

Tinjauan yuridis kedudukan hukum polis asuransi jiwa berbasis investasi unit link = Judicial analysis of the legal status of investment based life insurance unit link agreement / Erika Saraswati

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Deskripsi Lengkap: <https://lib.ui.ac.id/detail?id=20387568&lokasi=lokal>

Abstrak

ABSTRAK

Seiring dengan perkembangan kebutuhan masyarakat, perusahaan asuransi juga turut mengembangkan produk asuransi yang ditawarkan. Salah satunya, produk asuransi jiwa unit link, yaitu produk asuransi jiwa yang digabungkan dengan skema investasi. Faktanya, orientasi pelaksanaan investasi unit link memiliki perbedaan dengan orientasi kebutuhan perlindungan asuransi. Investasi menghendaki keuntungan, sedangkan asuransi menghendaki perlindungan. Selain itu, dalam asuransi unit link dinyatakan bahwa risiko investasi ditanggung oleh Tertanggung dan bukan oleh Penanggung layaknya konsep dasar asuransi. Pelaksanaan produk asuransi unit link melibatkan adanya perjanjian asuransi antara penanggung dan tertanggung. Melihat adanya unsur investasi dalam asuransi unit link, maka ketentuan dalam polis asuransi unit link harus memberikan informasi yang jelas terhadap Tertanggung/Pemegang Polis dan tidak mencantumkan ketentuan yang dapat merugikan Tertanggung/Pemegang Polis. Berdasarkan hal tersebut, diperlukan adanya penelitian hukum terhadap pelaksanaan produk asuransi jiwa unit link, terkait landasan hukum penyelenggaraan produk asuransi jiwa unit link di Indonesia, kesesuaian polis asuransi jiwa unit link berdasarkan ketentuan hukum dalam bidang usaha perasuransian serta pengawasan Pemerintah terhadap pelaksanaan produk asuransi jiwa unit link di Indonesia.

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ABSTRACT

Along with the development needs of the society, the insurance company also develops insurance products. One of them, unit-linked life insurance products, life insurance products that are bundled with investment schemes. In fact, the orientation of the implementation of unitlinked investments have different orientations compare to insurance protection needs. Investment requires benefit, while insurance requires protection. In addition, the unit-linked insurance states that the investment risk is borne by the Insured not by the Insurer which may not be consistent with the basic concept of insurance. The implementation of unit-linked insurance product involves the existence of an insurance agreement between the Insurer and the Insured. Seeing the element of investment in unit-linked insurance, the provision in unit-linked insurance policies should provide clear information to the prospective Insured and does not include laws that might harm the Insured. Based on this, it is necessary to do a law research on the implementation of unit-linked life insurance products, regarding legal basis of unit-linked life insurance products in Indonesia, the suitability of unit-linked life insurance policies based on legal provisions in the Insurance Business, and also the Government oversight toward the unit-linked insurance.