

Analisis yuridis terhadap gugatan wanprestasi akibat ditolaknya klaim asuransi (studi kasus putusan MA no. 1987 K/Pdt/2011) = Juridical analysis of breach of contract lawsuit due to rejection of insurance claims case (study of court decision from mahkamah agung no. 1987 K/Pdt/2011)

Iqbal Prasetya, author

Deskripsi Lengkap: <https://lib.ui.ac.id/detail?id=20386959&lokasi=lokal>

Abstrak

Perkembangan usaha asuransi di Indonesia dirasakan semakin membaik seiring dengan perkembangan perekonomian Indonesia. Kebutuhan akan hadirnya usaha perasuransian dirasakan sangat penting oleh dunia usaha mengingat adanya risiko, oleh karena itu asuransi penting untuk menjamin keberlangsungan usaha. Namun, perkembangan asuransi di Indonesia diiringi pula dengan peningkatan sengketa klaim asuransi. Wajar apabila klaim asuransi tidak selamanya diterima karena asuransi sendiri adalah suatu perjanjian antara tertanggung dengan penanggung yang memiliki hak dan kewajiban serta adanya perlindungan hukum bagi masing-masing pihak. Oleh karena itu, perlu adanya tinjauan dari prinsip-prinsip hukum perjanjian untuk melihat masalah dalam perjanjian asuransi. Penelitian ini menjelaskan tentang keabsahaan perjanjian asuransi berdasarkan hukum perjanjian, menjabarkan permasalahan hukum yang muncul dari perjanjian asuransi serta upaya hukumnya, dan analisis yuridis Putusan MA No. 1987 K/Pdt/2011 tentang kasus penolakan klaim asuransi.

.....The growth of insurance business in Indonesia perceived improved along with the development of Indonesian economy. The presence of insurance is very important to businesses because there is risk in every activity, therefore insurance is important to ensure business continuity. Unfortunately, the development of insurance in Indonesia is followed by an increase in disputes of insurance claims. It is normal if the insurance claim is not always accepted because insurance is an agreement between the insured and the insurer wich has the protection of the rights and obligations of each party. Therefore, we need to review the insurance agreement problems from agreement law principle point of view. This study is to explain the validity of the insurance agreement under the law of agreement, describes the possibility of problems arising from the insurance agreement along the legal efforts, and the juridical analysis of court decisions from Mahkamah Agung No. 1987 K/Pdt/2011.