

ABSTRACT

Thesis Title : Legal Aspects in Developing Communication and
Telecommunication case Study : Domestic
Telephone Services

Student's Name : Mr. Somphit Sachaman

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Advisory Committee : 1. Dr. Kanesh Schmarakkul Chairperson
2. Assoc. Prof. Dr. Vera Lojarya
3. Assoc. Prof. Dr. Chalor Vongvattanapikul
4. Dr. Vichai Sangpraphai

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Communication and telecommunication industries are the most vital factors for the national development in the economic, social and defense areas, because both, communication and telecommunication technologies facilitate and accelerate domestic and international relations. Furthermore, communication and telecommunication technology is the best method for conducting business and trade efficiently, quickly and progressively. Thus, the communication and telecommunication industries can be considered important components of the infrastructure and basic elements in the daily life of the people. This is true especially in regard to the telephone service.

The long history of the Thai telephone service as one of the principal communication and telecommunication services, has demonstrated successful development in Thailand. The domestic telephone service, it has been improved to a certain degree with the aid of modern technology. But the demand for domestic

telephone service is still higher than its supply. Domestic telephone service which is under the responsibility of the Telephone Organization of Thailand (T.O.T.) cannot satisfy the demand of the people, particularly with regard to household and business needs. The main obstacles to T.O.T. solving this problem are : a shortage of human resources (technicians and engineers), a lack of sufficient financial resources, and its own strict rules and regulations. The legal aspects of T.O.T.'s administrative organization are the principal impediment to T.O.T. in performing its duties and adapting itself to the rapid change in modern technology. Additionally, the present rules and regulations in the law concerning the telecommunication industry are not clear, and prevent free and fair competition. In contrast, the private sectors are well equipped with resources : human as well as financial, and they are not limited by such strict administrative rules and regulations. On the contrary, they can run their business quickly and effectively in order to share new developments in communication and telecommunication technologies with the public.

Under the present rules and regulations, the State has a monopoly in Communication and telecommunication services including the domestic telephone service. The State Enterprise (T.O.T) is both the regulator and the service provider. This scenario is unfair and obstructs free and fair competition for domestic telephone service at present and in the future. Hence, it is necessary to establish a "neutral body" which has the authority and freedom to regulate and facilitate a multitude of service providers, and to play a role in the privatization of all state enterprises including T.O.T. This "neutral body" should also assist T.O.T to prepare itself for free competition with private service providers. Thus, in summary, fundamental legal restructuring is required in order to cope with the rapid pace of technological development, and its dissemination for the benefit of society.