

Chapter 5

Conclusion, Discussion and Recommendation

Following the aims of this research as to study (1) the compatibility of JCOMC regarding sales with CISG as compared with TCC in the same aspects, (2) the incompatibility of TCC regarding sales with domestic commercial sales and international sales, and (3) the significance of Thailand in developing Thai sales law in the future, its conclusion, discussion and recommendation are thus presented hereunder.

Conclusion

In sum, with respect to JCOMC, CISG and TCC, on the hand, JCOMC regarding sales is undoubtedly compatible with CISG both in substances and practices which are based on commercial sales, not non-commercial sales, resulting which the adoption of CISG by Japan was not too remote. On the other hand, even though TCC, in the case of Thailand, is found herein to be incompatible with domestic commercial sales and international sales, the adoption of CISG is also not too remote to be considered by Thai authorities. This is not only because the insufficiency of laws applying to those 3 types of sales, i.e. civil or non-commercial, commercial and international, but also their incompatibilities to accommodate those three different types of sales which are primarily distinct in natures. In addition, in the course of this research, the writer has also found out that JCC, which has also to come into play under Article 1 (2) of JCOMC (but is beyond the scope of this work) and has been in existence for a more than 100 years (the first new text code was used in 1898) similarly to TCC (the first code was used in 1966), has now been revised and awaited for its effectiveness shortly. Based on this reason alone, Thailand should thus considered revising TCC and also taking this opportunity to revise its sales law accordingly.

Discussion

Throughout the course of this research, the writer has found out a great deal of valuable legal materials which eventually suggest that the existing Thai laws regarding sales in which we have been relying on them all along are not sufficient and compatible with the accommodation of

all types of sales currently practiced in Thailand. This research, with great expectation, will be potentially used to consider the development of Thai sales in the future or, at least, trigger the same.

Recommendation

The recommendation of this research is the development of Thai sales law by considering (1) the separation of domestic commercial sales from non-commercial sales by any mean, and (2) the acceding to CISG with the enactment of a new Thai sales law applying specifically to international sales.