

<b>THESIS TITLE</b>	LAGAL PROBLEMS RELATING TO THE EXPROPRIATION OF IMMOVABLE PROPERTY WITHOUT DOCUMENTS OF RIGHTS
<b>KEYWORDS</b>	THE EXPROPRIATION/DOCUMENTS OF RIGHTS
<b>STUDENT</b>	BENJAMAS INMANEE
<b>THESIS ADVISOR</b>	DR.SOMJIT SERSANSIE
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<b>FACULTY</b>	SCHOOL OF LAW SRIPATUM UNIVERSITY
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### **ABSTRACT**

The expropriation is the act that a government using the administrative law authority to enforce the taking of privately owned property with documents of rights or legitimate possession to be the ownership of government. The government accordingly will pay the compensation to privately owned property with documents of rights or legitimate possession only. But at present the government has to pay compensation for damage to inhabitants who possess immovable property without documents of rights, even though they have no right to claim against government in any way, which increases the burden on the national budget and causes several legal problems. Such problems are the problem relating to the ranking of law with respect to cabinet resolution, the problem of payment of compensation for damage to the inhabitants who occupy the land before or after the enforcement date of the royal decree providing the area that will be expropriated and occupied by the people who have no documents of rights, and the problems of rules and methods relating to the payment for moving and relocating buildings, trees or plants to the people without documents of rights.

This thesis aims to study the legal problems relating to the expropriation of immovable property without documents of rights. From the study it is found that Thailand has the Act on the Expropriation of Immovable Property B.E. 2530 (1987) which has been amended as a rule to be used to consider about the expropriation of land for the government agency to comply. However, there are always claims for payment of aid to the habitants who occupy government's land without any document of right being submitted to the cabinet. That is not in compliance with the

relevant law. In addition, the government also has to pay compensation to the people who occupy the land before or after the enforcement date of the royal decree prescribing the area of land to be expropriated. However, the rules and regulations concerning compensation payment methods under the expropriation law do not have provisions permitting payment of compensation to the people who do not have any document of right. After such problems have been analyzed and compared with the laws of foreign countries such as England, United States of America, Federal Republic of Germany and Republic of France, it is found that all of these countries have laws that directly apply for real estate expropriation and the laws are strictly enforced. There is no payment of compensation to the people who do not have a document of right or possessory right in any way.

Therefore, this thesis proposes solutions for such above mentioned problems by improvement of or amendment to the provisions of the Act on the Expropriation of Immovable Property B.E. 2530 (1987) and the amendment should cover or include the process before a cabinet resolution is made, which will be in accordance with the ranking order or hierarchy of the laws. That will make the cabinet resolution accords the relevant law. For the compensation payment or remedy for damages to inhabitants who occupy the land before or after the date of enforcement of the royal decree on the land in the area that will be expropriated, the amendment to the laws on immovable property expropriation should be made to allow the government agencies to have concrete authority and power to prevent intrusion into the expropriated land and enable the officials to strictly do their duty. This will be the best way to prevent the conflict between the government officials and the inhabitants in the area and prevent the government from losing more necessary budget. For the problem of criteria and procedure for payment of transportation, demolition, relocation of houses, buildings, perennial plants, biennial plants, the same standard should be set up. If the ownership is not completely valid, modification about the property will not be permitted. So the inhabitants cannot get compensation. Besides, the calculation of property should be calculated according to the market price as prescribed by law. This will make it truly fair.