

THEMATIC TITLE	PROBLEMS ON HOW TO FOLLOW AND PRESS FOR DEBT PAYMENT OF THE CREDITOR AND DEBT COLLECTOR ACCORDING TO THE DEBT COLLECTION ACT, B.E. 2558
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ABSTRACT

This independent study aims at studying the problems on how to follow and press for debt payment of the creditor and debt collector according to the Debt Collection Act, B.E. 2558. Such debt following and pressing according to this Act, however, has some shortcomings, that is to say, in some issues of this Act often have too much contribution to the debtor and to limit the right in following and pressing for debts of the creditor and debt collector and also there are some uncertainty in the provisions of law and the rate of penalty for the breaker of this Act is not suitable in some cases, causing this Act unable to solve all the problems occurred in the society effectively.

The result of the study found that at the present most Thai people are debtors due to the economic problems of Thailand under the nature of “The bunch of the riches, the scatter of the poor” or the society condition in the materialism characteristics or the lack of financial discipline in the majority of people or the award of credits by the business operators without considering the financial resources and the ability in paying debts of each person, making most Thai people to have more debts, resulting in the default of debt payment. More important, there are lots of debtors who show their intentions with ulterior motives not to pay those debts. The creditor and

the debt collector must find the way to follow up and press for debt payment in several forms and patterns in order to force debtors to pay debts to the creditors. However, there are some creditors and debt collectors who have the unsuitable ways in pressing for debt payment, for examples, using the violence, threatening, intimidation against the debtors, causing the debtors who did not intend to show their impure motive to be in trouble. The Debt Collection Act, B.E. 2558 was therefore enacted in 2015 in order to protect debtors not to be pressed for debt payment by way of unsuitable methods. In enacting this Act is coming from the idea of foreign laws, most of them are coming from the United States of America and Australia. The standard of following and pressing for debt payment of these two countries are having the main objectives to protect debtors not to be followed and pressed for debt payment in the unsuitable ways and be fair to everyone. Although such Debt Collection Act B.E. 2558 is coming from the idea of the United States of America and Australia, there is no true suitability and justice to all parties, that is to say, the way to follow and press for debt payment under this Act has caused the right of the creditors and debt collectors to be deprived, making the creditors to be in the disadvantageous position and it is difficult for the creditors and debt collectors to press for debt payment against the debtors. This also would give the bad motive debtor the opportunity to run away not to pay such debts and deliberately make things difficult for the creditor to receive the repayment of debts. The problems of this Act are as follows: 1) Problem on the scope of enforcement; 2) Problem on the practices and practice prohibitions of the creditors and debt collectors; 3) Problem on the penalty of the creditor and debt collector in case of violating the practice regulations on following and pressing for debt payment and 4) Problem on the legal proceedings against the debtor.

Therefore, regarding independent study this, the writer would like to present the guidelines for the amendment of the Debt Collection Act, B.E. 2558 for the clarification, suitability and justice to all parties that will make this Act to be more perfect and can solve all the problems occurred in this society effectively.