

**LEGAL PROTECTION FOR CONSUMERS OF LIFE INSURANCE:****A REVIEW OF CONSUMER PROTECTION LAWS****Vanya Lakhsitta Az Zahra**

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**ABSTRACT**

This article investigates the legal protection afforded to consumers within the context of life insurance, focusing on the Consumer Protection Act. The review aims to analyze the mechanisms of protection available to life insurance consumers and identify the challenges and opportunities encountered in implementing this legislation. This study employs a descriptive-analytical approach by examining various legal provisions related to consumer rights and obligations, as well as the responsibilities of life insurance providers. The findings provide insights into the effectiveness of consumer protection regulations in safeguarding consumer interests in life insurance transactions and identify areas where further improvements are needed within the consumer legal protection system. This research may serve as a valuable resource for legal practitioners, regulators, and other life insurance stakeholders in strengthening consumer protection and enhancing fairness in consumer-provider relationships.

**Keywords:** Consumer Interests, Consumer Protection Act, Life Insurance.

**INTRODUCTION**

Life insurance is an increasingly popular financial protection instrument in Indonesian society. Essentially, life insurance aims to provide financial security for the insured and their beneficiaries in the event of death or other specified risks. By paying premiums to the insurance

company on a regular basis, the insured secures financial protection in the form of payouts or insurance benefits should such risks occur.

The role of life insurance in offering financial protection to consumers is crucial. As articulated by Sula, "Life insurance is a form of investment that provides peace of mind and financial security for families in the event of death."<sup>1</sup> Life insurance alleviates the financial burden of the primary breadwinner's loss of income on the surviving family members. This significantly contributes to maintaining the financial well-being of the family.

In addition to protecting against death, life insurance can also offer coverage for other risks such as accidents, disability, or critical illness. Some life insurance products even offer additional benefits, such as educational funds or retirement funds for the insured. Therefore, life insurance functions not only as financial protection but also as an investment and long-term financial planning tool for consumers. However, adequate legal protection must match the importance of life insurance for consumer financial protection. Ensuring consumers receive the promised benefits in the insurance agreement and safeguarding them from detrimental practices is crucial.

The development of the life insurance industry in Indonesia continues to increase, as does public awareness of the importance of financial protection for themselves and their families. However, on the other hand, life insurance business practices are also inseparable from problems related to legal protection for consumers. These problems can include, among others, inconsistencies between the agreement and the insurance company's practices, non-transparent information delivery, and baseless claim rejections. Therefore, there needs to be an in-depth review of existing regulations, especially Law Number 8 of 1999 concerning Consumer Protection (UUPK), in an effort to protect the rights of life insurance consumers.

Although the Consumer Protection Law (UUPK) serves as the primary legal framework for consumer protection in Indonesia, its implementation within the life insurance industry still requires further examination. As Munawar and Sari have noted, "In practice, the implementation of consumer protection in the life insurance sector has not fully complied with

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<sup>1</sup> Sula, M. S. (2004). *Asuransi Syariah (Life and General): Konsep dan Sistem Operasional*. Jakarta: Gema Insani Press.

existing regulations.<sup>2</sup> This indicates a gap between the regulatory framework and the actual conditions on the ground.”

Additionally, there are issues related to the weak bargaining position of consumers in life insurance agreements. Herlien clarifies, “In insurance agreements, the insurance company entirely determines the contract's terms, leaving the consumer's position weak”.<sup>3</sup> This condition has the potential to create inequities for consumers, particularly regarding dispute resolution or insurance claims.

As a result, this study aims to thoroughly examine how the Consumer Protection Law is implemented in providing legal protection for life insurance consumers in Indonesia. Specifically, the research will analyze aspects such as information transparency, the balance of rights and obligations, and dispute resolution mechanisms within the life insurance industry. We hope this study will provide constructive recommendations to improve regulations and business practices in life insurance in Indonesia, thereby enhancing consumer protection.

