Law Journal*, 4(1), 1-14. <https://doi.org/10.15294/ipmhi.v4i1.75668>

© 2024 Authors. This work is licensed under a [Attribution-NonCommercial-ShareAlike 4.0 International \(CC BY-NC-SA 4.0\)](https://creativecommons.org/licenses/by-nc-sa/4.0/). All writings published in this journal are personal views of the authors and do not represent the views of this journal and the author's affiliated institutions. This title has been indexed by [Google Scholar](https://scholar.google.com/)

Unleashing the Power of Class Action Lawsuits: Redefining Justice for Insurance Policyholders in Indonesia

*Melepaskan Kekuatan Gugatan Class Action:
Mendefinisikan Ulang Keadilan bagi Pemegang Polis
Asuransi di Indonesia*

Imam Haryanto¹, Suherman², Muthia Sakti³, Ibrahim Hanif Khalilullah⁴

¹ Universitas Pembangunan Nasional Veteran Jakarta, Indonesia

² Universitas Pembangunan Nasional Veteran Jakarta, Indonesia

³ Universitas Pembangunan Nasional Veteran Jakarta, Indonesia

⁴ Sultan Sharif Ali Islamic University, Brunei Darussalam

Corresponding Email: muthiasakti@upnvj.ac.id

Abstract This paper explores the transformative potential of class action lawsuits in redefining justice for insurance policyholders in Indonesia. Through an in-depth examination of the legal landscape and specific cases, the study delves into

the mechanisms and implications of leveraging class actions as a means of seeking justice within the insurance sector. By analyzing notable instances, such as the class action lawsuit initiated by insurance policyholders of PT Asuransi Jiwasraya and PT Asuransi Jiwa Adisarana WanaArtha, the paper scrutinizes the impact of collective legal action in addressing grievances and restoring violated rights. The research also navigates the legal provisions surrounding class actions in Indonesia, shedding light on their relevance and effectiveness in the pursuit of justice for insurance policyholders. Ultimately, this paper contributes to the ongoing discourse on legal remedies within the insurance industry, offering insights into the potential of class action lawsuits as a powerful tool for policyholders to assert their rights and demand justice in the Indonesian legal context.

Keywords *Class Action, Insurance, Disputes*

Abstrak Tulisan ini menganalisis potensi transformatif gugatan class action dalam mendefinisikan kembali keadilan bagi pemegang polis asuransi di Indonesia. Melalui kajian mendalam terhadap lanskap hukum dan kasus-kasus tertentu, studi ini menggali mekanisme dan implikasi pemanfaatan gugatan kelompok (*class action*) sebagai sarana untuk mencari keadilan dalam sektor asuransi. Dengan menganalisis contoh-contoh penting, seperti gugatan *class action* yang diprakarsai oleh pemegang polis asuransi PT Asuransi Jiwasraya dan PT Asuransi Jiwa Adisarana WanaArtha, makalah ini meneliti dampak tindakan hukum kolektif dalam menangani keluhan dan memulihkan hak-hak yang dilanggar. Penelitian ini juga menelusuri ketentuan hukum seputar gugatan kelompok (*class action*) di Indonesia, menyoroti relevansi dan efektivitasnya dalam mewujudkan keadilan bagi pemegang polis asuransi. Pada akhirnya, makalah ini berkontribusi pada wacana mengenai upaya hukum dalam industri asuransi, dengan memberikan wawasan mengenai potensi gugatan class action sebagai alat yang ampuh bagi pemegang polis untuk menegaskan hak-hak mereka dan menuntut keadilan dalam konteks hukum Indonesia.

Kata kunci *Asuransi, Gugatan Kelompok, Sengketa*

A. Introduction

Class action lawsuits, prevalent in countries following the common law legal system, have gained recognition and reinforcement through specific legal provisions, notably the Supreme Court Regulation No. 1 of 2002 concerning Class Action Procedure in Indonesia. While this regulation does not comprehensively

govern class actions, it solidifies their existence within the contemporary court system, affirming procedural aspects alluded to in various laws and regulations.¹

This legal framework enables a collective approach for consumers with similar grievances, obviating the need for separate proceedings. Instead, one or more consumers can represent a group of like-minded individuals in a lawsuit against business actors accused of violating civil law instruments.² Beyond the legal implications, class actions also wield the potential to garner substantial publicity due to their significance and involvement of a considerable number of people.

