

澳門道路交通事故民事責任之研究
The Study on Tort Liability of Road Traffic Accidents of Macao

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呂冬娟
LU DONGJUAN

哲學博士 (私法學)
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導師：唐曉晴教授

Supervisor: Prof. Tong Io Cheng

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LU, Dongjuan





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呂冬娟

摘要

隨著我們社會的汽車工業和交通運輸的不斷發展和汽車數量的迅速增長，汽車對我們來說已成為越來越重要的交通工具。它給人們帶來了極大的便利的同時也產生了许多問題，如交通事故可能會對受害人和我們的社會產生嚴重的威脅和傷害。如何預防和處理道路交通事故，從民法的視角是一個至關重要的問題。為了加強對道路交通事故中的受害人之保護，除了《澳門民法典》之規定，澳門也出臺了一些專門的法律法規。然而，仍然存在著道路交通侵權責任制度領域亟待克服的一些缺點。鑒於此，本文試圖對道路交通事故侵權責任制度之概述，並努力尋求解決這些薄弱環節，以促進道路交通事故侵權責任制度的理論以及實踐之發展。

關鍵詞：

道路交通事故 歸責原則 賠償主體 交通事故責任 阻卻事由 機動車輛強制責任保險 受害第三人利益

Abstract

As the society progresses with the development of the automobile industry and transportations system, and the number of automobile has increased rapidly, automobile become increasingly more important for us. They bring great convenience for people, but they also give rise to many problems, such as car accidents leading to serious threat and harm against the aggrieved party and our society. How to prevent and deal with road traffic accidents, from the perspective of civil law is a key problem.¹ Besides relevant stipulations of the Macau Civil Code, Macau has also promulgated special laws and regulations on road traffic accidents to protect the injured party. However, some shortcomings of the road traffic tort liability system still exist which is urgent to overcome. In view of this, this study tries to present an overview of the road traffic tort liability system and makes an effort to seek solutions in these weak aspects, with a view to promoting the development of the theory and practice of the road traffic tort liability system.

Key Words:

Road Traffic Accident; Principle of Culpability; Subject of Compensation; Traffic Accident Liability; the Ground for Elimination; Motor Vehicle Compulsory Liability Insurance; the Third Party Victim's Interest.

¹ There are cases in which the same car accident may result in both tortious and criminal proceedings. For example, in a car accident, the driver might be prosecuted for dangerous driving (the article 279 of Macau Criminal Code), and sued by the aggrieved party for the injuries caused (the article 496 of Macau Civil Code). A tort happens where there is breach of a general duty stipulated by civil law. Tort liability of road traffic accidents are an important issue in theories of tort law.

聲 明

本人所提交的論文，除了經清楚列明來源出處的資料外，其他內容均為原創； 本論文的全部或部分未曾在同一學位或其他學位中提交過。

本人聲明已知悉及明白《澳門大學學生學術誠信處理規條》及《澳門大學學生紀律規章》。



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