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CHONTICHA KANGSARIKIJ : THE LEGAL PROBLEM OF THE PREFERENTIAL TREATMENT FOR PUBLIC ENTERPRISES IN THAILAND. THESIS ADVISOR : ASSO. PROF BORWORNSAK UWANNO, DOCTEUR de 3<sup>e</sup> cycle. 265 pp. ISBN 974-584-714-3

Public Enterprise is an organization which is necessary and important to the state intervention in the economic system of Thailand, and as the act of the public enterprise is the provision of public service by the state, the Law therefore prescribe some preferential treatment for public enterprise to be able to carry out the service. This research has the objective to study the preferential treatment granted to the public enterprises in Thailand whether it is appropriate to the principle of public service and whether there is any problem and effect.

From the study, there are 4 preferential treatment' groups, preferential treatment in finance and taxation, preferential treatment concerning the property, preferential treatment in limiting freedom in carrying out the operation of other private person and preferential treatment in exercising other authority. It is found that the preferential treatment granted to the public enterprise under the Law of Thailand does not appropriate to the principle of public service, which is important in the establishment and operation of the public enterprise. It Create problem to the operation of the public enterprise concerned, in lack of efficiency, not reflecting the real cost in prescribing the service fee, and appropriation of profit of the public enterprise. And causes burden in finance to the state, especially the protection of some public enterprise's property, which is not under enforcement of the case, by not restricting only the property used in providing public service directly, including the problem on protection of the freedom of the public. At present there is no protection system which is efficient to provide protection of the freedom of the public and maintaining the public interest. Lastly it is against the policy of free market of Thailand.

To remedy the problem and confusion in granting such preferential treatments, the principle of public service should be used in prescribing the preferential treatments granted to the public enterprise, including to revise the preferential treatment which the public enterprise has received to conform which the principle of public service.