

# # CB70181 : MAJOR LAW

KEY WORD: CLASSIFICATION / DOMESTIC ARBITRATION / FOREIGN ARBITRATION

KANITTA TERMTRISANA : LEGAL CONCEPT ON CLASSIFICATION OF DOMESTIC AND FOREIGN ABITRATION. THESIS ADVISOR : ASSO. PROF. PHIJAISAKDI HORAYANGKURA, 124 pp. ISBN 974-332-224-8.

This thesis aims to study rules and importance of classification of domestic and foreign arbitration in order to allow clarity and suitability in applying arbitration law in Thailand.

The research reveals that Section 28 of the Arbitration Act B.E. 2530 is ambiguous in definition on foreign arbitration, which reads "an arbitration conducted wholly or mainly outside Thailand and any party thereto is not of Thai national". Such provision causes problems on interpretation which, in practice, results in problems because domestic and foreign definition has effects on applicable law, power of the court to intervene the process, and the recognition and enforcement of foreign arbitral awards.

The author proposes that arbitration law should be applied in a separate manner to govern international trade matter as appears in the Model Law (UNCITRAL Model Law), which is adopted in certain countries. As international commercial arbitration causes the enforcement of foreign arbitral awards which has a different method to recognition and enforcement of awards from that of domestic arbitral awards. Therefore, the separation should be a good resolution in amending Thai law to modernize, universalize and compete with those of developed countries in pursuant of the concept and reasoning of the law for promoting international commercial arbitration in Thailand.

ภาควิชา.....นิติศาสตร์  
สาขาวิชา.....นิติศาสตร์  
ปีการศึกษา.....2541

ลายมือชื่อนิสิต.....พันธ์ภู่ เต็มตาจวบจก  
ลายมือชื่ออาจารย์ที่ปรึกษา.....  
ลายมือชื่ออาจารย์ที่ปรึกษาร่วม.....