Colin Scott and Julia Black contend that class actions exert a jail effect on businesses, compelling them to reconsider business practices that are no longer tolerated.³ While some business actors may remain insensitive to the litigation process, the impact of class action lawsuits has been formally acknowledged within the Indonesian legal framework through the issuance of Supreme Court Regulation No. 1 of 2002 (Perma No. 1 of 2002) concerning Class Action Proceedings on April 26, 2002.⁴ In principle, a class action lawsuit serves as a practical avenue for facilitating the redress of violated legal rights through civil channels. This approach becomes particularly pertinent when addressing cases that adversely affect the broader community, sharing commonalities in terms of facts, legal basis, and defendants. Filing such cases individually would be highly impractical, emphasizing the necessity and efficacy of class action lawsuits.

This situation not only leads to inefficiencies for the affected parties, the plaintiffs, but also for the court itself. Currently, class action lawsuits are no longer unfamiliar to the Indonesian populace, having been addressed in several laws and brought before the courts on multiple occasions. Notable instances include the class action lawsuits filed by insurance policyholders against PT Asuransi Jiwasraya and PT Asuransi Jiwa Adisarana WanaArtha, where the former faced corruption allegations and the latter was implicated in a related case.⁵ Given the outlined

¹ Via Melati Sukma, "Gugatan Class Action Dalam Kasus HAM: Sebuah Review Buku 'Stigma 65 Strategi Mengajukan Gugatan Class Action, Restaria F Hutabarat (Ed.)', Yayasan Obor Pustaka Indonesia, Jakarta 2013," *Lex Scientia Law Review* 2, no. 2 (2018), <https://doi.org/10.15294/lesrev.v2i2.27584>.

² Sukma. *See also* Sutyoso, Bambang. "Implementasi Gugatan Legal Standing Dan Class Action Dalam Praktik Peradilan di Indonesia." *Jurnal Hukum Ius Quia Iustum* 11, no. 26 (2004): 63-78; Widiarty, Wiwik Sri. "Gugatan Class Action Dalam Hukum Perlindungan Konsumen." *to-ra* 1, no. 2 (2015): 89-98; Iqbal, Moch. "Aspek Hukum Class Action Dan Citizen Law Suit Serta Perkembangannya Di Indonesia." *Jurnal Hukum dan Peradilan* 1, no. 1 (2012): 89-112.

³ Scott, Colin, and Julia Black. *Cranston's Consumers and the Law*. (Cambridge: Cambridge University Press, 2000).

⁴ Yusuf Shofie, "Product Liability Dalam Institusi Hukum Ekonomi," *Jurnal Hukum & Pembangunan* 29, no. 3 (1999), <https://doi.org/10.21143/jhp.vol29.no3.560>; Yusuf Shofie, "Optimalisasi Peran Badan Penyelesaian Sengketa Konsumen (BPSK) Dalam Penyelesaian Sengketa Pembiayaan Konsumen Di Tengah Terjadinya Disharmonisasi Pengaturan," *ADIL: Jurnal Hukum* 4, no. 1 (2015), <https://doi.org/10.33476/ajl.v4i1.28>.

⁵ Shen Hilda Sulis and Husni Syawali, "Perlindungan Hukum Bagi Konsumen Akibat Terjadinya Wanprestasi Dalam Perjanjian Jual Beli Unit Apartemen Yang Dilakukan Oleh Pelaku Usaha,"

circumstances, the author seeks to conduct an in-depth analysis of the variables or factors influencing judges in their decision-making process. The examination aims to ascertain whether judicial decisions align with the provisions of existing written laws and the evolution of unwritten legal norms, as well as ethical considerations and societal legal awareness.

In the further context, the realm of insurance, often considered a safeguard against unforeseen risks, occasionally becomes a battleground for policyholders seeking justice amidst disputes and violations of their rights. In the context of Indonesia, the evolving legal landscape has witnessed a notable phenomenon – the emergence of class action lawsuits as a formidable tool for insurance policyholders to assert their rights and demand justice collectively.

This paper aims to delve into the dynamics and transformative potential of class action lawsuits within the Indonesian insurance sector. By scrutinizing the legal provisions and specific cases, we seek to unravel the impact and implications of unleashing the power of class action lawsuits, particularly in the pursuit of justice for insurance policyholders. Notable instances, such as the class action lawsuit initiated by policyholders against PT Asuransi Jiwasraya and PT Asuransi Jiwa Adisarana WanaArtha, serve as compelling case studies to illuminate the effectiveness and challenges associated with collective legal action.

As we navigate through the intricacies of the Indonesian legal system and the unique complexities within the insurance industry, this exploration aims to redefine the notion of justice for insurance policyholders. The paper sheds light on the potential of class action lawsuits to serve as a catalyst for systemic change, offering policyholders a collective voice in addressing grievances, rectifying wrongs, and reshaping the landscape of insurance justice in Indonesia.