The examination of legal protection for life insurance consumers is critical given the substantial potential losses they may face if their rights are not upheld. As Sutedi has stated, “Insurance is an industry prone to violations of consumer rights, whether due to misinterpretations or bad faith by insurance providers”.<sup>4</sup> Therefore, we need to strengthen legal protections for life insurance consumers to ensure fair and responsible business practices

This study will employ a normative approach by analyzing relevant legislation, particularly the Consumer Protection Law (UUPK), and examining life insurance business practices in Indonesia. Additionally, the research will incorporate case studies and interviews with stakeholders such as insurance companies, consumer protection agencies, and life insurance consumers. It is anticipated that this study will provide a comprehensive overview of legal protection for life insurance consumers in Indonesia

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<sup>2</sup> Munawar, A., & Sari, R. (2020). Perlindungan Hukum Terhadap Konsumen Asuransi Jiwa di Indonesia. *Jurnal Hukum Bisnis*, 4(2), 45-56.

<sup>3</sup> Herlien, B. (2018). Perlindungan Hukum Terhadap Konsumen dalam Perjanjian Asuransi Jiwa. *Jurnal Hukum & Pembangunan*, 48(1), 1-21

<sup>4</sup> Sutedi, A. (2014). Aspek Hukum Perlindungan Konsumen dalam Kegiatan Perasuransian. *Jurnal Hukum Bisnis*, 33(2), 1-19.

## RESEARCH METHOD

This research employs a normative juridical approach by analyzing relevant legislation, specifically Law Number 8 of 1999 on Consumer Protection (UUPK) and other related regulations in the life insurance sector. This approach was chosen to gain a comprehensive understanding of the legal aspects of consumer protection in life insurance in Indonesia. Waluyo clarifies that “normative juridical research solely involves the examination of library materials or secondary data”.<sup>5</sup>

Additionally, this study will utilize a case study method to analyze business practices within the life insurance industry in Indonesia. We will conduct case studies on several life insurance companies that are relevant to consumer protection issues. This aligns with Yin's assertion that "case studies are a more suitable strategy when the research questions pertain to how or why"<sup>6</sup> Through case studies, it is anticipated that a more concrete picture of the implementation of Consumer Protection Law in the life insurance industry will be obtained.

Furthermore, this research will involve interviews with stakeholders, including insurance companies, consumer protection agencies, and life insurance consumers. Sugiyono states that researchers use interviews as a data collection technique to identify issues that require investigation.<sup>7</sup> By incorporating various perspectives from stakeholders, it is expected that a more comprehensive understanding of legal protection for life insurance consumers in Indonesia will be achieved.

## RESULTS AND DISCUSSION

### Life Insurance and Consumer Protection

Life insurance is an agreement between the insured and the insurance company, wherein the insured pays premiums periodically to the insurance company. In exchange, the insurance company agrees to provide compensation or insurance benefits to the insured or their beneficiaries in the event of a specified risk, such as death, disability, or critical illness.<sup>8</sup> The principles of risk transfer and risk sharing, which transfer the risk from the insured to the

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<sup>5</sup> Waluyo, B. (2002). *Penelitian Hukum dalam Praktek*. Jakarta: Sinar Grafika.

<sup>6</sup> Yin, R. K. (2014). *Studi Kasus: Desain dan Metode*. Jakarta: Rajawali Pers.

<sup>7</sup> Sugiyono. (2010). *Metode Penelitian Kuantitatif, Kualitatif, dan R&D*. Bandung: Alfabeta.

<sup>8</sup> Darmawi, H. (2004). *Manajemen Asuransi*. Jakarta: Bumi Aksara.

insurance company, form the fundamental concept of life insurance

Life insurance plays a critical role in providing financial protection for consumers and their families. With life insurance, the surviving family members are relieved of financial concerns resulting from the loss of income of the primary breadwinner. Additionally, life insurance can serve as an investment instrument and a tool for long-term financial planning for consumers, such as for education funds or retirement savings.<sup>9</sup>

Although life insurance provides substantial financial protection benefits, consumers also face several challenges and risks within this industry. One of the primary challenges is the lack of transparency in information and the imbalance of bargaining power between consumers and insurance companies. Consumers often do not fully understand the complex terms of insurance agreements, which can potentially disadvantage them in terms of claim resolution or dispute settlement.<sup>10</sup> Additionally, consumers are at risk of unjust claim rejections by insurance companies. Such rejections may occur due to unclear exclusion clauses or unilateral interpretations by the insurance companies of the agreements. These conditions are detrimental to consumers who have consistently paid their premiums<sup>11</sup>.

