

Tanggung jawab broker (pialang) reasuransi : studi kasus PT Asuransi Ramayana melawan PT Mandirire International = The liability of reinsurance broker : case study PT Asuransi Ramayana Against PT Mandirire International

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Abstrak

Skripsi ini membahas mengenai dua hal utama, yakni : teori-teori terkait pertanggungjawaban broker reasuransi, dan tanggung jawab broker reasuransi jika ia lalai dalam mencarikan perusahaan asuransi yang kredibel sehingga klaim dari perusahaan asuransi tidak dibayarkan. Penelitian ini merupakan penelitian yuridisnormatif dengan menggunakan analisis kualitatif atas data primer dan data sekunder. Hasil dari penelitian ini adalah : (1) Terdapat empat teori terkait pertanggungjawaban broker yaitu duty of broker, degree of negligence, limit of liability of broker, doctrine indemnity. (2) Jika broker lalai dalam mencarikan perusahaan reasuransi yang kredibel, broker reasuransi bertanggung jawab kepada perusahaan asuransi untuk mengganti kerugian perusahaan asuransi hanya sebatas kelalainya saja, tetapi tidak menggantikan posisi perusahaan reasuransi untuk membayar klaim perusahaan asuransi.

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This thesis reviews two things which are : the theories about the liability of reinsurance broker and the liability of reinsurance broker if it is negligent in finding the credible reinsurance company that the claim of the insurance company had not been paid. This research is normative-legal research used qualitative analysis of secondary data. The result of this research are : (1) There are four broker's liability theories which are duty of broker, degree of negligence, limitation of liability of broker, doctrine indemnity. (2) if the broker is negligent in finding the credible reinsurance company, the reinsurance broker should be liable to the insurance company to pay the loss of the insurance company just for the broker's negligence not to replace the position of the reinsurance company to pay the claim of insurance company.