

ORANUT ARCHARTHONGSUK : THE CONTROL AND SOLVING PROBLEMS ON UNFAIR CONTRACT TERMS. THESIS ADVISOR : ASSOC.PROF.PRASIT KOVILAIKOOL. LECT.JARAN PUKDITANAKUL. 224 pp. ISBN 974-583-195-6

Due to the rapid and advance development of Social and Economic in Thailand when the business and economical business to be developed, the legal provisions such as contract section and specific contract section under the Civil and Commercial Code and other related contracts which rules upon the freedom of contract are affected.

Under the freedom of contract, it is assumed the everyone has an equal bargaining. Also, everyone understand about his advantage and disadvantage status. In fact, the parties and different is economical position, knowledge and legal experience, this causes each party an inequality in bargaining. Other party must be disadvantage an unfair bargaining because of the lack of bargaining power. Therefore, it is necessary to seek the legal protection for such party not to be in such advantage an unfair position

In the present time, the unfairable contract Act has been adopted by the Ministry of justice. The purpose of this research is for the study, search and analysis for forming the law regarding the unfairable contract. It is also aimed to control and to solve the problem of the unfairable contract. This research also studies the affect which will cause other principles in Civil and Commercial Code and to other Commercial business section. This research also suggests as follows.

1. such bills will not cause troble to the commercial business section. To consider the dispute brought to the court, the judge must rely on the justice principle between both parties.
2. To impose the extent of an obivious enforcement, which should not be too wide.
3. The implementation of legal rights must not be over applied, namely such implementation must not cause any unfairable problems to other party such as to implement such law by the procedure of the judge to take an advantage.