

Perlindungan nasabah asuransi jiwa produk unit link dikaji dari Undang-Undang Nomor 8 tahun 1999 tentang perlindungan konsumen, Undang-Undang Nomor 21 tahun 2011 tentang otoritas jasa keuangan dan Undang-Undang nomor 40 tahun 2014 tentang perasuransian = The analysis of law on consumer protection for unit link policy holder based on law number 8 1999 on consumer protection, law number 21 2011 on financial services authority and insurance law number 40 2014

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Abstrak

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Salah satu inovasi yang dilakukan para penyedia jasa asuransi ini adalah dengan menggabungkan dua keuntungan yang akan diterima nasabah dengan hanya menggunakan aspek investasi dan proteksi dalam satu jenis produk asuransi dengan tetap mengutamakan pemberian jasa penanggulangan risiko, yang dikenal dengan produk Unit Link. Perlindungan hukum itu sendiri dapat diartikan sebagai suatu bentuk tindakan atau perbuatan yang dilakukan oleh pemerintah dan diberikan kepada subjek hukum sesuai dengan hak dan kewajibannya yang dilaksanakan berdasarkan hukum positif di Indonesia. Penyesuaian antara dasar hukum yang menjadi landasan bagi masyarakat dengan kenyataan di lapangan haruslah memiliki korelasi yang kuat, agar masyarakat sebagai pemakai jasa asuransi dapat menempatkan diri dalam mempertahankan apa yang menjadi hak dan kewajibannya sesuai dengan hukum yang berlaku di Indonesia. Unit link memberikan manfaat hasil investasi dari premi yang ditempatkan pada dana investasi yang dinyatakan dalam unit, kinerja imbal hasilnya tergantung pada kinerja subdana investasi unit link yang dipilih nasabah sesuai dengan kondisi pasar saham dan pasar uang. Konsumen dilindungi oleh hukum dan memiliki hak paling tinggi dalam hal perusahaan asuransi mengalami pailit, hal ini terbukti telah diaturnya hak-hak konsumen yang merupakan kewajiban pelaku usaha dalam, kewenangan supervisi OJK, layanan pengaduan konsumen, program penjaminan polis dan penyelesaian sengketa di luar peradilan dan melalui BMAI.

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ABSTRACT

Unit link is part of the innovation of the insurance product that combine the aspects of life insurance protection and investments benefit in one package, on which the risks aspect is taken into account within the product. The consumer protection in this context refer to any activities or actions given by the government in accordance to the rights and obligations based on the prevailing laws and regulations. In ideal ways, the positive laws shall have a strong correlation with the implementation. So that, the society as the policy holders could deserve their rights and obligations as stipulated under the prevailing laws and obligations. Unit link provides life insurance protection and investment gain from the insurance premium paid here in after referred as unit, where the return of investment is based on the current market performance of the stock exchange and money market. In regards with the customer protection on the products, unit link policy holders are protected by law and owns the paramount rights in the event of default of the insurance company or in the event of insolvency. The consumer protection aspects particularly on the consumer's rights (including unit link policy holders) and the obligations of the business owner (including insurance

company), policy protection programme, customer hotline for complaints and the dispute settlement through litigation and Insurance Mediation Institution Indonesia against unit link policy holders are governed under the Consumers Protection Law Number 8/1999, Financial Services Authority Law Number 21/2011 and Insurance Law Number 40/2014., Unit link is part of the innovation of the insurance product that combine the aspects of life insurance protection and investments benefit in one package, on which the risks aspect is taken into account within the product. The consumer protection in this context refer to any activities or actions given by the government in accordance to the rights and obligations based on the prevailing laws and regulations. In ideal ways, the positive laws shall have a strong correlation with the implementation. So that, the society as the policy holders could deserve their rights and obligations as stipulated under the prevailing laws and obligations. Unit link provides life insurance protection and investment gain from the insurance premium paid here in after referred as unit, where the return of investment is based on the current market performance of the stock exchange and money market. In regards with the customer protection on the products, unit link policy holders are protected by law and owns the paramount rights in the event of default of the insurance company or in the event of insolvency. The consumer protection aspects particularly on the consumer's rights (including unit link policy holders) and the obligations of the business owner (including insurance company), policy protection programme, customer hotline for complaints and the dispute settlement through litigation and Insurance Mediation Institution Indonesia against unit link policy holders are governed under the Consumers Protection Law Number 8/1999, Financial Services Authority Law Number 21/2011 and Insurance Law Number 40/2014.]