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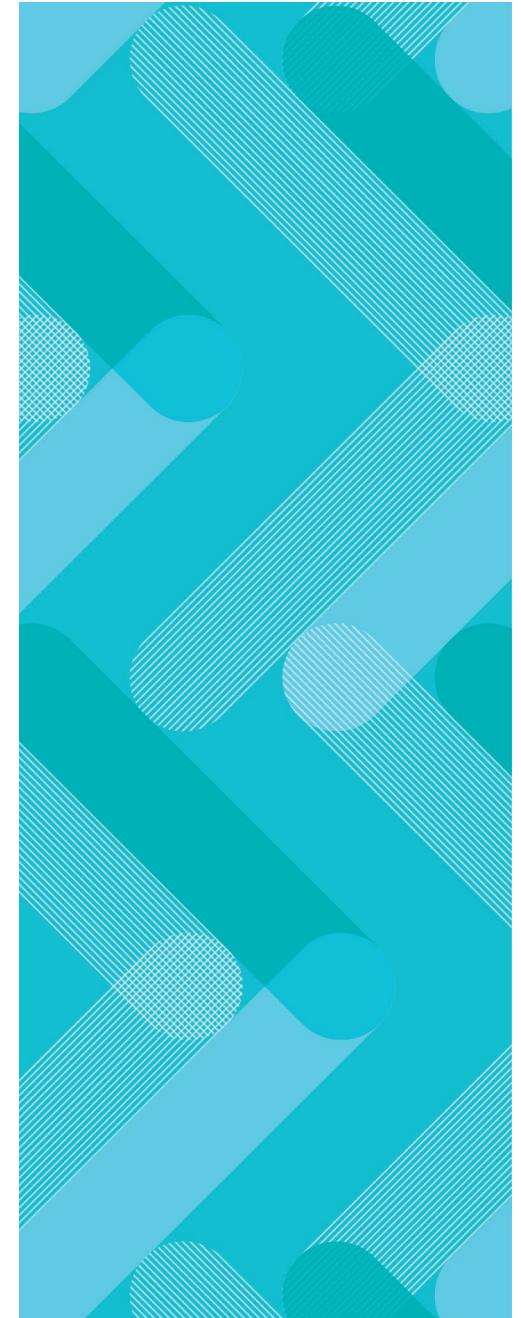
Contemporary Legal Knowledge and Practice

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1. Non-Contractual Claims in Indonesian Law

- The basis of tort can be found under Article 1365 of the Indonesian Civil Code.

Article 1365. “Every unlawful act that causes damage onto another person obliges the wrongdoer to compensate such damage.”

- The elements of tort can be divided into the followings:
 - An **unlawful act**, committed by a legal subject, **intentionally** or **unintentionally** which turns out to be against the law. The act must contain **elements of error** and must have caused a loss.
 - There must be **a fault** caused by purpose or by negligence.
 - The unlawful act must have caused **injury or damages** to another party, either material or immaterial.
 - Causality** between the unlawful act and the injury must be established.

1. Non-Contractual Claims in Indonesian Law

Article 1365 emphasises that in the event that a person commits an unlawful act, he is obliged to pay compensation for his action.

Different compensation systems under Article 1365

- i. Compensation in the form of money for the shrinking of assets and assets as a result of actions against the law;
- ii. Repairs in the same condition as before;
- iii. Refund of costs for restoration in its original state; and
- iv. Compensation for financial losses for the suffering and distress of a person/good name tarnished due to unlawful actions.

2. Non-Contractual Claims in Thai Law

- In the Thai legal system, non-contractual claims typically fall under the category of tort law under section 420 of Civil and Commercial Code ("CCC").

Section 420. “A person who, wilfully or negligently, unlawfully injures the life, body, health, liberty, property or any right of another person, is said to commit a wrongful act and is bound to make compensation therefore.”

Supreme Court’s Judgment No. 1992/2538, “*...As for the exercise of a right which can only have the purpose of causing injury to another person that constitutes wrongful act under the Civil and Commercial Code, Section 421, the person who acts or exercises the right must aim to intentionally or deliberately cause unilateral injury to another person.*

- Also known as “wrongful acts”, torts refer to acts that cause harm to an individual's person, property, reputation, or similar interests, which warrants compensation for the injured party.