

<b>THE MATIC TITLE</b>	LEGAL PROBLEMS CONCERNING CONTRACT FARMING SYSTEM UNDER THE CONTRACT FARMING PROMOTION AND DEVELOPMENT ACT, B.E.2560
<b>KEYWORD</b>	CONTRACT FARMING SYSTEM
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#### **ABSTRACT**

This independent study aims to study the problems of law concerning contract farming system under the Contract Farming Promotion and Development Act, B.E. 2560 of Thailand comparing with foreign laws. Currently, the contract farming system under the Contract Farming Promotion and Development Act, B.E. 2560 is still unfair to the farmers and lacks of balance. It also lacks of check and balance in both state agency and explicitly of law to support the contract farming system. That results the taking of advantage, unfair contract and various problems namely: contractual problem between farmers and entrepreneur regarding fairness and disadvantage to farmers because of less bargaining power, the legal problem about the measure of punishment which is not effective and insufficient, the problem of unequal contract farming system that leads to entrepreneur taking advantage against the farmers, Besides, there is no specific organisation which is in charge of taking care of looking after farmers who are in contract farming system. Therefore, it is necessary to improve law in order to provide fairness to all parties concerned especially farmers who are dispoitest or taken advantage and who have less bargaining power in the contract farming system.

The result of study found that, foreign legal specify process and procedure which are important to make it clearly, completely and efficiency enforcement and the principle of contract of agricultural production is clearly and easy to understand. There is no taking advantage when

making contract and entrepreneur must consider to farmer but According to the contract farming under Thai legal, there is no equal between parties concerned economic namely: entrepreneur has more power, more information, more knowledge than farmer. Thus, company has more bargaining power than farmer that leads to unfair contract and unfair practice.

Thus, the researcher views that the provisions law should be amended by put in place certain provision which could bring fairness to all parties concerned particularly the protection of farmers who has no economic bargaining power relating contract farming, setting up civil and criminal penalty, setting up disclosure of information rule and system between parties before making contract by formulating clear provision law. Moreover, the amendment should give and responsibility to Contract Farming Promotion and Development Commission as well as the organisation responsibility for receipt of complaint of farmers who encounter trouble from contract farming and also give power to such organisation to bring the case to court claiming for damages.