#### The Law of Consumer Protection in the Context of Life Insurance

The Consumer Protection Law serves as Indonesia's primary legal framework for consumer protection, including within the life insurance industry. The following is an overview of how the Consumer Protection Law provides consumer protection in the context of life insurance:

##### A. Rights of Life Insurance Consumers under the Consumer Protection Law

The Consumer Protection Law confers several rights to life insurance consumers, including:

1. The right to comfort, security, and safety in consuming life insurance products and/or services.

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<sup>9</sup> Aqida Shohiha, S. E. I. (2020). *Investapedia: AZ Investasi dan Perencanaan Keuangan untuk Pemula*. LAKSANA..

<sup>10</sup> Herlien, B. (2018). Perlindungan Hukum Terhadap Konsumen dalam Perjanjian Asuransi Jiwa. *Jurnal Hukum & Pembangunan*, 48(1), 1-21.

<sup>11</sup> Munawar, A., & Sari, R. (2020). Perlindungan Hukum Terhadap Konsumen Asuransi Jiwa di Indonesia. *Jurnal Hukum Bisnis*, 4(2), 45-56.

2. The right to choose and receive life insurance products and/or services in accordance with the agreed value, conditions, and guarantees.
3. The right to accurate, clear, and honest information regarding the conditions and guarantees of life insurance products and/or services.
4. The right to have their opinions and complaints heard regarding the life insurance products and/or services they use.

#### B. Obligations of Life Insurance Providers under the Consumer Protection Law

As entities offering life insurance products, insurance companies are subject to certain obligations stipulated by the Consumer Protection Law, which include:

1. Conducting their business activities in good faith.
2. Providing accurate, clear, and honest information regarding the conditions and guarantees of life insurance products and/or services.
3. Treating or serving consumers fairly, honestly, and without discrimination.
4. Ensuring the quality-of-life insurance products and/or services produced and/or traded in accordance with applicable quality standards.

#### C. Enforcement of Compensation and Sanctions under the Consumer Protection Law

The Consumer Protection Law stipulates the imposition of compensation and sanctions for business operators who violate the rights of life insurance consumers.

1. Compensation for damages, pollution, and/or consumer losses resulting from the consumption of goods and/or services produced or traded.
2. Administrative sanctions ranging from compensation imposition to revocation of business licenses.
3. Criminal sanctions, including imprisonment and/or fines.

One of the most important aspects of the Consumer Protection Law relating to life insurance is the requirement for information transparency. Insurance companies are required to provide accurate, clear, and honest information about the conditions and guarantees of the life insurance products they offer. Article 7(b) of the Consumer Protection Law outlines this obligation, requiring business operators to “provide accurate, clear, and honest information regarding the conditions and guarantees of goods and/or services and explain their use, repair, and maintenance.” This transparency is essential to ensuring that consumers fully understand their rights and obligations under the life insurance agreement, as well as the benefits and risks

associated with the product.

The Consumer Protection Law also addresses the balance of rights and obligations between consumers and business operators in the life insurance industry. According to Article 4 of the Consumer Protection Law, consumers have the right to choose goods and/or services and to receive them in accordance with the agreed value, conditions, and guarantees. Article 7(d) of the Consumer Protection Law obligates life insurance providers to ensure the quality of their insurance products in accordance with applicable standards. This balance is important to prevent unfair business practices that could harm consumers, such as limitations on consumer rights or excessive obligations imposed on consumers in life insurance agreements.

