

<b>THESIS TITLE</b>	LEGAL ISSUES RELATING TO LEGAL PROCEEDING FOR CLAIMING COMPENSATION REGARDING JOINT ACTION OF PRICE FIXING OR RESTRICT OR REDUCE MARKET COMPETITION
<b>KEYWORDS</b>	CLAIMING COMPENSATION/PRICE FIXING TO RESTRICT OR REDUCE MARKET
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### **ABSTRACT**

Trade Competition Law was established with the intention of supporting the market mechanism to have independent businesses and prevent any trade monopoly. The competition between operators is based on the offering of quality products and services to consumers. If the independent competition is based on the market mechanism, it is fair to both operators and consumers who purchase the goods or services. In Thailand, the first commercial competition law was introduced in 1937, but it was not effective in enforcing it fully since the competition law of Thailand did not focus on the enforcement of competition law in the private sector, but it focused on law enforcement within state organizations. According to the study of the Competition Act, 2017, the author has an opinion that the government should have the authority to set the subject of the offender's conduct without the need for a complaint from the victim, as well as having the power to investigate and decide whether there is a violation of the provisions. When the decision is made, those who have suffered damage will be entitled to legal action against the perpetrators of the breach. The law provides that private law could be enforced, and it is prescribed in the Trade Competition Act, 2017 in Section 69. It provides that persons who have been damaged by the fixing of the purchase price or sale price of goods or services, monopolize or reduce the competition or restrict the competition, he has the right to sue for damages from entrepreneurs who

violated the provisions. If the decision is considered and approved by the state organization, the victim is not required to prove the defendant's fault again.

From the studies, it has been found that the suing for damages in private commercial competition does not cover the damages that the victim should receive from the entrepreneur who violates the Act. The consideration which applied Section 420 of the Civil and Commercial Code cannot remedy the damage which has occurred, so the punitive damage will make the suing of the damaged consumer or business operator more effective and more reimbursable. It is a deterrent and prevents the offender committing another crime, and it creates fear of the law, and the victim is involved in using the law. This would make the entrepreneur who thought of violating the law fear the law. By making law enforcement becomes more effective, the introduction of punitive damages rules for the determination of damages in trade competition is a measure that should be introduced in this Act to comply with the intent of the Trade Competition Act in Thailand.

The author suggests having the provision for punitive damages in the Trade Competition Act to be enforced by private companies, in order to be more effective and more receiving compensation. It also restrains and prevents violators from acting against the law. Moreover, there should be a provision to give the Competition Commission to initiate the case by itself if the Competition Commission finds that entrepreneurs in the market are violating this Act, the Competition Commission do not have to wait for the complainants to come to the Office of Competition Commission first in order to maximize the effectiveness of litigation and reduce the burden of evidence proving that shall be performed by the victim.