

Independent Study Title : Punitive Damages Reform in Thai Law : A Comparative Study of Torts and Product Liability Law

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ABSTRACT

Punitive damages had recently been adopted into Thai legal system as one of the type of compensation offers to injured party in Unsafe Product Liability Act B.E. 2551 (2008) with the aim of punishing the defendant while deterring similar behavior in society in civil cases. However, in adopting punitive damages into the Unsafe Product Liability Act B.E. 2551 (2008), Thai legislation seems to have jumped the gun by ignoring general tort law in introducing punitive damages.

The aim of this independent research study is to study the concept of punitive damages and its application in comparison between general Tort Law and Product Liability Law which shows that even though, the concept of punitive damages may be a type of damages which have been practicing in the countries of common law system for over 100 of years, it is still a new concept to Thailand.

By accepting punitive damages to be a type of compensation in the Unsafe Product Liability Act B.E. 2551 (2008), it can be said that Thailand had impliedly accepted this form of damages which is often used in common law countries to be a type of damages within Thai legal system. However, instead of following the steps of countries which have been practicing punitive damages, Thailand had ignored the general law and only approved of punitive damages in specific acts of law. By doing this, Thailand may soon run into problems with the standard of punitive damages. By only inserting punitive damages in specific laws, legislators have created a small number of cases in which parties may claim and have done so in a manner which may leave many judges ill equipped to make determinations on the damages which will lead to an under developed understanding of the law.

However, this could be averted by introducing punitive damages into general tort law. Doing this will expose more of the judiciary to this legal concept and provide broader understanding and more effective judiciary system.

