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| THEMATIC TITLE | THE PROBLEM OF COERCING POLLUTERS OF HAZARDOUS SUBSTANCE TO UNDERTAKE POLLUTION ABATEMENT AND ENVIRONMENTAL RESTORATION |
| KEYWORDS | HAZARDOUS SUBSTANCE/ENVIRONMENTAL CASES/GETTING RID OF POLLUTION/REHABILITATION OF ENVIRONMENT |
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ABSTRACT

The purposes of this thesis title has studied the legal concepts and theories dealing with the enforcement for the persons causing pollution from hazardous substance to get rid of the pollution and make rehabilitation of the environment by studying the Thai laws and foreign country laws dealing with the process, step, office agencies and competent officer including the judgments made by the courts of law on the enforcement for the persons causing pollution to get rid of the pollution, to make rehabilitation for the improvement, development of the Thai laws for the process on the civil legal enforcement for the persons causing pollution and the rehabilitation of the environment to carry on effectively.

The results of the study were with findings that there were legal problems concerning the enforcement for the persons causing the pollution to get rid of the pollution and make rehabilitation of environment of 3 respects including such as the problem of unclearness of the laws concerning the stipulation of the process on getting rid of the pollution and rehabilitation of the environment, the problem on the limitation of the court of laws on the judgment of the cases for enforcement of the persons causing the pollution from hazardous substance to proceed with getting rid of the pollution, making the rehabilitation of the environment, and the problem concerning the public offices or the competent officer on the enforcement or legal execution of the cases for

persons causing pollution from hazardous substance to proceed with getting rid of the pollution and make rehabilitation of the environment. Due to the provisions of the Civil Procedure has made provisions for the enforcement of only general provisions without making provisions for stipulation of the processes and steps to enforce the persons causing the pollution for such proceeding. Furthermore, the Enhancement and Conservation of National Environmental Quality Act and the Hazardous Substance Act B.E. 2535 have provided for only on the liability of persons causing the pollution without the provisions on the process on getting rid of the pollution and rehabilitation of the environments as well including the problem concerning the public offices or competent officer to enforce legal execution on the persons causing the pollution to get rid of the pollution and make rehabilitation of the environment which is different from foreign country laws especially Finish and Australian laws which have made the provisions for the process, steps for legal execution on the persons causing pollution and responsible public offices clearly together with there are provisions concerning the exercise of the discretion of the court of law on making the judgment of the cases to enforce the persons causing the pollution to get rid of the pollution and make rehabilitation of the environments very effectively.

Therefore, this thesis has the suggestion that there should be an amendment of the Enhancement and Conservation of National Environmental Quality Act which is the law dealing with the environment directly by amending to include the provisions providing the process on the legal execution for the persons causing the pollution to proceed with getting rid of the pollution and making the rehabilitation of the environments, making provision of the public offices and the government competent officer for legal execution of the said case including adding the provisions dealing with the exercise of the discretion by the courts of laws on making the judgment to enforce the persons causing the pollution to get rid of the pollution and making the rehabilitation of the environment to be effective fully.