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| Thesis Title | The Problems on Compensation in Case of the Occurance of External Patrimonial Damages: A Case study of Punitive |
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ABSTRACT

Thai laws have been revised and amended all the time. The applicable laws of Thailand have a lot of legal provision to enforce the intelligence. However, these laws do not have explicit rules or measures for the remedy in the case where the rights outside the property are the damage is caused.

The damage incurred to the right outside the property is an abstract issue, but it brings about the severe impact to the society. If there is damage, it is not caused against the life. However, it is moral and mental issue which may be regarded as higher than the material damage truly received by the injured persons. It is distributed without permission. Even though it can be estimated as the reproductive objects, the intellectual value, the effort and sorrow which are related to mentality of work owners cannot be evaluated as the money. Moreover, the damage is caused to the investment business.

However, the main principles of wrongful act liabilities are that the damage must be incurred first. If the damage is not caused, even though the offence has already been committed, it is not considered as wrongful act. These principles are recognized as the law on wrongful acts by all countries. The incurred damage can be divided based on the types of the rights which are entitled viz.: the damage of the rights in the property and the damage of the rights outside the property.

The damage for the right in property is considered as the material damage. It is the damage which may be appraisable as money. It affects personal monetary interest such as the expense for the personal rights relating to dignity and reputation, the rights in family and mutual love. The pain, sufferings, and panic etc. are included.

With regard to the damage to rights outside the property, it may be called in another way that it is moral damage. This is to emphasize that this kind of damage affects the mentality or creates the abstract which is selfless object. It is also not related to all monetary benefits.

The Thai laws lay down the principles and allow the courts to determine a wide range of compensation. Consequently, it is possible for Thai courts to take into account the conditions of wrongful act, circumstances and severity of violations of economic situations of violators. The development of science and technology may make the violation to have more rapid and severe damage than the past, for instance, with regard to the insult, the million people can be foreseen in a wink and the award of this type of damage can be clearly provided. In this regard, it does not matter whether or not the punitive damage shall be altogether claimed.