

Dampak Pembatasan Kegiatan Usaha (PKU) Terhadap Rencana Penggabungan atau Peleburan oleh Perusahaan Asuransi di Indonesia dan Amerika Serikat = Impact of Restrictions on Business Activities Against Merge or Consolidation Plan by Insurance Companies in Indonesia and the United State of America

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Abstrak

Tesis ini membahas tentang dampak PKU terhadap perusahaan asuransi di Indonesia dan Amerika Serikat. Dalam menganalisis permasalahan yang diteliti dipergunakan metode penelitian hukum normatif dengan data sekunder, analisis data dilakukan secara kualitatif. Hasil dari penelitian ini adalah: 1. regulasi dan mekanisme pengawasan perusahaan asuransi di Indonesia merupakan kewenangan OJK dan NAIC di Amerika Serikat. Mekanisme pengawasan di Indonesia dilakukan sesuai dengan UU Perasuransian dan peraturan yang diterbitkan oleh OJK kemudian di Amerika Serikat sesuai dengan Administrative Supervision Model Act dan peraturan yang diterbitkan oleh NAIC, 2. Perbuatan hukum yang dilarang bagi perusahaan asuransi selama PKU di Indonesia pengaturannya terdapat di dalam beberapa peraturan: UU Perasuransian, POJK No. 69/POJK.05/2016 dan POJK No. 17/POJK.05/2016 dan tidak dibentuk suatu POJK khusus mengatur tentang PKU sebagaimana yang dilakukan oleh Amerika Serikat, dan 3. Dampak pemberian sanksi PKU terhadap perusahaan asuransi di Indonesia berdasarkan UU Perasuransian tidak dapat melakukan penggabungan atau peleburan sebagaimana juga diatur di Amerika Serikat. Saran penelitian ini adalah perlu ditetapkannya peraturan lebih lanjut mengenai dampak PKU.

.....This thesis discusses about the impact of PKU on insurance companies in Indonesia and the United States. In analyzing the problems studied, normative legal research methods were used with secondary data, the data analysis was carried out qualitatively. The results of this study are: 1. Regulations and mechanisms for supervision of insurance companies in Indonesia are under the authority of OJK and NAIC in the United States. The supervisory mechanism in Indonesia is carried out in accordance with the Insurance Act and regulations issued by the OJK and then in the United States in accordance with the Administrative Supervision Model Act and regulations issued by the NAIC, 2. Legal actions that are prohibited for insurance companies during PKU in Indonesia are regulated in several regulations: Insurance Law, POJK No. 69/POJK.05/2016 and POJK No. 17/POJK.05/2016 and no POJK has been established specifically to regulate PKU as carried out by the United States, and 3. The impact of imposing PKU sanctions on insurance companies in Indonesia based on the Insurance Law cannot carry out mergers or consolidations as also regulated in the United States. The suggestion of this research is that it is necessary to stipulate further regulations regarding the impact of PKU.