B. Method

The research method employed in this study is a normative juridical approach, a literature law research method focusing on examining literature materials or secondary data.⁶ This approach delves into the application of norms in positive law, particularly concerning the topic at hand, which revolves around class action lawsuits for insurance policyholders.⁷ To navigate this legal landscape effectively, a statutory or juridical approach has been adopted, entailing a comprehensive study of legal products by scrutinizing all laws and regulations related to the subject matter.⁸

Bandung Conference Series: Law Studies 3, no. 1 (2023), <https://doi.org/10.29313/bcsls.v3i1.5021>.

⁶ Soerjono Soekanto and Sri Mamudji, *Penelitian Hukum Normatif Tinjauan Singkat* (Jakarta: Rajawali Press, 2006).

⁷ Jhony Ibrahim, *Teori Dan Metodologi Penelitian Hukum Empiris* (Malang: Bayumedia Publishing, 2006).

⁸ Peter Mahmud Marzuki, *Penelitian Hukum: Edisi Revisi*. (Jakarta: Prenadamedia, 2017).

Research materials have been meticulously collected from legal literature, encompassing both primary and secondary legal materials. Primary legal materials encompass currently applicable laws and regulations in Indonesia, while secondary legal materials are derived from books, scientific journals, internet media, and other relevant sources. These materials form the foundation for understanding the intricacies of class action lawsuits for insurance policyholders.

The data collection technique employed in this legal research involves library research and qualitative analysis. This process systematically compiles the obtained data, allowing for a nuanced description using a series of words that form the basis for discussion. The ultimate goal is to derive meaningful conclusions through a thorough examination of the legal intricacies surrounding class action lawsuits for insurance policyholders.

C. Results and Discussion

1. Constraints of Class Action Lawsuits in Indonesia

Class action, or Class Representative, is a legal construct originating from the common law system. It is defined as a mechanism wherein a substantial group of individuals with a shared interest in a case can be collectively litigated by one or more representatives, obviating the need to individually enumerate the members of the represented group.⁹

This legal procedure involves the consolidation of numerous lawsuits in court, typically initiated by a group of individuals, wherein one or more individuals act as representatives for the entire group. The representative not only pursues the case on their own behalf but also serves as the legal spokesperson for a group of individuals who share similar factual circumstances or legal foundations. Class action lawsuits, in essence, enable a collective legal action against civil grievances experienced by a group of individuals who have suffered losses and share comparable legal circumstances, allowing them to present their case jointly through appointed representatives in a court of law.¹⁰

Law No. 8 of 1999 concerning Consumer Protection, translates class actions into "class actions. This Law does not provide for the definition of class action or class action, but the term class action is explicitly mentioned in this Law, namely in the explanation of article 46 paragraph (2) point b which reads as follows;

"This law recognizes class actions. Class actions must be brought by consumers who are actually harmed and legally provable, one of which is proof of transaction."

⁹ Susanti Adi Nugroho, *Class Action Dan Perbandingan Dengan Negara Lain* (Jakarta: Kencana Prenada Media Group, 2010).

¹⁰ Badriyah Harun and Aryya Wyagrahtama, *Tata Cara Pengajuan Class Action* (Yogyakarta: Pustaka Yustisia, 2008).

In article 1 letter a of PERMA No. 1 of 2002, a class *action* lawsuit is defined as a procedure for filing a lawsuit, where one or more people representing a group file a lawsuit for themselves and at the same time represent a large group of people, having the same facts or the same legal basis between the class representative and his group members. Class *action elements* consisting of:¹¹

a. Civil lawsuit

The purpose of civil lawsuits is to obtain the protection of rights granted by the courts to avoid vigilante attempts (eigeirichtig). Generally, claims in civil lawsuits are damages in the form of money.

b. Class Representative

It is one or more people who have suffered losses who file a lawsuit at once representing a larger group of people. To become a group representative there is no requirement for a special power of attorney from group members. When a class action lawsuit is filed in court, the class representative's position as an active plaintiff.

c. Class Members

It is a large group of people who suffer losses whose interests are represented by representatives of the group in court. If a class action is filed in court, the position of the class members is as a passive plaintiff.

d. Loss

To be able to file a class action, both class representatives and class members must actually or tangibly experience losses or are termed Concrete Injured Parties.

e. Similarity of Events or Facts and Legal Basis

There are similarities in facts (events) and similarities in legal basis (question of law) between the parties representing (class representatives) and parties represented (class members).

There are several types of *Class Action* lawsuits, namely:¹²

a. Plaintiff Class Action dan Defendant Class Action

Plaintiff class action is the filing of a lawsuit by a person for his own benefit and a large number of class actions. While defendant class action is the filing of a lawsuit vicariously by someone or more appointed to defend their own interests and the interests of a large number of groups.

b. Public Class Action dan Private Class Action

Public Class Action is a class action filed against a public offense. This class action is filed by a government agency that has the capacity where the government agency is not part of an aggrieved group.

