

COMPLETION REPORT

Socio-Economic Impact of Road Accident Victims: A Comparative Analysis of Road Accident Victim Protection Policy and the Rights of Road Accident Victims in Japan and Thailand

Dr. Kunnawee Kanitpong

Associate Professor

Transportation Engineering,

Asian Institute of Technology, Thailand

Both Japan and Thailand have a law to protect road accident victims. After an accident, victims or their family members have certain rights to obtain their compensation and have to go through certain process to obtain the compensation that they are entitled to. However, flaws and gaps in the laws and processes that might currently exist in Japan and Thailand may reduce the effectiveness of these laws, as evidence suggests that not all of the accident victims obtained the compensation that they deserved. To prevent this from happening, it is important to understand the laws and processes that exist in Japan and Thailand and the rights of the accident victims in these two countries. By determining the flaws and gaps that exist in these laws and processes, we could find ways in which the existing laws and processes could be improved, so that all of the accident victims in both countries are compensated satisfactorily. In this study a comparative analysis will be conducted between the laws and processes that exist in Japan and Thailand.

Based on the analysis of Road Accident Victim Protection in Thailand and Japan, it was found that the road accident victims from both countries have a right to be protected by the government including driver, passenger, pedestrians, bicyclist, and roadside vendors. However, Japanese Protection has no limitation of period for income compensation which benefits to victim who has suffered serious injury or temporary disability and still receives an income during the recovery period, while Thai victims have a limit to only 20 days income protection. Other non-monetary damages such as pain and suffer of victims, and victim's role and obligation in the family are concerned to be calculated as compensation in Japan. Another advantage of Japan policy over Thailand is that the damage consideration is rated based on the level of severe physical disability while Thai policy gives an equal compensation either in case of death or disability.

The research findings show differences in the preliminary compensation of road accident victim under Thai and Japanese Law. The compensation per person for death, disability, and injury for Thai victims is much lower than Japanese victims especially for disability and death cases. While the maximum coverage for disability and death cases for Japanese is up to US\$330,000, the maximum coverage in Thailand is approximately US\$6,000.

Thailand and Japan have similar general compensation claim process. For further claim for more appreciate compensation, if the vehicle has voluntary insurance, the voluntary insurance company will be a middle man in processing of the compensation claiming. In some cases there are other related organizations that play an importance role in assisting of claiming process for the victim in having fair compensation without charge such as nonprofit organization (NGO) or as agreed between the victim and mentioned sector. Consumers Protection Foundation is Thai organizations that provide the protection to passengers of public transportation involved accidents. However, for other accident cases, there is no clear report for other organization. In Japan, if the victims cannot conclude the final compensation that everyone is satisfied, they can claim to Foundation Jibaiseki Handling of Disputes Mechanism and court as the general case.

In term of the applicable of the road accident victim policies, this study includes the case studies in Thailand by interviewing those who had experienced in a road accident. To study the process practicality, the benefits and the actual duration of procedure's time, the case studies were selected based on the frequency of accidents occurring and randomly select people who have experienced a road collision to check the consistency between the theory and the practical means of the victims' experience. As a finding summary, the accident victim is generally entitled to claim the compensation for itself or for the relatives in contributing of the justice to everyone. However, the compensation claims process might be different in details based on road traffic collisions and counter parties. The duration of process might not be too long in the case of parties are able to make a mediation agreement before the court procedure. While, if the case is brought to the court for gaining of the highest protection by juristic action, the returned compensation will be more satisfied but it needs to exchange with spent time and additional cost during the trial procedure. The accident victim, either right or wrong, is furthermore compensated a preliminary compensation according to their acknowledged right by the Protection for Motor Vehicle Victims Act B.E. 2535 which being as an instrument in assisting of the victim. The accident victim can be rapidly compensated and the mortality rate is dropped due to instantly serves of medical treatment are the resolution of the Act.

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