

Thesis Title	Legal Problems on Acquisition of Claim for Obligation According to Judgment
Author	Chalermpon Rasitanon
Thesis Advisor	Associate Professor Pinit Tipmanee
Department	Law
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ABSTRACT

In the modern era of business administration, the right of obligation claim is very valuable. The ideas involved in the assignment of claim emphasizes on business. There has been an increase in obligation trading or acquisition of claim to gain benefits. This is because modern business administration has high liquidity despite high rate of competition both domestically and internationally. Legislation, interpretation, and enforcement of business-related law should be concurrent with the rapidly changing business administration and international regulation since the assignment of claim has turned drastically from individual transaction to business transaction along with changing and growing society.

The study shows that problem with acquisition of obligation claim according to judgment is that such claim cannot be acquired in order to enforce the debtor to pay debt without permission from specific legislation. This does not comply with the rule of acquisition of claim for obligation without judgment which allows legal assignment of claim except the case of unlawful obligation, or obligation with some condition that does not allow assignment, or obligation whose contract partners stated that it could not be assigned, or specific debt. Law enforcement by Thailand's Court involves strict interpretation of legislation by Civil Procedure Code Section 271, which states that only the party or the individual who wins the case (creditor according to the judgment) holds the right to enforce execution to the debtor. An entrepreneur who acquires claim for obligation according to the judgment cannot enforce execution by law. Considering the foreign law among the countries with civil law system and countries with common law system, the procedural part of Thailand's law limits the right to assign claim given by substantive part, thus creating mismatching in an intentment of claim assignment for debt.

Therefore, the researcher suggests rectification of Civil Procedure Code Section 271 to create an opportunity for obligation to be executed by law, so that the law related to acquisition of claim for obligation, both without and with judgment, becomes concurrent with legal practice and theory of claim assignment to allow execution of obligation fully. Also, this will allow the business mechanism to function efficiently and create trust among investors from rectification of law related to acquisition of claim for obligation according to judgment to create accordance between the procedural part and the substantive part and to facilitate law enforcement.