¹¹ Latifah Nur'aini and Andriani Kartika Hapsari, "Analisis Tentang Gugatan Class Action Yang Diperiksa Dengan Acara Perdata Biasa," *Verstek Jurnal Hukum Acara* 3, no. 1 (2018): 10–27.

¹² Nur'aini and Hapsari.

c. Private Class Action

Class action filed against violations of individual rights experienced by a number of large people. This class action is filed by individuals, namely by a person or several people who are part of a group on the basis of similar legal issues and claims.

d. True Class Action, Hybrid Class Action, dan Spurious Class Action

True class action is characterized by a group where all members share identical interests or collectively hold rights in the same case. An illustrative instance of this class action type is evident in the case of housing consumers who have sustained damage to their homes due to a developer's default, leading to a collective claim for compensation. In contrast, a hybrid class action involves a group pursuing various rights, yet the objective of the lawsuit is to secure a judicial decision pertaining to a claim against a specific item or property owned by the defendant. Conversely, a spurious class action unfolds when the diverse interests of the group members are unrelated to each other in the context of the same case against a defendant. An exemplar of such a lawsuit can be observed in issues raised by housing consumers, where several members' concerns lack interconnectedness.

Filing a class action lawsuit comes with its set of challenges, one of which revolves around the misconception that a class action lawsuit is equivalent to a legal standing lawsuit. In various court decisions, parties involved, including plaintiffs, defendants, and the courts themselves, tend to conflate class action procedures with lawsuits based on the right of a Non-Governmental Organization (NGO) or NGO's standing to sue. This confusion often stems from the overlap in terminology, where legal practitioners sometimes misinterpret the definitions of class action lawsuits and the concepts associated with NGO lawsuits. It is crucial to clarify that class action lawsuits and legal standing are distinct legal concepts.

In the early iterations of class action lawsuits, key elements included representatives of a class comprising one or more individuals and class members, typically a sizable group. Both the class representatives and members were commonly victims who had suffered tangible losses. In contrast, the concept of legal standing differs, particularly when NGOs act as plaintiffs. NGOs, in this context, do not represent parties that have suffered actual losses but instead bring forth lawsuits based on their interests. Consequently, class action lawsuits often involve claims for compensation, typically in the form of monetary damages, whereas legal standing cases generally lack claims for financial restitution. Data compensation in legal standing cases may be confined to costs or fees incurred by the organization.

In the realm of Indonesian law, the concept of legal standing lacks a clear and explicit definition. However, Article 46 verse (1) point c of the Consumer Protection Law provides a specific provision that grants claim rights to non-governmental

organizations (NGOs) dedicated to consumer protection. This provision empowers such NGOs to initiate legal proceedings and file claims on behalf of consumer protection interests. In essence, these organizations are endowed with the authority to represent and advocate for consumers in legal matters, enabling them to assert claims that align with the broader objectives of safeguarding consumer rights and welfare.

The inclusion of this provision in the Consumer Protection Law serves as a recognition of the instrumental role that non-governmental organizations play in advancing consumer interests. By conferring claim rights upon these organizations, the legal framework acknowledges their capacity to act as advocates for the collective concerns of consumers. Consequently, this provision not only elucidates the specific circumstances under which NGOs can exercise legal standing but also underscores the legal system's acknowledgment of the valuable contribution of non-governmental organizations in the realm of consumer protection within Indonesia.

2. Examples of Class Action Lawsuits Filed by Insurance Policyholders

In 2020, Indonesia was shocked upon within a State-Owned Enterprise (SOE) involved in investment and insurance, specifically PT Asuransi Jiwasraya (Persero). The repercussions of this case extended beyond state losses, sparking controversy over the default on payments to policyholders of Saving Plan products. The ensuing legal battles involved clashes between PT Asuransi Jiwasraya, banks distributing Saving Plan products, and the aggrieved Saving Plan policyholders.¹³

Amid numerous lawsuits against PT Asuransi Jiwasraya, a notable development occurred on January 8, 2021, when 195 South Korean citizens filed a class action lawsuit. This legal action, registered as case number 43/Pdt.G/2021/PN.JKT, is representative of the broader litigation landscape. The class action lawsuit, brought forth by Indonesian lawyers on behalf of the 195 South Korean citizens, involves PT Asuransi Jiwasraya as a co-defendant and PT KEB Hana