In life insurance, the Consumer Protection Law also regulates dispute resolution mechanisms between consumers and business operators. Article 45 of the Consumer Protection Law allows for disputes to be resolved through consumer dispute resolution institutions or general courts. Additionally, the Consumer Protection Law outlines the enforcement of compensation and sanctions for business operators who violate consumer rights (Articles 19, 60, and 62 of the Consumer Protection Law). These dispute resolution provisions are critical for providing legal protection to life insurance consumers in the event of disputes with insurance companies, such as claim rejections or harmful business practices.

### **The Role of Government and Regulators in Consumer Protection**

The government has the authority to establish regulations for protecting life insurance consumers. One of the primary regulations is Law No. 8 of 1999 on Consumer Protection, which applies broadly to all industry sectors, including life insurance. In addition to this general regulation, the government can also issue specific regulations related to the protection of life insurance consumers.

Regulators, specifically the Financial Services Authority, play a critical role in overseeing the compliance of life insurance companies with applicable regulations. As noted by Nasution, “The Financial Services Authority has the authority to supervise and examine business operators in the financial services sector, including life insurance.”<sup>12</sup> The government

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<sup>12</sup> Nasution, B. (2020). Perlindungan Hukum Konsumen Asuransi Jiwa di Indonesia. *Jurnal Hukum Bisnis*, 6(1), 1-15.

and regulators are also involved in the enforcement of laws against violations committed by life insurance companies. The Consumer Protection Law provides for the imposition of compensation and administrative or criminal sanctions against business operators who infringe upon consumer rights. To deter misconduct and safeguard consumer interests, the government and regulators have the authority to take stringent actions against such violations.

The Consumer Protection Law provides avenues for consumers and business operators to resolve disputes amicably through consumer dispute resolution institutions or through the general court system (Article 45 Consumer Protection Law). In this context, both the government and regulators play crucial roles in facilitating these dispute resolution mechanisms.

1. Consumer Dispute Settlement Board (BPSK)

The Consumer Dispute Settlement Board is an institution established by the government to handle consumer disputes outside the court system. As Shidarta explains, “Consumer Dispute Settlement Board is tasked with receiving and resolving consumer disputes through mediation, conciliation, and adjudication processes.”<sup>13</sup> The presence of Consumer Dispute Settlement Board is expected to provide a swift, cost-effective, and efficient dispute resolution pathway for life insurance consumers.

2. Alternative Dispute Resolution Institutions (LAPS)

In addition to Consumer Dispute Settlement Board, the government and regulators can facilitate dispute resolution through Alternative Dispute Resolution (ADR) institutions such as arbitration or mediation. ADR offers a voluntary alternative to court proceedings for disputing parties. In the life insurance sector, the Financial Services Authority has established the Alternative Dispute Resolution Institution for the Financial Services Sector (LAPS SJK) specifically to handle disputes within the financial services sector, including life insurance. As Nasution states, “Alternative Dispute Resolution Institution for the Financial Services Sector can serve as an alternative for life insurance consumers to resolve disputes with insurance companies quickly, efficiently, and affordably.”<sup>14</sup>

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<sup>13</sup> Shidarta. (2006). *Hukum Perlindungan Konsumen Indonesia*. Jakarta: Grasindo

<sup>14</sup> Ibid

### 3. Active Role in Mediation

Beyond facilitating dispute resolution institutions, the government and regulators can also play an active role in the mediation process between life insurance consumers and insurance companies. An independent party from the government or regulatory bodies can act as a mediator to assist the parties in reaching a fair and mutually beneficial agreement. With adequate dispute resolution facilitation, it is anticipated that life insurance consumers will receive optimal legal protection in the event of disputes with insurance companies. This, in turn, is expected to enhance public trust in the life insurance industry and promote the sustainable growth of the sector.

