

ABSTRACT

Thesis Title : Social Security : Comparative Analysis between Compulsary Insured Person under Section 33 and Voluntary Insured Person under Section 40 According to Social Security Act, B.E. 2533

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This thesis is for purpose of study the background, identification of and criteria concerning the rights obtained through paying contributions to the social security available in substitution; problems and encumbrances raising from the application for a compulsorily insured person under Section 33, in comparison to the application for a voluntarily insured person under Section 40, under the provisions of the Social Security Act, B.E. 2533, as well as a comparative study of systems in foreign countries, especially Sweden and the USA, so as to identify possible solutions for any defects in the Thai Social Security Laws.

Through the study of the above matters, it is believed that although insured persons have been divided into certain categories, namely a compulsorily insured person and a voluntarily insured person, in conformity with those of foreign countries, which represent international standards, however the rights of insured persons are still much different from those of insured persons in other countries. Compulsorily insured persons are entitled to a wider scope of rights than voluntarily insured persons, however, the ways whereby voluntarily insured persons

pay contributions to fund are more fixed, The benefits for a compulsorily insured person are divided into 7 kinds, i.e., accident or sickness benefit, maternity benefit, disability benefit, death benefit, benefit for the dependent (only children), benefit for the old, and unemployment benefit; while those for a voluntarily insured person are divided into 3 kinds, i.e., maternity benefit, disability benefit and death benefit. Consequently, the comparison between both categories of insured persons can be performed only in maternity benefit, disability benefit and death benefit. From the study, it is found that the right to receive such benefits of both categories of insured persons are also different, as a compulsorily insured person has obtained more rate of benefits than voluntarily insured persons. Such problems, in my opinion, could be improved by expanding the scope of the rights of voluntarily insured persons to become similar to those of compulsorily insured persons, also payment of contributions should be adjusted in similar ways, so that both the compulsorily and voluntarily insured persons would obtain benefits at similar rates. This should be considered and calculated based on the expenditure and income earned by voluntarily insured persons. In regard to benefits payable, these should take into account the circumstances of pregnant mothers, and the rights should apply immediately after the childbirth. It should not be limited so that the rights exist only during the period of her being an insured person. For disability benefit, the rights should be similarly structured. These are guidelines for solutions to fill the gaps and solve the problems of the Thai social security system. Only death benefit that I think there is little difference and it should so remain as prescribed by the current law.