

Kedudukan Hukum Perusahaan Asuransi yang Dimohonkan Pailit Akibat Gagal Membayar Utang Klaim Polis Asuransi Kredit = Legal Standing of Insurance Companies Requested for Bankruptcy Due to Failure to Pay Debt Claims of Credit Insurance Policies

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Abstrak

Penelitian ini membahas mengenai pengaturan perundangan mengenai asuransi kredit dan kedudukan hukum perusahaan asuransi yang dimohonkan pailit akibat gagal membayar utang klaim polis asuransi kredit. Metode penelitian yang dilakukan ialah yuridis normatif dengan data sekunder. Adapun teori yang digunakan dalam penelitian ini ialah teori transfer of risk, teori penjaminan dalam hukum jaminan, dan teori permohonan pailit dalam hukum kepailitan. Adapun hasil penelitian ini ialah peraturan perundangan mengenai asuransi kredit masih tersebar di banyak peraturan perundangan, pengaturan mengenai asuransi kredit belum cukup diatur secara spesifik hanya mengacu pada peraturan perundangan asuransi secara umum dan kedudukan hukum perusahaan asuransi yang dimohonkan pailit akibat gagal membayar utang klaim polis asuransi kredit ialah badan hukum perseroan terbatas yang dapat dimohonkan pailit secara limitatif. Dari hasil penelitian tersebut, peneliti menyarankan agar dibuatnya peraturan perundangan yang memuat ketentuan asuransi kredit yang dapat menjadi pegangan para pihak pemangku kepentingan dalam asuransi kredit, jika timbul permasalahan maka lebih jelas peraturan yang dapat diterapkan dalam permasalahan tersebut.

.....This thesis discusses the regulatory arrangements regarding credit insurance and the legal standing of insurance companies filed for bankruptcy as a result of failing to pay debts claimed by credit insurance policies. The research method used is normative juridical with secondary data. The theories used in this study are the theory of transfer of risk, the theory of guarantees in guarantee law, and the theory of petition for bankruptcy in bankruptcy law. The results of this study are that laws and regulations regarding credit insurance are still scattered in many laws and regulations, regulations regarding credit insurance are not sufficiently regulated specifically, only referring to general insurance laws and regulations and the legal position of insurance companies that are filed for bankruptcy as a result of failing to pay debt claims on credit insurance policies, namely limited liability company legal entities that can be filed for bankruptcy on a limited basis. From the results of this study, the researchers suggest that legislation be made that contains credit insurance provisions that can be used as a guide for stakeholders in credit insurance, if problems arise, the regulations that can be applied to these problems are clearer.