¹³ See also Setiawan, Indra. "Bedah Kasus Gagal Bayar dan Kerugian PT. Asuransi Jiwasraya (Persero)." *Jurnal Akuntansi Dan Bisnis Indonesia (JABISI)* 1, no. 1 (2020): 34-41; Palyama, Stefany. "Perlindungan Hukum Perlindungan Hukum Pemegang Polis Asuransi Jiwa di Indonesia (Studi Kasus PT. Asuransi Jiwasraya)." *Jurnal Hukum dan Etika Kesehatan* 2, no. 1 (2022): 84-94; Elfahra, Redhina, and Iwan Erar Joesoef. "Tanggung Jawab Negara (Pemerintah) Atas Gagal Bayar PT. Asuransi Jiwasraya (Persero): Studi Perlindungan Nasabah." *Justitia: Jurnal Ilmu Hukum dan Humaniora* 8, no. 2 (2021): 304-312; Henrita, Dharamega Carissa, and Apriani Dorkas Rambu Atahau. "Aplikasi Risk Based Capital dan Rasio Keuangan dalam Penilaian Tingkat Kesehatan PT Asuransi Jiwasraya (Studi Kasus pada Periode Sebelum Kebangkrutan)." *Jurnal Pamarator: Jurnal Ilmiah Universitas Trunojoyo* 13, no. 1 (2020): 125-133; Solichin, Rizky Amalia. "Legal Protection towards the Beneficiaries of PT Asuransi Jiwasraya Due to Payment Defaults of the Jiwasraya Savings Plan: A Critical Review." *Unnes Law Journal* 7, no. 2 (2021): 257-286; Gusti, Girang Permata. "Analysis of the cause of loss of PT. Asuransi Jiwasraya (Persero)." *Jurnal Manajemen dan Bisnis Sriwijaya* 17, no. 4 (2019): 199-206.

Bank Indonesia as the primary defendant. Notably, KEB Hana Bank serves as the distribution bank for PT Asuransi Jiwasraya's Saving Plan products.¹⁴

The crux of the class action lawsuit revolves around seeking accountability for the material losses incurred by the collective group of plaintiffs. The total claim amounts to Rp 266,814,709,499 (two hundred sixty billion eight hundred fourteen million seven hundred nine thousand four hundred ninety-nine Indonesian rupiahs) in immediate and full restitution. This legal action underscores the gravity of the financial impact experienced by the plaintiffs and adds a unique dimension to the multifaceted legal challenges faced by PT Asuransi Jiwasraya in the aftermath of the corruption scandal.¹⁵

With the decision of corruption crimes at PT Asuransi Jiwasraya, the impact of customer losses is not only felt by policyholders of PT Asuransi Jiwasraya's Saving Plan product, but also in PT Asuransi Jiwa Adisarana WanaArtha's WanaArtha insurance product. WanaArtha Life's securities account, which contained funds managed by policyholders, was also confiscated because prosecutors considered the account to be related to state losses caused by PT Asuransi Jiwasraya. Not accepting this, approximately 15 (fifteen) WanaArtha Life policyholders filed a class action lawsuit at the South Jakarta District Court in July 2020 by suing three state institutions in the field of law and finance, namely the Attorney General's Office, the Financial Services Authority, and PT Kustodian Sentral Efek Indonesia. This class action lawsuit essentially demands the opening of the confiscation of WanaArtha Life's securities account and orders the defendants to make material damages according to the policy value and potential losses in the form of payment of benefits not received due to confiscation until the seizure is opened to each WanaArtha policyholder.¹⁶

3. Analysis of Class Action Lawsuits Filed by Saving Plan and WanaArtha Insurance Policyholders

Insurance policyholders benefit from multiple layers of legal protection, primarily grounded in Law Number 8 of 1999 concerning Consumer Protection, Law Number 40 of 2014 concerning Insurance, and Financial Services Authority

¹⁴ See Soemarwi, Vera WS, and Karen Markoan. "Perlindungan Hukum Pemegang Polis Asuransi Jiwasraya Terhadap Kondisi Insolven Asuransi Ditinjau dari Putusan Pengadilan Negeri Nomor 431/Pdt. G/2020/PN. Jkt. Pst." *PROSIDING SERINA* 2, no. 1 (2022): 351-362; Sagala, Austin Hotdo, et al. "Pelanggaran Etika Dalam BUMN: Studi Kasus Mega Korupsi PT Asuransi Jiwasraya." *Kultura: Jurnal Ilmu Hukum, Sosial, dan Humaniora* 1, no. 3 (2023): 100-110; Indraswari, Soca Daru, Nur Chanifah, and Endang Sri Kawuryan. "Insurance Company Controller Responsibilities in Case of Insurance Policy Failure." *Sibatik Journal: Jurnal Ilmiah Bidang Sosial, Ekonomi, Budaya, Teknologi, dan Pendidikan* 2, no. 8 (2023): 2527-2546.

