

Abstract

Most of the import and export of goods in Thailand are done by the carriage of goods by sea; therefore, Thai maritime business has greatly increased. At present, Thailand needs to develop maritime business to be more advanced and accepted by other countries. However, Thailand has not had a complete and systematic set of laws on maritime. They cannot, consequently, build confidence to people in maritime business in case of dispute whether Thai maritime laws will be able to protect fairly or not. Not only are the currently-enforced Thai maritime laws not sufficient for handling the maritime problems but they also are scattered in many laws. This makes people difficult to access into law so amendment and revision of Thai maritime laws to be complete and systematic will increasingly benefit to the effectiveness of Thai maritime business.

Currently, Thailand has 12 acts on maritime, from the study of which can be summarized their problems into 4 categories as follows.

1. Thai maritime law lacks in specific principle or law in writing for enforcing disputes in such issue. Lacking of specific maritime law for particular issue, Thai courts differs their solution which makes people in such issue confused.
2. Thailand is a country having neither custom nor basic in maritime. As a result, Thai maritime business is not developed adequately. When there is a problem, Thailand does not have custom or trade practice in maritime to solve this problem appropriately.
3. Thai laws and regulations on maritime do not help the development of maritime. Further they are different from international standard.
4. There are maritime laws in the same issue in many acts. Additionally, they are conflict and not harmonized.

With regard to foreign maritime law, it can be grouped into 2 forms i.e. codified maritime law such as the People's Republic of China, Sweden, etc. and maritime law enacted in each legislation such as England, Singapore, France, etc. From the study, it finds that most countries, not having codified maritime law but passing maritime

legislation for each topic, are either a dominant country in navigation in the past or an expert in navigation or maritime. They have collected maritime customs and applied them to the case. The said maritime principles are become legal maritime principle in these countries nowadays. Since Thailand does not have tradition or custom in maritime as well as Thai maritime laws have the abovementioned problems it is necessary and suitable for Thailand to completely pass maritime law in every topic and then collect them into a code. Hence maritime law will be clear and certain and it will be convenience for people relating to maritime business. This will replace the nonexistent tradition and custom in maritime with regulation, practice.

This author, from the study, opines a long-term solution on legal issue in Thai maritime law for development and facilitation in legal enforcement. Preliminarily, it should support a compilation of laws relating to maritime by putting the same topic together so as to amend, add or revise Thai maritime law for the sake of completeness. Thereafter, this will be developed into a codified maritime law in the future.