

THE MATIC TITLE	LEGAL PROBLEMS ABOUT THE UNSAFE PRODUCTS : A CASE STUDY OF THE COMPENSATION OF THE UNSAFE PRODUCTS
KEYWORD	PROSECUTION
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ABSTRACT

Due to the researcher studying the Civil and Commercial Code, Consumer Protection Act BE 2522 and the Liability Act for damage caused by unsafe products, 2008, in term of the prosecution of lawsuits relating to damages caused by the damage of the product, the damage from unsafe products and group litigation. Found that the contractual liability of Thailand according to the civil law, it is considered that the person who is entitled to sue to claim compensation must be a contract between them only to be able to file a lawsuit to claim their rights causing consumers who have been damaged by damage products, or resulting from unsafe products, but not those who buy products and services, cannot claim compensation. Prosecution in infringed way, the victim must bear the burden of proving the intention or negligence of the seller or manufacturer, which is difficult to do, due to production technology and marketing management including various information about the production of products that all manufacturers or entrepreneurs and that is the trade secret of the manufacturer or operator; causing the victim to have no opportunity to know the information. In term of group litigation, only members of the group will be able to sue instead of other members. This principle will not be able to have a private agency or government agencies, such as the Consumer Protection Office, came into the plaintiff and a representative of a group of lawsuits instead of all victims.

The results revealed that laws of various countries specifying the victims or the person entitled to file a lawsuit instead must prove that the victims damaged by the product from the

entrepreneur and the use or maintenance of the product is normal, but not having to prove that the damage was caused by any entrepreneur's actions. That the victims does not have to prove the damage caused by the product claimed to be causing damage and not having to proof of the relationship between damage and unsafe products in accordance with the cause (Causation). Only proving that the damage caused by the "product" of the entrepreneur (defendant) is enough. Therefore, the entrepreneur has a duty to prove or to debate about unsafe products.

It was recommended that to amend this problem by adding laws to government agencies. For example, the Consumer Protection Agency can prosecute group prosecutions instead of victims. In the prosecution of cases that have been damaged by defective products or unsafe products, even if the victim is not a party to the manufacturer or the seller, the victim should be able to sue the manufacturer or the seller but must prove that the damage is caused by the product that is from the manufacturer or the seller.