Research Title : Contract Law in Thailand: A Proposal for Reform of Thai Sales Law as Compared with Japanese Contract Law and CISG

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ABSTRACT

Currently in Thailand, there are no specific laws governing domestic commercial sales and international sales which apparently cause legal obstacles. The sales provisions provided in Thai Civil and Commercial Code ("TCC") are the only set of Thai law applying to all types of sales which are distinct in nature. As Thailand and Japan share similar legal histories and backgrounds in following the Civil Law legal system originated in the Continental Europe, and Japanese Civil Code ("JCC") was also the forerunner of TCC when the time of its first drafting in 1905, any revision made in JCC is of significance to TCC.

Additionally, Japan, but not Thailand, is also a member state of the United Nations Convention on Contracts for the International Sale of goods ("CISG"), or the 1980 Vienna Sales Convention which was designed to apply only to international commercial sales and is now worldwide accepted and gaining more and more popularity as the growing number of member states has been increasing and currently reaching 94 states.

JCC has just been revised, after no major intact during the last 120 years, in the part of law of obligations including contract, known as 'the 2017 Reform' which has become effective since 1st April 2020. This research is thus aimed to study (1) the significance of the revised JCC as guideline in developing Thai contract law regarding sales (2) the significance of CISG as guideline in developing Thai sales law, and (3) the significance of developing Thai contract law regarding sales by using the revised JCC and CISG as guidelines. In doing so, some significant aspects of JCC, which have been revised, are selected to made comparison with CISG and TCC in order to evaluate their compatibilities to use as guidelines in developing Thai sales law in the area needed.

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It is highly expected that the result of this research will be a piece of vital information which can be used to develop Thai sales law by using the selected revised JCC and CISG as guidelines, where appropriate, in any form of (1) separating domestic commercial sales from non-commercial sales, (2) enacting a new law applying to domestic commercial sales, and (3) acceding to CISG with the enactment of a new Thai sales law applying specifically to international sales.

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