

Dasar pertimbangan hukum otoritas jasa keuangan dalam mengajukan permohonan pernyataan pailit terhadap perusahaan asuransi = The basic for financial services authority's legal consideration on bankruptcy filings for insurance companies

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Abstrak

Setelah berlakunya Undang-Undang No. 40 Tahun 2014 Tentang Perasuransian, permohonan pernyataan pailit terhadap perusahaan asuransi hanya dapat diajukan oleh Otoritas Jasa Keuangan. Berdasarkan hal tersebut, penulis mengajukan pokok permasalahan yaitu: 1. Apa dasar pertimbangan hukum Otoritas Jasa Keuangan dalam mengajukan permohonan pernyataan pailit terhadap perusahaan asuransi secara umum dan dalam mengajukan permohonan pernyataan pailit terhadap PT Asuransi Jiwa Bumi Asih Jaya? 2.

Bagaimana prosedur pengajuan permohonan pernyataan pailit terhadap perusahaan asuransi oleh Otoritas Jasa Keuangan? 3. Apa upaya hukum terhadap ditolaknya permohonan kreditor kepada Otoritas Jasa Keuangan untuk mengajukan permohonan pernyataan pailit terhadap perusahaan asuransi? Bentuk penelitian ini bersifat yuridis normatif dengan tipologi penelitian deskriptif.

Pada akhirnya, penulis memperoleh kesimpulan bahwa dasar pertimbangan hukum Otoritas Jasa Keuangan dalam mengajukan permohonan pernyataan pailit terhadap perusahaan asuransi secara umum salah satunya adalah pengenaan sanksi administratif terhadap perusahaan asuransi. Sedangkan dasar pertimbangan hukum Otoritas Jasa Keuangan dalam mengajukan permohonan pernyataan pailit terhadap PT Asuransi Jiwa Bumi Asih Jaya salah satunya adalah kemampuan keuangan PT Asuransi Jiwa Bumi Asih Jaya untuk membayar utang atau kewajiban.

Penulis menyarankan agar upaya hukum terhadap ditolaknya permohonan kreditor kepada Otoritas Jasa Keuangan untuk mengajukan permohonan pernyataan pailit terhadap perusahaan asuransi diatur secara jelas dalam peraturan perundang-undangan di bidang perasuransian.

.....After the enactment of Act No. 40 of 2014 concerning Insurance, the request for bankruptcy statement against insurance company may only be filed by the Financial Services Authority. Based on this, the author propose the main issues as 1. What is the basis of legal considerations of the Financial Services Authority in applying for bankruptcy statements against insurance companies in general and in applying for bankruptcy statement against PT Asuransi Jiwa Bumi Asih Jaya 2. What is the procedure for filing a bankruptcy statement against the insurance company by the Financial Services Authority 3. What are the legal stances against the rejection of a creditor 39 s application to the Financial Services Authority to apply for a bankruptcy statement against the insurance company This research uses the normative juridical approach with a descriptive typology.

In the end, the author conclude that the basic legal considerations of the Financial Services Authority in applying for bankruptcy statements against insurance companies in general one of them is the imposition of administrative sanctions against insurance companies. While the basis of legal considerations of the Financial Services Authority in applying for bankruptcy statement against PT Asuransi Jiwa Bumi Asih Jaya is one of them is the financial ability of PT Asuransi Jiwa Bumi Asih Jaya to pay debts or obligations.

The author suggests that the legal action against the rejection of the creditor rsquo s application to the Final

Services Authority to apply for a bankruptcy statement against the insurance company is clearly stipulated in the laws and regulation in the field of insurance.