¹⁵ Andrian Pratama Taher, "195 WN Korsel Gugat KEB Hana Terkait Jiwasraya", <https://tirto.id/195-wn-korsel-gugat-keb-hana-terkait-jiwasraya-f846>

¹⁶ Herdiyan, "Desak Buka Sita, Pemegang Polis WanaArtha Life Layangkan Gugatan Class Action", <https://kabar24.bisnis.com/read/20200723/16/1270963/desak-buka-sita-pemegang-polis-wanaartha-life-layangkan-gugatan-class-action->

Regulation (POJK) No. 1/POJK.07/2013 addressing Consumer Protection in the Financial Services Sector. Examining a case involving the default of policyholders of unit link Saving Plan insurance products, the affected foreign policyholders from South Korea find themselves unequivocally harmed due to the breach of the policy agreement involving Jiwasraya as the insurance product provider and KEB Hana Bank Indonesia as the product distributor.

The default stems from PT Asuransi Jiwasraya's failure to fulfill its obligations, a consequence of the Saving Plan product's misleading offering that guarantees high interest rates beyond the standard fairness of comparable products in the market (product mispricing), coupled with an annual disbursement period. Munir Sjamsoeddin, Chairman of the Indonesian Insurance Board (DAI), has emphasized that customers facing issues such as non-payment or delayed settlement of claims can report to DAI for assistance.

Moreover, Financial Services Authority Regulation (POJK) No. 1/POJK.07/2012, as outlined in Article 39, explicitly states that if a consumer complaint settlement agreement is not reached, consumers have the option to resolve disputes through legal channels or alternative dispute resolution mechanisms outside the court. This regulatory framework provides policyholders with a structured and legally supported approach to seek redress in cases of contractual breaches or disputes with insurance companies.¹⁷

Class action lawsuits, in this context, serve as a mechanism for resolving disputes when a collective of consumers or customers faces harm. Despite the potentially prolonged process involving multiple parties, class action lawsuits prove highly effective and efficient in addressing widespread legal violations, as evidenced by the case involving 195 foreign policyholders of Saving Plan products and 15 policyholders of WanaArtha Life insurance products.¹⁸ The efficiency and effectiveness of class action lawsuits stem from their ability to consolidate numerous claims with similar facts or legal bases against a common defendant. This approach allows customers to collectively file a single lawsuit, streamlining the litigation process and sharing the associated economic burden, encompassing case costs and attorney fees.

¹⁷ See also Tompul, Verawati BR. "Data Nasabah Dibocorkan Oleh Oknum Pegawai Bank." *Binamulia Hukum* 11, no. 2 (2022): 171-176; Husain, Fajrin. "Perlindungan Hukum terhadap pemegang polis asuransi menurut UU No. 40 Tahun 2014 tentang Perasuransian." *Lex Crimen* 5, no. 6 (2016); Johan, Suwinto, and Amad Sudiro. "The Protection of Consumers' Data whose Financing Application Rejected by Financial Service Institutions." *Kertha Wicaksana* 17, no. 2 (2023): 156-161; Rambe, Soraya Hafidzah, and Paramitha Sekarayu. "Perlindungan Hukum Nasabah Atas Gagal Klaim Asuransi Akibat Ketidaktransparanan Informasi Polis Asuransi." *Jurnal USM Law Review* 5, no. 1 (2022): 93-109.

¹⁸ See also Purnama, Tubagus Andri, and Elfrida Ratnawati Gultom. "Legal Protection and Legal Responsibility of Unit Link Life Insurance Agreements." *UNES Law Review* 5, no. 2 (2022): 410-420; Anggiria, Kristanti Srika, and Sri Trisnaningsih. "Analysis of Violations of the Code of Ethics for Professional Accountants in the Business Sector: Case Study of AP and KAP Involvement at PT Asuransi Adisarana Wanaartha (WAL)." *Gema Wiralodra* 14, no. 3 (2023): 1621-1629.

Moreover, the authors posit that the popularity of class action lawsuits in resolving customer disputes is attributed to their capacity for mass exposure and monitoring. In an era where customers are deemed technologically literate, the widespread dissemination of information can influence public opinion. The case involving Saving Plan and WanaArtha Life customers, which garnered substantial public attention, exerted significant pressure on the defendants—KEB Hana Bank Indonesia, the Attorney General's Office, and OJK—to exhibit greater empathy towards policyholders. These customers, deemed victims of negligence in insurance company management for Saving Plan products and victims of decisions by competent legal and financial authorities for WanaArtha Life customers, exemplify the potential impact of class action lawsuits in generating public awareness and influencing authorities to address systemic issues.

