

Kedudukan dan tanggung jawab pemegang polis asuransi jiwa bersama Bumiputera 1912 = Position and responsibilities of asuransi jiwa bersama Bumiputera 1912 policy holders

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Abstrak

[Asuransi Jiwa Bersama Bumiputera 1912 merupakan sebuah perusahaan dengan bentuk Usaha Bersama (Mutual) yang merupakan salah satu jenis perusahaan yang dapat menyelenggarakan kegiatan usaha perasuransian. Belum adanya Undang-undang dan / Peraturan Pemerintah yang mengatur mengenai Usaha Bersama (Mutual) mengakibatkan adanya ketidakpastian hukum dan diskriminasi terutama bagi pemegang polis Asuransi Jiwa Bersama Bumiputera 1912. Berangkat dari adanya ketidakpastian hukum dan diskriminasi yang mengakibatkan tidak terlindunginya kedudukan pemegang polis dan tidak ada yang pembagian tanggung jawab yang adil, beberapa pemegang polis mengajukan permohonan perkara tentang Usaha Perasuransian Berbentuk Usaha Bersama (Mutual) dengan objek pengujian Pasal 7 ayat (3) Undang-undang Nomor 2 Tahun 1992 tentang Usaha Perasuransian terhadap Undang-undang Dasar 1945. Tulisan ini difokuskan kepada kedudukan dan tanggung jawab pemegang polis Asuransi Jiwa Bersama Bumiputera 1912 karena tidak adanya Undang-undang dan atau Peraturan Pemerintah yang mengatur mengenai Usaha Bersama (Mutual). Penulisan ini merupakan penelitian yuridis normatif dengan melakukan penelitian hukum kepustakaan dan didukung wawancara kepada informan. Jenis data yang digunakan adalah data sekunder. Metode analisis yang digunakan adalah metode kualitatif. Sebagaimana diatur dalam anggaran dasar, pemegang polis yang merupakan Anggota dari Badan Perwakilan Anggota harus bertanggung jawab untuk aspirasi para pemegang polis yang tidak tergabung sebagai Anggota. Pemerintah harus segera mengesahkan RUU Perasuransian sebagaimana, Putusan Mahkamah Konstitusi Nomor 32/PLJU-XA/2014 tanggal 3 April 2014. Selain itu, untuk mengantisipasi apabila dalam waktu yang ditentukan oleh Mahkamah Konstitusi tersebut, Pemerintah belum membuat Undang-undang terkait usaha perasuransian yang berbentuk Usaha Bersama, Badan Perwakilan Anggota dapat mengadakan Sidang Badan Perwakilan Anggota dengan agenda mengubah badan hukum Asuransi Jiwa Bersama Bumiputera 1912 menjadi Perseroan Terbatas.

.....Asuransi Jiwa Bersama Bumiputera 1912 is a company with a form of a Mutual Company, which is one type of company which may conduct insurance business since the absence of Acts and / or Government Regulation that governing Mutual

company lead to legal uncertainty and discrimination, especially for the policy holders of Asuransi Jiwa Bersama Bumiputera 1912. Departing from legal uncertainty and discrimination that lead to unprotected position of the policy holder and the absence of disavowance of fair responsibility, some of policy holders apply for the case of the Insurance Business Form of Mutual Company with the object of the petition for Article 7 paragraph(3) of Act No. 2 of 1992 on Insurance Business of the Act of 1945. This study focus on the position and responsibility of Asuransi Jiwa Bersama 1912 policy holders because of the absence of Act and / or Government Regulation governing the Mutual Company. This study is a normative juridical by conducting legal research literature as well as informant interviews. The type of data used is secondary data. The analytical method used is qualitative method. As set

forth in the articles of association, the policy holder who is a Member of the Board Member Representative shall be responsible for delivering the aspirations from policy holders who are not incorporated as a Member. The government should immediately affirm the draft of Insurance Acts as it stated in constitutional court Decision No. 32/PUU-XA2011f]. April 3, 2014 In addition, to anticipate when the time specified by the Constitutional Court, the Government has not made Acts related insurance business in the form of Mutual Company, Board Member Representative may hold a Member Representative Body Assembly with an agenda to change the legal status of the Asuransi Jiwa Bersama Bumiputera 1912 to Limited Liability Company. Asuransi Jiwa Bersama Bumiputera 1912 is a company with a form of a Mutual Company, which is one type of company which may conduct insurance business the absence of Acts and / or Government Regulation that governing Mutual company lead to legal uncertainty and discrimination, especially for the policy holders of Asuransi Jiwa Bersama Bumiputera 1912. Departing from legal uncertainty and discrimination that lead to unprotected position of the policy holder and the absence of disavowance of fair responsibility, some of policy holders apply for the case of the Insurance Business Form of Mutual Company with the object of the petition for Article 7 paragraph(3) of Act No. 2 of 1992 on Insurance Business of the Act of 1945. This study focus on the position and responsibility of Asuransi Jiwa Bersama 1912 policy holders because of the absence of Act and / or Government Regulation governing the Mutual Company. This study is a normative juridical by conducting legal research literature as well as informant interviews. The type of data used is secondary data. The analytical method used is qualitative method. As set forth in the articles of association, the policy holder who is a Member of the Board Member Representative shall be responsible for delivering the aspirations from policy holders who are not incorporated as a Member. The government should immediately affirm the draft of Insurance Acts as it stated in constitutional court Decision No. 32/PUU-XA2011f]. April 3, 2014 In addition, to anticipate when the time specified by the Constitutional Court, the Government has not made Acts related insurance business in the form of Mutual Company, Board Member Representative may hold a Member Representative Body Assembly with an agenda to change the legal status of the Asuransi Jiwa Bersama Bumiputera 1912 to Limited Liability Company.; Asuransi Jiwa Bersama Bumiputera 1912 is a company with a form of a Mutual Company, which is one type of company which may conduct insurance business' the absence of Acts and / or Government Regulation that governing Mutual company lead to legal uncertainty and discrimination, especially for the policy holders of Asuransi Jiwa Bersama Bumiputera 1912. Departing from legal uncertainty and discrimination that lead to unprotected position of the policy holder and the absence of disavowance of fair responsibility, some of policy holders apply for the case of the Insurance Business Form of Mutual Company with the object of the petition for Article 7 paragraph(3) of Act No. 2 of 1992 on Insurance Business of the Act of 1945. This study focus on the position and responsibility of Asuransi Jiwa Bersama 1912 policy holders because of the absence of Act and / or Government Regulation governing the Mutual Company. This study is a normative juridical study by conducting legal research literature as well as informant interviews. The type of data used is secondary data. The analytical method used is

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