

夫妻離異後關於人壽保險受益人之解釋 — 以美國統一繼承法與保險契約法 之交錯為中心

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關鍵詞：離婚、指定受益人、人壽保險契約、實質遵守理論、統一繼承法、替代性遺囑

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摘要

在我國人壽保險實務上，通常指定配偶為受益人，而被保險人與受益人間之配偶關係終止後，該受益人是否喪失其地位？我國學說與司法實務均認為應探求被保險人之真意，然在被保險人死亡情形下，難以得知當事人真意。從常理考量，被保險人與受益人離異後，欲繼續維持受益人地位者並非多數。在美國統一繼承法典中，被保險人與受益人離婚後，法律自動推定受益人喪失其受益權。除非有其他跡象顯示，被保險人在離婚當時明確指定前配偶仍為受益人。本文先行介紹我國關於指定妻為人壽保險受益人之爭議，並嘗試從美國早期司法實務及近期司法實務對此爭議問題之轉變，重新思考指定妻為人壽保險受益人之解釋方向。又我國曾有學者就此爭議提出保險法建議修正條文，本文亦藉此機會討論相關立法之妥適性。

The Explanation of Divorce on the Beneficiary Rights

- On Overlapping of Uniform Probate Code and the Insurance Contract Law

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Abstract

In our life insurance practice, insured usually designed his spouse as beneficiary. After terminating the spouse relationship between the insured and the beneficiary, whether the beneficiary lost status or not. In this situation, our doctrine and judiciary consider the resolution is to explore the truly intent of the insured. But the insured has been dead, we would not know the insured thinking. In common sense, if the insured divorced with his wife, he would not want his ex-wife as life insurance beneficiary. In the United States Uniform Probate Code, if the insured divorced with the beneficiary, the law was automatically presumed that the beneficiaries lost her(or his) status. Unless there was other evidence proved that the insured explicitly designed his(or her) ex-spouse remains as life insurance beneficiary. This article will first introduced the dispute regarding designation wife as beneficiary in life insurance, and try to reconsider the transition from early American judiciary and recent judiciary about this controversial issues. Some scholars proposed to amend Insurance Act about beneficiary. This article would like to take this opportunity to discuss the appropriateness of the relevant legislation.