D. Conclusion

In conclusion, Class Action serves as a legal institution originating from the common law system, providing a mechanism wherein a substantial group of individuals with shared interests can collectively initiate or be subject to legal proceedings without individually specifying each member. In Indonesia, the legitimacy of class action, recognized in judicial proceedings, has been reinforced by Supreme Court Regulation No. 1 of 2002 on Class Action Proceedings. The prominence of class action in Indonesia is evident in various legal cases, notably the lawsuits filed by insurance policyholders against PT Asuransi Jiwasraya and its affiliate, PT Asuransi Jiwa Adisarana WanaArtha. The legal turmoil ensued in 2020 when the Central Jakarta District Court declared criminal corruption within the State-Owned Enterprise (BUMN), PT Asuransi Jiwasraya, sparking not only debates over state losses but also disputes over non-payment to Saving Plan policyholders. Among the legal actions directed at PT Asuransi Jiwasraya, a notable class action lawsuit was initiated on January 8, 2021, by 195 South Korean citizens, seeking compensation amounting to Rp 266,814,709,499 in total.

Considering cases such as the default of Saving Plan insurance and WanaArtha Life insurance, policyholders faced substantial harm due to breached policy agreements. The resolution of these disputes through class action lawsuits proves efficient and effective, streamlining legal processes and distributing economic burdens among affected parties. Moreover, the mechanism enables judges to account for mass dissemination and public opinion, leveraging the technological literacy of policyholders to navigate and influence public discourse. Class action lawsuits, therefore, emerge as a strategic and impactful means for collective dispute resolution in the face of widespread grievances.

E. Reference

- Anggiria, Kristanti Srika, and Sri Trisnaningsih. "Analysis of Violations of the Code of Ethics for Professional Accountants in the Business Sector: Case Study of AP and KAP Involvement at PT Asuransi Adisarana Wanaartha (WAL)." *Gema Wiralodra* 14, no. 3 (2023): 1621-1629.
- Elfahra, Redhina, and Iwan Erar Joesoef. "Tanggung Jawab Negara (Pemerintah) Atas Gagal Bayar PT. Asuransi Jiwasraya (Persero): Studi Perlindungan Nasabah." *Justitia: Jurnal Ilmu Hukum dan Humaniora* 8, no. 2 (2021): 304-312.
- Gusti, Girang Permata. "Analysis of the cause of loss of PT. Asuransi Jiwasraya (Persero)." *Jurnal Manajemen dan Bisnis Sriwijaya* 17, no. 4 (2019): 199-206.
- Harun, Badriyah, and Aryya Wyagrahtama. *Tata Cara Pengajuan Class Action*. (Yogyakarta: Pustaka Yustisia, 2008).
- Henrita, Dharamega Carissa, and Apriani Dorkas Rambu Atahau. "Aplikasi Risk Based Capital dan Rasio Keuangan dalam Penilaian Tingkat Kesehatan PT Asuransi Jiwasraya (Studi Kasus pada Periode Sebelum Kebangkrutan)." *Jurnal Pamator: Jurnal Ilmiah Universitas Trunojoyo* 13, no. 1 (2020): 125-133.
- Husain, Fajrin. "Perlindungan Hukum terhadap pemegang polis asuransi menurut UU No. 40 Tahun 2014 tentang Perasuransian." *Lex Crimen* 5, no. 6 (2016).
- Ibrahim, Jhony. *Teori Dan Metodologi Penelitian Hukum Empiris*. (Malang: Bayumedia Publishing, 2006).
- Indraswari, Soca Daru, Nur Chanifah, and Endang Sri Kawuryan. "Insurance Company Controller Responsibilities in Case of Insurance Policy Failure." *Sibatik Journal: Jurnal Ilmiah Bidang Sosial, Ekonomi, Budaya, Teknologi, dan Pendidikan* 2, no. 8 (2023): 2527-2546.
- Iqbal, Moch. "Aspek Hukum Class Action Dan Citizen Law Suit Serta Perkembangannya Di Indonesia." *Jurnal Hukum dan Peradilan* 1, no. 1 (2012): 89-112.
- Johan, Suwinto, and Amad Sudiro. "The Protection of Consumers' Data whose Financing Application Rejected by Financial Service Institutions." *Kertha Wicaksana* 17, no. 2 (2023): 156-161.
- Lamsu, Muh Syahrul R. "Hak Gugat Perwakilan Kelompok (Class Action) Dalam Penyelesaian Sengketa Konsumen." *Lex Privatum* II, no. 3 (2014).
- Marzuki, Peter Mahmud. *Penelitian Hukum: Edisi Revisi*. (Jakarta: Prenadamedia, 2017).
- Nur'aini, Latifah, and Andriani Kartika Hapsari. "Analisis Tentang Gugatan Class Action Yang Diperiksa Dengan Acara Perdata Biasa." *Verstek Jurnal Hukum Acara* 3, no. 1 (2018): 10-27.
- Palyama, Stefany. "Perlindungan Hukum Perlindungan Hukum Pemegang Polis Asuransi Jiwa di Indonesia (Studi Kasus PT. Asuransi Jiwasraya)." *Jurnal Hukum dan Etika Kesehatan* 2, no. 1 (2022): 84-94.
- Purnama, Tubagus Andri, and Elfrida Ratnawati Gultom. "Legal Protection and Legal Responsibility of Unit Link Life Insurance Agreements." *UNES Law Review* 5, no. 2 (2022): 410-420.
- Rambe, Soraya Hafidzah, and Paramitha Sekarayu. "Perlindungan Hukum Nasabah Atas Gagal Klaim Asuransi Akibat Ketidaktransparanan Informasi Polis Asuransi." *Jurnal USM Law Review* 5, no. 1 (2022): 93-109.

