

<b>THESIS TITLE</b>	LEGAL PROBLEMS RELATING TO GROUNDS OF THE VOIDABLE MARRIAGE
<b>KEYWORDS</b>	GROUNDS OF THE VOIDABLE MARRIAGE
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### **ABSTRACT**

This research on “Legal Problems Relating to Grounds of the Voidable Marriages” aims to conduct a comparative analysis based on relevant Thai and foreign laws in an attempt to fill the gaps found in the Thai law. Since some provisions of Book V, the Thai Civil and Commercial Code, are inadequate for or inapplicable to the current situation where social structure is more complicated, the Thai family law, especially those relating to the grounds of the voidable marriages, have become obsolete.

This study has analysed the grounds for voidable acts provided under the principles of competence of person and juristic acts, Book I, in relation to the provisions on marriage contained in Book V of the Thai Code. In this event, grounds for voidable marriages in foreign laws, including French, English, American, German, and Swiss laws, have also been examined. It is found that some of the aforementioned laws provide for grounds for voidable marriage while some do not. Notably, though the Thai law stipulates voidable marriages on account of duress, it does not define the circumstance of an act of ‘duress’. Such absence of definition has raised interpretation issues. However, in the French law, it is provided that a marriage made when a party is intimidated to give consent out of fear or reverence can be annulled. Also, while the case of marriage on account of fraud by intentional silence is not mentioned in Book V of the Thai Code, the Swiss law clearly provides that a concealment of one’s illness which can be harmful to the health of oneself or his/her spouse is a ground for voidable marriages.

Based on the study of the grounds for voidable marriages, it is advised that the provisions of Book V, especially those related to the age of marriage, the circumstance under which a party is considered to give consent on account of duress, the marriage on account of duress by a third party, the marriage on account of fraud by a third party, the marriage on account of fraud by intentional silence or fraud by both parties should be better clarified so that the law becomes more complete, clear, and equitable.