

C670584 : MAJOR LAWS

KEY WORD: SURROGACY / SURROGATE MOTHER / SURROGATE AGREEMENT

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This research is arranged in order to study the consequences in the legal aspect of the surrogate agreement, and to analyze the implications of the laws that may be pertinent to the surrogation incident.

The result of the research indicates that majority of jurists had expressed the opinions that the surrogate agreement is legally enforceable. At present, the law that currently governing the adoption of the child in the general cases applies to the case of the adoption of surrogate child. However, such law is not able to solve the legal issues under the surrogate agreement as much as required. Thus, the difficulties of the application of the law, which is currently in use, to the surrogate agreement are still exist.

As there is no specific law governing the surrogate agreement at the moment, the researcher has an opinion that there should be the expression of the legal reasons among the jurists to encourage the full enforcement of the surrogate agreement. Meanwhile, there must be the regulations to strenuously enforce the parties under the agreement to adopt the surrogate child. Such enforcement will be indispensable to accomplish the real intention of the parties under the agreement, and to protect the surrogate child to have the appropriate family status. Further, the parties under the surrogate agreement may fix the consideration of the surrogate mother in the form of non-commercial remuneration to reflect the morality. Researcher strongly believes that it is necessary to legislate the specific law to govern the surrogate agreement. In other words, there is a strong requirement to have a law governing the form of the surrogate agreement; rights and responsibilities of the surrogate mother and the spouse who employ the surrogate mother; the status of the surrogate child; and the remuneration of the surrogate mother. Moreover, such specific law must stipulate the provision in respect of the family status and the inheritance rights as the consequent incident of the surrogation of which has the characteristics entirely different from the general provisions under the Civil and Commercial Code.

ภาควิชา.....นิติศาสตร์.....

ลายมือชื่อนิสิต.....*สุพชา สุรินทร์กุล*.....

สาขาวิชา.....นิติศาสตร์.....

ลายมือชื่ออาจารย์ที่ปรึกษา.....*ปรีชา คุ้มกัน*.....

ปีการศึกษา.....2539.....

ลายมือชื่ออาจารย์ที่ปรึกษาร่วม.....