

Peraturan terhadap Pemegang Polis Asuransi di Korea Selatan dan Indonesia = Regulations concerning Protection in Republic of Korea and Indonesia

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Abstrak

Salah satu tujuan utama dari hukum asuransi adalah untuk melindungi pemegang polis dari kegagalan bisnis asuransi. Untuk mencapai tujuan ini, sejumlah prosedur legislatif dan pengawasan sering diterapkan untuk mengamankan dan melindungi hak-hak pemegang polis jika terjadi kegagalan perusahaan asuransi. Skripsi ini membahas tentang lembaga perlindungan pemegang polis asuransi sebagai perlindungan bagi nasabah perusahaan asuransi. Lembaga perlindungan pemegang polis berfungsi untuk melindungi kepentingan pemegang polis jika perusahaan asuransi gagal membayar, namun di Indonesia hingga saat ini lembaga tersebut belum terbentuk meskipun telah diamanatkan oleh Undang-Undang Perasuransian. Berdasarkan hal tersebut, pertama-tama penulis akan mengkaji tentang perlindungan pemegang polis sebagaimana diatur dalam Undang-Undang Nomor 40 Tahun 2014 tentang Perasuransian di Indonesia, diikuti dengan peraturan perundang-undangan di Republik Korea. Tesis ini menggunakan metode penelitian yuridis-normatif dimana sepanjang penelitian ini, penulis telah melihat hasil bahwa Korea telah memberlakukan Depositor Protection Act dan membentuk Korea Deposit Insurance Corporation. Sebaliknya, program penjaminan penjaminan yang ditentukan oleh Undang-Undang Perasuransian Indonesia seharusnya sudah terbentuk paling lambat 3 (tiga) tahun sejak ditetapkan, artinya harus sudah dibentuk paling lambat tanggal 17 Oktober 2017, meskipun demikian, belum terbentuk lembaga tersebut.

.....One of the primary aims of insurance regulation is to protect policyholders from the failure of insurance businesses. To achieve this purpose, a number of legislative and supervisory procedures are frequently implemented in order to secure and protect policyholder rights in the event of an insurance company's failure. This thesis discusses the insurance policyholder protection institution as protection for insurance company policyholders. In the context of protection of policyholders, the policyholder protection institution functions to protect the interests of policyholders if the insurance company fails to pay, however, in Indonesia until now this institution has not been established even though it has been mandated by the Insurance Law. Based on this, first of all the writer will examine the provisions of protection for the insured and the policy holder as regulated in Law No. 40 of 2014 concerning insurance in Indonesia, followed by the legal and regulations in the Republic of Korea. This thesis research uses a juridical-normative research method with a statutory and analytical approach. Throughout this research, the author has reached a result that Korea has enacted the Depositor Protection Act and established a depositor protection scheme, the Korea Deposit Insurance Corporation (KDIC) that can raise additional funds by issuing bonds and borrowing from a variety of sources. On the other hand, the insurance guarantee program specified by the Indonesian Insurance Law should have been formed no later than 3 (three) years after its adoption, meaning it should have been formed no later than October 17, 2017. If the Indonesia Deposit Insurance Corporation intends to increase its role as a policy guarantor, there is currently no legal framework in place.