

我國保險業暨保險輔助人間 防制洗錢暨打擊資恐監理之研究

黃天牧^{*}、邵之雋^{**}

摘 要

本文簡介保險業與保險輔助人之洗錢與資恐監理規範與實際作業，並綜述國內外犯罪人士利用保險商品進行洗錢與資恐常見不法態樣，以及英美國家對保險業與保險輔助人間防範洗錢與資恐相關法令規範。本文發現在如何建置符合我國保險業與保險輔助人間防制洗錢與資恐有效監理法規與作業方面，可從兩個面向著手：保險輔助人與保險公司建構合作通路管理機制之作法，以及增進保險輔助人與保險公司確認及驗證客戶身分之作法。此外，為避免業務員偏重業績，而忽略相關協力義務，本文建議將業務員之執行防制洗錢及打擊資恐之狀況納入酬金制度之一環，以實際得受領之佣金，來管控業務員之作業。

關鍵詞：洗錢防制、保險輔助人、大額通報、風險基礎法、加強審查措施

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* 國立政治大學及東海大學兼任教授；美國南加州大學公共行政學博士。

** 財團法人保險犯罪防制中心董事長、國立交通大學科技法律學院兼任副教授；國立臺灣大學法學博士。

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Study of the Supervision of AML/ CFT on the Taiwanese Insurance Companies and the Intermediaries

Tien-Mu Huang^{*}、Jy-Juinn Shaw^{**}

Abstract

This study briefly introduces the regulations and compliances of the insurance companies and the insurance agents and brokers (“intermediaries”) on anti-money laundering and countering terrorism financing (“AML/CFT”). It also reviews the common illegalities of domestic and foreign criminals’ using insurance products for money laundering and terrorism financing, and U.S. and U.K.’s regulations for AML/CFT between the insurance companies and intermediaries. In terms of how to establish effective regulations and compliances of AML/CFT which are suitable for Taiwanese insurance companies and intermediaries, this study suggests that we can start from two aspects: the practice of the insurance companies and intermediaries to establish a cooperative access management mechanism, and the practice of enhancing the insurance companies and intermediaries to confirm and verify the clients’ identity. In addition, in order to prevent the salesman’s over emphasis on

* Adjunct Professor, National Chengchi University and Tunghai University; Ph.D. in Public Administration, University of Southern California.

** Chairman, Insurance Anti-fraud Institute; Adjunct Associate Professor, School of Law, National Chiao Tung University; Ph.D. in Law, National Taiwan University.

performance and neglect the relevant cooperation obligations, this study proposes to include the salesman's implementation of AML/CFT into the part of the remuneration system, and to control the salesmen's compliances with the actual commission that can be collected.

Keywords: Anti-Money Laundering, Countering Terrorism Financing, Insurance Company, Insurance Agent, Insurance Broker, Insurance Intermediary, Risk Based Approach, Enhanced Due Diligence