

Protection of rights in life insurance

Abstract

The subject of this rigorous thesis is the protection of rights in life insurance. The main reason for choosing this topic is the fact that completing my master's degree program in law, I have entered the private sphere as a corporate lawyer of an international insurance company and in this position I am active, although with another international insurance company, still today. In my position, among other things, I represent the insurance company in private disputes with the insured persons, typically on the payment of insurance benefits (claims). I also represent the insurance company during the public hearing before the Czech National Bank and, last but not least, in my agenda is the representation of the insurance company in the proceedings with the clients before the Financial Arbitrator. During my practice, I met all the possibilities and aspects of protection of rights in life insurance and I realized that all the clients of an insurance company have to know about their position in such a procedure and that there is an imbalance in information between the contractual parties and which information each contracting party possesses.

I have divided my thesis into six main chapters. In the first chapter I describe the institute of insurance and insurance policy, its basic characteristics and features including historical developments, highlighting milestones. In the second chapter I describe the basic qualification of the insurance and its further division, focusing on individual types and insurance institutions, including a description of the basic concepts. The following third chapter describes life insurance itself, its specifics and differences, as well as the division of life insurance. At the same time, within the third chapter, I gave a description of life insurance entities, which are the fundamental holders of rights and obligations. The fourth chapter deals primarily with this about the insurance policy as such from the perspective of the previous one and the legislation in force, I also deal with the obligations of the parties to the insurance contract when concluding it, I draw attention to the insurance policy, the insurance exclusion, the prohibited agreements, At the end of the chapter I summarize the different ways of terminating the insurance contract. Fifth, the crucial chapter of the thesis, summarizes the possibilities of protection of life insurance rights, provides a clear overview of public and private institutions serving to defend the rights and claims of insurance clients as enshrined in the Czech legal order.

The aim of this thesis is to analyze the subject matter of protection of rights in life insurance, summarize the individual possibilities of protection of rights in life insurance, including their aspects, focusing on the proceedings before public and private institutions, all with reference to specific cases. I deal primarily with the protection of the rights of the competent court, which I then compare with the protection of rights in the proceedings before the Financial Arbitrator. I am also describing the specifics of the possibility of protection of the rights of the supervisory body in the insurance sector, ie the Czech National Bank and, last but not least, of the professional and interest associations and associations.

As the basic aim of my rigorous thesis, I set out above all the effort to get a comprehensive overview of the legal issues with a warning about the positive and negative aspects related to them, all in relation to the client of the insurance company (consumer).

Key words

Life insurance, Protection of rights, Financial Arbitrator