

<b>THEMATIC TITLE</b>	PROBLEMS ON ENFORCEMENT OF ENVIRONMENTAL LAW IN CASE OF CHINESE ENTREPRENEURS GROWING BANANAS IN THAILAND FOR EXPORTING TO CHINA
<b>KEYWORDS</b>	ENVIRONMENTAL LAW
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### **ABSTRACT**

At present, there is the expansion of the environmental problems which affect environment, humans and society, especially, the problem relating to the agricultural business in the form of farming contract possessed by foreigners. This type of business leads to national problems concerning the law enforcement in respect of the remedy for victims, the proof of damages, the damage estimation, including enforcement and environmental punishment measures because there is no specific law to apply. Although Improvement and Conservation of National Environmental Quality Act, B.E. 2535 (1992), Civil and Commercial Code, Civil Procedure Code and Penal Code are applied *mutatis mutandis*, it is not appropriate for expanded and complicated environmental problem. This means that environmental law system in Thailand cannot protect nor resolve the cause of environmental problem mentioned above and the situation can become worse if the solution have to take any longer.

As the effect stated above, there are effort to seek for the suitable measures for resolving the problem on environmental law enforcement, such as, legal punishment measures consisting of civil, penal and administrative measures. If the measures are properly applied, the environmental law

enforcement in Thailand can be efficient and effective. Nonetheless, the application of civil measure to estimate the damages in environmental case is the discretion of the Court where the legal conditions are needed to shape the use of discretion. Therefore, it is necessary to improve and amend the environmental law, including the environmental case procedures for the appropriate compensation and environmental restoration.

According to the study, there are loopholes on the application of Improvement and Conservation of National Environmental Quality Act, B.E. 2535 (1992), Civil and Commercial Code, Civil Procedure Code and Penal Code; in other words, they are not suitable for applying in the case of environmental damage estimation and environmental punishment measure. Thus, it is necessary to amend the provision of the laws concerning the discretion of environmental damage estimation. Moreover, the government should enact the strict measure concerning the business in the form of contract farming possessed by the foreigners. I, as the researcher of this dissertation, believe that all the solutions proposed in this dissertation will help improve the use of discretion of environmental damage estimation and also help control the foreign entrepreneurs and these can reduce the environmental problems in Thailand.