

## Abstract

Tort law was drafted for a victim to claim for the compensation. However, under certain circumstances, those individuals who have caused damage may appeal if their act is considered as lawful defense or due to necessity. Later on, lawyers compiled all those specific circumstances in a written form and called it "Justifiable Acts."

The practice of Justifiable Acts can be traced back as far as the Roman law. Even though the Roman Empire was long gone, a notion of Justifiable Acts has gradually been gradually developed through the medieval period. Since then, lawyers have conducted an in-depth research and come up with a more substantial principle of Justifiable Acts. Many countries applied the principle for Justifiable Acts when they drafted the Codification and the Civil Code. Presently, principle of Justifiable Acts exists in every country yet in a different form, for instance the Civil Law, the Common Law, etc.

From 1921 to 1925 during the revision of Civil and Commercial Code, Thailand adopted the legal principle of Justifiable Acts. Our implementation of the Justifiable Acts was influenced largely by the provisions of Germany, Switzerland, and Japan. Thailand's provisions have been modified several times, and the Justifiable Acts are now included in Part 3 Sections 449-452 of the Civil and Commercial Code.

According to a number of literature reviews, it is indicated that Thai lawyers still give a very insignificant attention to the Justifiable Acts. The Supreme Court of Thailand rarely refers to the Justifiable Acts in their judgment. In addition, some of our Justifiable Acts are not clearly defined, and their interpretation is still debatable among lawyers and doctrines. As a result, the confusion leads to an inappropriate application.

This thesis studies the violation of Justifiable Acts, using a comparison between judgments of the Supreme Court of Thailand and those in other countries in order to see both their similarities and differences. Suggestions for clarification and revision will be made. Hopefully, this thesis will bring about a better understanding of the definition and more effective application of the Justifiable Acts.