

Penerapan prinsip kontribusi dan prinsip subrogasi dalam asuransi pengangkutan laut (studi kasus PT. Asuransi AXA Indonesia dengan PT. Transporindo Agung Sejahtera dan PT. Asuransi Buana Independent) = Application of the principle contribution and the principle of subrogation in marine cargo (study case PT. Asuransi AXA Indonesia with PT. Transporindo Agung Sejahtera and PT. Asuransi Buana Independent) / Luthfiana Arumsari

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Abstrak

**ABSTRAK**

Tesis ini membahas mengenai penerapan prinsip kontribusi dan prinsip subrogasi dalam asuransi pengangkutan laut pada PT. Asuransi AXA Indonesia dengan PT. Asuransi Buana Independent. Permasalahan yang dibahas adalah tanggung jawab PT. Asuransi AXA Indonesia dan PT. Asuransi Buana Independent dalam membayarkan ganti kerugian kepada pemilik barang atau muatan PT. Santos Jaya Abadi sesuai dengan prinsip kontribusi serta penerapan prinsip subrogasi oleh PT. Asuransi AXA Indonesia terhadap pengangkut PT. Transporindo Agung Sejahtera. Tesis ini menggunakan metode penelitian yuridis normatif serta menggunakan teori pengalihan risiko, prinsip indemnitas dan prinsip subrogasi serta menggunakan teknik analisis data kualitatif. Hasil penelitian menyimpulkan bahwa PT. Asuransi AXA Indonesia dan PT. Asuransi Buana Independent membayar ganti kerugian kepada PT. Santos Jaya Abadi selaku tertanggung berdasarkan prinsip kontribusi, karena telah memenuhi syarat-syarat prinsip kontribusi namun, dalam hal perhitungan tidak sesuai dengan rumus perhitungan berdasarkan prinsip kontribusi. Prinsip subrogasi tidak dapat diterapkan karena terdapat 2 (dua) polis dan syarat-syarat kontribusi telah terpenuhi. Penulis menyarankan agar perusahaan pengangkut mengasuransikan barang atau muatan dan apabila sudah mengasuransikan agar menyampaikan kepada pemilik barang.

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**ABSTRACT**

This thesis discusses the application of the principle of contribution and the principle of subrogation in marine cargo insurance at PT. Asuransi AXA Indonesia and PT. Asuransi Buana Independent. The research questions discussed is the liability of PT. Asuransi AXA Indonesia and PT. Asuransi Buana Independent in paying indemnity to the owner of the cargo PT. Santos Jaya Abadi in accordance with the principle of contribution, and the application of the principle of subrogation by PT. Asuransi AXA Indonesia against PT. Transporindo Agung Sejahtera. This thesis uses normative juridical research methods and uses the theory of risk transfer, the principle of indemnity, the principle of contribution, the principle of subrogation, and uses qualitative data analysis techniques. The result of the study concluded that PT. Asuransi AXA Indonesia and PT. Asuransi Buana Independent paid indemnity to the insured PT. Santos Jaya Abadi in accordance with the principle of contribution, however the amount of the indemnity was not calculated based on the contribution formula. The principle of subrogation cannot be applied because there are two policies and the conditions of contribution are fulfilled. The author suggest to carriers to insure their cargoes and inform that to the owner of the

cargo.</p><p> </p>