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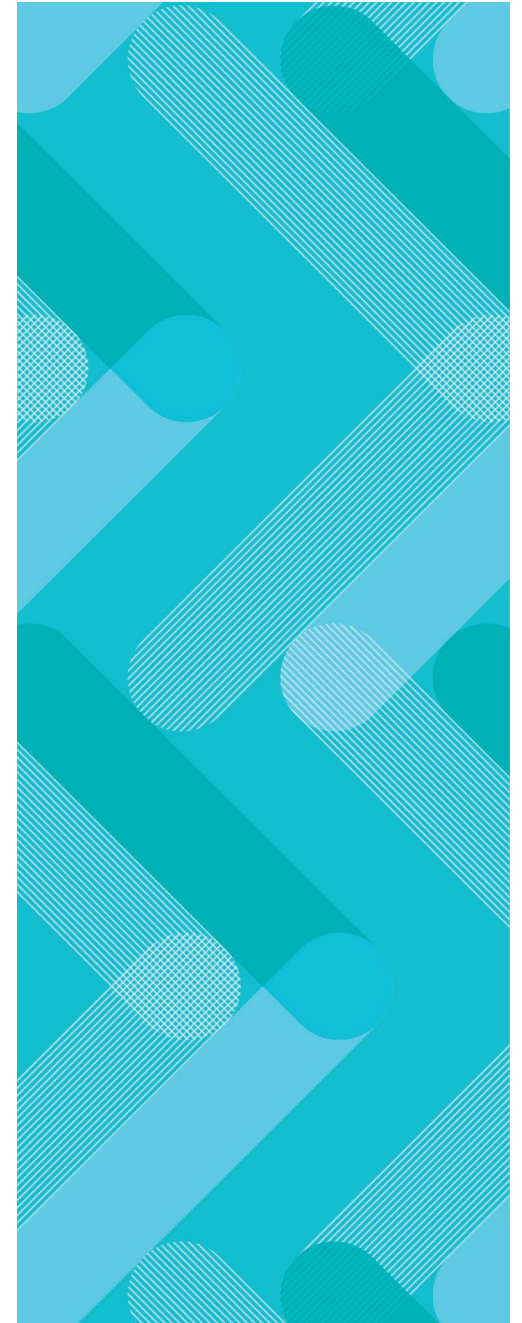
# Contemporary Legal Knowledge and Practice

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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:
  - i. 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**.
  - i. There must be **a fault** caused by purpose or by negligence.
  - i. The unlawful act must have **caused injury or damages** to another party, either material or immaterial.
  - iv. **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.