

*IDE Asian Law Series No. 19*  
**Dispute Resolution Process in Asia (Thailand)**

# **Alternative Dispute Resolution in Thailand**

Central Intellectual Property and  
International Trade Court  
Thailand

**INSTITUTE OF DEVELOPING ECONOMIES (IDE-JETRO)**

**March 2002**

**JAPAN**

# Table of Contents

Preface

Table of Contents

**Chapter One: Overview of the Research on the Alternative Dispute Resolution in Thailand .....**

**Chapter Two: Alternative Dispute Resolution (ADR) Out of Court Dispute Resolution Mechanisms**

1. Introduction .....
2. Alternative Dispute Resolution (ADR): How out-of-court systems are used as Dispute Resolution Mechanisms.....
3. Overview of Alternative Dispute Resolution: Type and Function.....
4. Current Situation Regarding the Use of ADR.....
  - 4.1 Public Alternative Dispute Resolution Mechanisms.....
  - 4.2 Private Alternative Dispute Resolution Mechanisms.....
5. Conclusion.....
6. Appendix
  - 6.1 Arbitration Act B.E.2530 (1987).....
  - 6.2 Arbitration Rules of Arbitration Institute, Ministry of Justice.....
  - 6.3 Conciliation Rules of Arbitration Institute, Ministry of Justice.....
  - 6.4 The Court of Justice Regulations Pertaining to Mediation of Financial Dispute of B.E. 2544 (2001) .....
  - 6.5 The Court of Justice Regulations Pertaining to Mediation of B.E. 2544 (2001).....
  - 6.6 Inter-Creditor Agreement on Restructure Plan Votes and Executive Decision Panel Procedures .....
  - 6.7 Debtor-Creditor Agreement on Debt Restructuring Process.....
  - 6.8 Creditor Under this Agreement .....
  - 6.9 Creditor Accession .....
  - 6.10 Process Schedule .....
  - 6.11 Information Required From Debtor.....

6.12	Framework for Corporate Debt Restructuring in Thailand .....
6.13	Mediation Agreement.....

**Chapter Three: Field Research on Alternative Dispute Resolution in Thailand**

1.	Abstract .....
2.	Rationale and Objectives of the Study .....
3.	Theoretical Background .....
3.1	Conciliation of the Court.....
3.2	Conciliation of the Conciliator.....
4.	Data and Methods.....
4.1	Subjects and Sample Group .....
4.2	Scope of the Study.....
4.3	Tools of the Study .....
4.4	Questionnaire and Interview Form Examination .....
4.5	Methods of Data Collection .....
4.6	Data Analysis .....
4.7	Presentation of Result of the Study .....
5.	Result of Information Analysis .....
5.1	Presentation of Analysing Result of Personal Data of Lawyers.....
5.2	Presentation of Analysing Result of Personal Data of Judges .....
6.	Conclusion and Result of Research Analysis.....
6.1	Knowledge and Understanding of the Lawyers about the Conciliation for Dispute Resolution .....
6.2	Attitude of the Judges and Lawyers Toward the Conciliation for Dispute Resolution .....
6.3	The Expectation of the Judges and Lawyers Toward the Conciliation for Dispute Resolution .....
6.4	Suggestions From the Study.....
7.	References .....
8.	Appendix .....
8.1	The Number of the Lawyers Who Acquainted with the Conciliation.....

8.2	The Proportion of the Lawyers Who Enter the Conciliation Separated by the Courts .....
8.3.	The Proportion of the Lawyers Who Enter the conciliation Separated by the Relevance of the Case.....
8.4	The Number of the Judges and Lawyers Who Give Opinions About the Acceptance of Conciliation .....
8.5	The Number of the Judges and Lawyers Who Give Opinions About the Possibility of Conciliation in Problem Solving.....
8.6	The Number of the Judges and Lawyers Who Give Opinions on Whether the Conciliation Can Solve Problem Fairly.....
8.7	The Proportion of Level of Conciliation Acceptance Separated by the Amount in Dispute .....
8.8	The Number of the Lawyers Who Give Opinions on Persons Who is the Best in Charge of Conciliator.....
8.9	Questionnaire for the Study.....
8.10	Interview Form for the Study .....

**Chapter Four: Dispute Resolution Process in Consumers Protection**

1.	Historical Background.....
2.	Outline of Consumer Disputes .....
2.1	Background of Disputes .....
2.2	Type of Disputes .....
2.3	Number of Cases .....
3.	Organizations or Institutes for Dispute Resolution .....
3.1	The Office of Consumer Protection Board.....
3.2	Court.....
4.	Comparative Study of the Proceedings of the Office of Consumer Protection Board and the Court .....
5.	Case Study.....
6.	References .....

**Chapter Five: Dispute Resolution Process in Labour Matters**

- 1. The Background .....
- 2. Outline of Labour Disputes Cases .....
- 3. Organizations of Institutes for Dispute Resolution .....

  - 3.1 Worker Committee .....
  - 3.2 Labour Union .....
  - 3.3 Labour Dispute Conciliation official.....
  - 3.4 Industrial Relations Commission .....
  - 3.5 Labour Inspection official .....
  - 3.6 The Central Labour Court .....

- 4. Case Study.....

  - 4.1 Labour contract.....
  - 4.2 Workers’ compensation.....
  - 4.3 Labour union and collective bargaining agreement .....

**Chapter Six: Dispute Resolution Process in Environmental Problems**

- 1. Introduction .....
- 2. Background of the Disputes: Overview of Environmental Situation in Thailand.....
- 3. Types of Environmental Disputes and their Alternative Resolutions.....

  - 3.1 Negotiation .....
  - 3.2 Mediation and Conciliation.....
  - 3.3 Arbitration .....
  - 3.4 Court System .....

- 4. Conclusion.....

**Member of the Working Party .....**

## List of IDE Asian Law Series

- No.1 Proceedings of the Roundtable Meeting “Law, Development and Socio-Economic Changes in Asia”
- No.2 China’s Judicial System and its Reform
- No.3 Judicial System and Reforms in Asian Countries: The Case of India
- No.4 The Malaysian Legal System, Legal Practice & Legal Education
- No.5 The Philippine Judicial System
- No.6 The Judicial System in Thailand: An Outlook for a New Century
- No.7 Legal and Judicial Reforms in Vietnam
- No.8 Law and Development in Changing Indonesia
- No.9 Modernization of Laws in the Philippines
- No.10 The Indonesian Law on Contracts
- No.11 Proceedings of the Roundtable Meeting “Law, Development and Socio-Economic Changes in Asia II”
- No.12 Political Change and Legal Reform towards Democracy and Supremacy of Law in Indonesia
- No.13 Law and Newly Restored Democracies: The Philippine Experience in Restoring Political Participation and Accountability
- No.14 New Legal Frameworks towards Political and Institutional Reform under the New Constitution of Thailand
- No.15 Dispute Resolution Process in China
- No.16 Dispute Resolution Process in India
- No.17 Dispute Resolution Process in Malaysia
- No.18 Dispute Resolution Mechanism in the Philippines
- No.19 Alternative Dispute Resolution in Thailand
- No.20 Alternative Dispute Resolution in Vietnam

Published by Institute of Developing Economies (IDE), JETRO  
3-2-2 Wakaba, Mihama-ku, Chiba-shi  
Chiba 261-8545, JAPAN  
FAX +81-(0)43-2999731  
Web Site: <http://www.ide.go.jp>  
e-mail: [laws@ide.go.jp](mailto:laws@ide.go.jp)