

Otentifikasi polis asuransi sebagai bentuk perlindungan hukum bagi para pihak = Policy insurance authentication for parties legal protection

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Abstrak

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Asuransi merupakan salah satu lembaga keuangan yang terus berkembang seiring dengan membaiknya perkembangan ekonomi di Indonesia. Dengan pesatnya perkembangan perekonomian dan bisnis yang terjadi, kebutuhan masyarakat akan perlindungan terhadap resiko kerugian semakin meningkat. Namun asuransi dalam kenyataannya seringkali tidak dipercaya oleh masyarakat karena praktik asuransi dianggap lebih merugikan daripada menguntungkan. Hal ini diakibatkan karena minimnya perlindungan hukum dalam melakukan perjanjian asuransi. Tulisan ini difokuskan kepada pengaturan aspek kebebasan berkontrak, kecermatan berkontrak serta urgensi pembuatan kontrak berbentuk akta otentik dalam pembuatan polis asuransi. Dalam Undang-Undang, perjanjian asuransi sedikit banyak diatur dalam Kitab Undang-Undang Hukum Dagang sedangkan peraturan Undang-Undang dan peraturan pendukung lainnya hanya mengatur aspek asuransi dari segi tata usahanya saja. Penulisan ini menggunakan metode kepustakaan serta wawancara kepada pihak-pihak terkait. Jenis data yang digunakan adalah data sekunder. Metode analisis yang digunakan adalah metode kualitatif guna mendapatkan data yang bersifat evaluatif analitis. Dasar pembuatan polis asuransi terdapat dalam Kitab Undang-Undang Hukum Dagang pasal 255. Otentifikasi Polis asuransi ditujukan untuk meminimalisir kerugian yang akan muncul dan sebagai bentuk kepastian hukum bagi para pihak. Otentifikasi polis asuransi diharapkan dapat memberikan kepastian lebih terhadap asas kebebasan berkontrak dan unsur kecermatan berkontrak yang merupakan salah satu aspek penting dalam melakukan perjanjian.

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ABSTRACT

Insurance is a financial institution that continues to grow in line with the improving economic development in Indonesia . With the rapid development of economy and business that happens, public needs protection against the risk of loss is increasing. But in reality, insurance is often not trusted by the public because of insurance practices are considered more detrimental than beneficial. This is caused by the lack of legal protection in the conduct of insurance agreement. This paper focuses on the aspect of freedom of contract arrangements, the precision of contract as well as the urgency of making the contract in the form of an authentic act of making an insurance policy. In reality, the insurance

agreement more or less regulated in the Law on Commercial Law Act regulations while and other supporting regulations only regulate the insurance aspects of their business in terms of grammar only. This study, using literature as well as interviews to the relevant parties . The type of data used are secondary data and primary data . The analytical method used is a qualitative method to obtain analytical data that is evaluative . Manufacture of basic insurance policy contained in the Book of the Commercial Law Article 255 . Authentication insurance policy intended to minimize the losses that will arise and as a form of legal certainty for the parties . Authentication insurance policy is expected to provide more certainty to the principle of freedom of contract and precision element of contract , which is one important aspect in making agreements. Insurance is a financial institution that continues to grow in line with the improving economic development in Indonesia . With the rapid development of economy and business that happens, public needs protection against the risk of loss is increasing. But in reality, insurance is often not trusted by the public because of insurance practices are considered more detrimental than beneficial. This is caused by the lack of legal protection in the conduct of insurance agreement. This paper focuses on the aspect of freedom of contract arrangements, the precision of contract as well as the urgency of making the contract in the form of an authentic act of making an insurance policy. In reality, the insurance agreement more or less regulated in the Law on Commercial Law Act regulations while and other supporting regulations only regulate the insurance aspects of their business in terms of grammar only. This study, using literature as well as interviews to the relevant parties . The type of data used are secondary data and primary data . The analytical method used is a qualitative method to obtain analytical data that is evaluative . Manufacture of basic insurance policy contained in the Book of the Commercial Law Article 255 . Authentication insurance policy intended to minimize the losses that will arise and as a form of legal certainty for the parties . Authentication insurance policy is expected to provide more certainty to the principle of freedom of contract and precision element of contract , which is one important aspect in making agreements. Insurance is a financial institution that continues to grow in line with the improving economic development in Indonesia . With the rapid development of economy and business that happens, public needs protection against the risk of loss is increasing. But in reality, insurance is often not trusted by the public because of insurance practices are considered more detrimental than beneficial. This is caused by the lack of legal protection in the conduct of insurance agreement. This paper focuses on the aspect of freedom of contract arrangements, the precision of contract as well as the urgency of making the contract in the form of an authentic act of making an insurance policy. In reality, the insurance agreement more or less regulated in the Law on Commercial Law Act regulations while and other supporting regulations only regulate the insurance aspects of their

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