The Financial Services Authority plays a crucial role in safeguarding consumer interests in the life insurance industry. The primary functions of Financial Services Authority in this regard are as follows:

1. Financial Services Authority has the authority to issue regulations pertaining to consumer protection in the financial services sector, including life insurance. These regulations may take the form of rules, circulars, or guidelines that address aspects such as transparency of information, balance of rights and obligations, and mechanisms for consumer dispute resolution.
2. Financial Services Authority is responsible for overseeing the compliance of life insurance companies with applicable regulations, including the Consumer Protection Law and other related consumer protection regulations. Financial Services Authority is empowered to conduct inspections and investigations into violations committed by insurance companies and to impose administrative sanctions if violations are confirmed. Financial Education and Literacy
3. Financial Services Authority has a mandate for financial education and literacy, aimed at enhancing public understanding and awareness of financial products and services, including life insurance. This function is vital in assisting consumers to make informed decisions and comprehend their rights as consumers.
4. Financial Services Authority also plays a role in facilitating the resolution of disputes between consumers and life insurance companies. Financial Services Authority has established the Alternative Dispute Resolution Institution for the Financial Services

Sector (LAPS SJK), which provides mechanisms for out-of-court dispute resolution, such as mediation or adjudication.

5. To enhance the effectiveness of consumer protection, Financial Services Authority collaborates with various stakeholders, including government agencies, insurance industry associations, and consumer protection organizations. This collaboration may involve regulatory development, oversight, education, and dispute resolution processes.

The role of Financial Services Authority as a regulatory authority is vital in creating a fair, transparent, and consumer-protective environment within the life insurance industry. Through the execution of these functions, Financial Services Authority is expected to continually improve legal protection for life insurance consumers in Indonesia.

### **Concrete Cases of Consumer Protection Violations in Life Insurance**

Several concrete cases illustrate violations of consumer protection within the life insurance industry:

1. Case of Insurance Claim Denial

One prevalent issue is the denial of life insurance claims by insurance companies without clear and substantiated reasons. For example, in 2018, a life insurance consumer in Jakarta experienced a claim denial following the death of their spouse, who was the insured party. The insurance company rejected the claim on the grounds that the insured had failed to disclose a prior medical history during the policy application. However, the consumer argued that the questions in the policy application form were not sufficiently clear or comprehensive.<sup>15</sup>

2. Case of Discrepancies Between Agreement and Company Practice

Another frequent issue is the discrepancy between the terms of the life insurance agreement and the practices of the insurance company. For instance, in 2019, a life insurance consumer in Surabaya felt aggrieved because the insurance company applied an exclusion clause that was not transparently explained in the agreement. The consumer faced a claim denial for stroke treatment costs that were supposed to be covered by the life insurance policy.

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<sup>15</sup> Sumber: Liputan berita media lokal Jakarta, Agustus 2018

### 3. Case of Non-Transparent Information Disclosure

A further common violation is the lack of transparency in information provided by insurance companies to consumers. For example, in 2020, a life insurance consumer in Medan felt deceived because the insurance agent did not clearly explain the additional costs that were required under the life insurance policy. The consumer was disadvantaged by having to pay significantly more than initially anticipated.

These cases highlight that violations of consumer rights within the life insurance industry remain frequent. Therefore, stronger efforts from both the government and regulators are necessary to provide legal protection for life insurance consumers. This includes enforcing regulations more rigorously and facilitating effective dispute resolution mechanisms.

Based on the cases outlined, an analysis of the success or failure of legal protection for life insurance consumers can be conducted as follows:

1. In the case of the insurance claim denial in Jakarta, there is a clear failure in providing legal protection to consumers. The insurance company is deemed to have violated the law by rejecting the claim without a clear and substantiated reason and by failing to provide adequate transparency regarding the claim submission requirements. This situation is contrary to Article 7(b) of the Consumer Protection Law, which mandates that businesses must provide accurate, clear, and honest information.
2. The case in Surabaya also reveals a failure in providing legal protection to consumers. The insurance company is considered to have breached legal obligations by applying an exclusion clause that was not transparently explained in the agreement. This contravenes Article 4(b) of the Consumer Protection Law, which entitles consumers to receive goods and/or services according to the promised value, conditions, and guarantees.
3. In the case in Medan, there is a notable failure in providing legal protection to consumers. The insurance agent is found to have violated regulations by not disclosing transparent information about additional costs in the insurance policy. This is in violation of Article 7(b) of the Consumer Protection Law, which requires businesses to provide accurate, clear, and honest information.