- Sagala, Austin Hotdo, et al. "Pelanggaran Etika Dalam BUMN: Studi Kasus Mega Korupsi PT Asuransi Jiwasraya." *Kultura: Jurnal Ilmu Hukum, Sosial, dan Humaniora* 1, no. 3 (2023): 100-110.
- Scott, Colin, and Julia Black. *Cranston's Consumers and the Law*. (Cambridge: Cambridge University Press, 2000).
- Setiawan, Indra. "Bedah Kasus Gagal Bayar dan Kerugian PT. Asuransi Jiwasraya (Persero)." *Jurnal Akuntansi Dan Bisnis Indonesia (JABISI)* 1, no. 1 (2020): 34-41.
- Shofie, Yusuf. "Optimalisasi Peran Badan Penyelesaian Sengketa Konsumen (BPSK) Dalam Penyelesaian Sengketa Pembiayaan Konsumen Di Tengah Terjadinya Disharmonisasi Pengaturan." *ADIL: Jurnal Hukum* 4, no. 1 (2015). <https://doi.org/10.33476/ajl.v4i1.28>.
- Shofie, Yusuf. "Product Liability Dalam Institusi Hukum Ekonomi." *Jurnal Hukum & Pembangunan* 29, no. 3 (1999). <https://doi.org/10.21143/jhp.vol29.no3.560>.
- Soekanto, Soerjono, and Sri Mamudji. *Penelitian Hukum Normatif Tinjauan Singkat*. (Jakarta: Rajawali Press, 2006).
- Soemarwi, Vera WS, and Karen Markoan. "Perlindungan Hukum Pemegang Polis Asuransi Jiwasraya Terhadap Kondisi Insolven Asuransi Ditinjau dari Putusan Pengadilan Negeri Nomor 431/Pdt. G/2020/PN. Jkt. Pst." *PROSIDING SERINA* 2, no. 1 (2022): 351-362.
- Solichin, Rizky Amalia. "Legal Protection towards the Beneficiaries of PT Asuransi Jiwasraya Due to Payment Defaults of the Jiwasraya Savings Plan: A Critical Review." *Unnes Law Journal* 7, no. 2 (2021): 257-286.
- Sutiyoso, Bambang. "Implementasi Gugatan Legal Standing Dan Class Action Dalam Praktik Peradilan di Indonesia." *Jurnal Hukum Ius Quia Iustum* 11, no. 26 (2004): 63-78.
- Sukma, Via Melati. "Class Action Lawsuits in Human Rights Cases: Stigma 65 Strategies for Filed Class Action Lawsuits (Gugatan Class Action dalam Kasus HAM: Stigma 65 Strategi Mengajukan Gugatan Class Action)." *Lex Scientia Law Review* 2, no. 2 (2018). <https://doi.org/10.15294/lesrev.v2i2.27584>.
- Sulis, Shen Hilda, and Husni Syawali. "Perlindungan Hukum Bagi Konsumen Akibat Terjadinya Wanprestasi Dalam Perjanjian Jual Beli Unit Apartemen Yang Dilakukan Oleh Pelaku Usaha." *Bandung Conference Series: Law Studies* 3, no. 1 (2023). <https://doi.org/10.29313/bcsls.v3i1.5021>.
- Susanti Adi Nugroho. *Class Action Dan Perbandingan Dengan Negara Lain*. (Jakarta: Kencana Prenada Media Group, 2010).
- Susanti, Laras. "Materi Dan Prosedur Penetapan Gugatan Perwakilan Kelompok, Studi Perbandingan: Indonesia Dan Amerika Serikat." *Mimbar Hukum* 30, no. 2 (2018). <https://doi.org/10.22146/jmh.29054>.
- Tompul, Verawati BR. "Data Nasabah Dibocorkan Oleh Oknum Pegawai Bank." *Binamulia Hukum* 11, no. 2 (2022): 171-176.
- Widiarty, Wiwik Sri. "Gugatan Class Action Dalam Hukum Perlindungan Konsumen." *to-ra* 1, no. 2 (2015): 89-98.

*At his best, man is the noblest
of all animals; separated from
law and justice he is the
worst.*

Aristotle