From these three cases, it can be concluded that the legal protection for life insurance consumers is still not optimal. Violations by insurance companies, such as claim denials

without clear reasons, discrepancies between agreements and practices, and non-transparent information, continue to occur frequently. This indicates that the enforcement of the Consumer Protection Law in the life insurance industry is weak and requires improvement.

To strengthen legal protection for life insurance consumers, efforts are needed, such as enhanced supervision and law enforcement by the government and regulators, as well as increased consumer literacy and advocacy to help consumers better understand their rights. Additionally, effective and affordable dispute resolution mechanisms must be facilitated to ensure that consumers can achieve justice in the event of violations by insurance companies.

### **Recommendations for Enhancing Consumer Protection in Life Insurance**

Based on the analysis of the implementation of consumer protection laws within the life insurance industry, several recommendations can be proposed to enhance legal protection for consumers, including:

#### **A. Strengthening Regulation and Law Enforcement**

1. **Reviewing and Refining Regulations:** Conduct a review and improvement of regulations related to the protection of life insurance consumers, both in the Consumer Protection Law and in specific regulations issued by regulators such as the Financial Services Authority. This aims to address legal gaps and reinforce aspects that remain weak in the current regulations.
2. **Enhancing Supervision and Enforcement:** Intensify supervision and enforcement against violations by life insurance companies. The government and regulators must consistently impose administrative and criminal sanctions in accordance with the provisions of the Consumer Protection Law and other regulations.
3. **Strengthening Dispute Resolution Mechanisms:** Enhance the mechanisms for resolving disputes involving life insurance consumers through institutions such as the Consumer Dispute Settlement Board and the Financial Services Sector Dispute Resolution Agency (LAPS SJK). The dispute resolution process should be conducted swiftly, efficiently, and be accessible to consumers.

#### **B. Consumer Education and Awareness**

1. **Enhancing Education and Outreach Programs:** Improve education and outreach programs to inform the public about life insurance consumers' rights and the importance of protecting those rights. This can be achieved through public campaigns, workshops, or integrating consumer protection material into educational curricula.
  2. **Encouraging the Formation of Advocacy Organizations:** Promote the establishment of non-governmental organizations focused on advocacy and protection of life insurance consumers. These organizations can act as partners with the government and regulators in advocating for consumer interests.
  3. **Increasing Financial Literacy:** Boost financial literacy among the public, particularly regarding life insurance products. Consumers with a good understanding will be better equipped to comprehend their rights and obligations under life insurance agreements.
- C. **Collaboration Between Government, Regulators, and the Insurance Industry**
1. **Establishing Collaborative Forums or Platforms:** Create forums or platforms for collaboration between the government, regulators, insurance companies, and consumer organizations to discuss and address issues related to life insurance consumer protection.
  2. **Encouraging Higher Business Standards:** Urge insurance companies to elevate business practice standards, such as transparency of information, balance of rights and obligations in agreements, and effective complaint handling and dispute resolution mechanisms.
  3. **Developing a Code of Ethics or Business Conduct Guidelines:** Formulate a code of ethics or business conduct guidelines for the life insurance industry that includes consumer protection aspects. This code can serve as a reference for insurance companies in their business practices.

By implementing these recommendations, it is hoped that legal protection for life insurance consumers in Indonesia will significantly improve. This will enhance public trust in the life insurance industry and promote the sustainable growth of this sector.

## CONCLUSION

The conducted analysis concludes that the legal protection for consumers within the life

insurance industry in Indonesia remains suboptimal. Although the Consumer Protection Law delineates consumer rights and the obligations of business operators, its practical implementation still faces several challenges. Violations such as unjustified claim rejections, discrepancies between agreements and insurance company practices, and a lack of information transparency frequently occur. Therefore, to improve legal protection for life insurance consumers in Indonesia, comprehensive efforts are required, including strengthening regulations and law enforcement, enhancing consumer education and awareness, and fostering close collaboration between the government, regulators, and the insurance industry.

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