

<b>THEMATIC TITLE</b>	LEGAL PROBLEMS ON THE ELDERLY CARE SERVICE
<b>KEYWORDS</b>	ELDERLY/SERVICE FOR THE ELDERLY/CARING FOR THE ELDERLY/BUSINESS OPERATIONS
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### **ABSTRACT**

This thesis aims to study and analyze the problems related to inappropriateness and inconsistencies of the legal provisions on specifying basic rights towards the elderly and appointing the committee caring for the elderly for the benefits as well as to respond to the government's policies and specifically protect the elderly's rights. It does not provide authority to the Office of Elderly Promotion and Protection, the Ministry of Social Development and Human Security in controlling and monitoring the nursing homes. This leads the nursing homes to manage their businesses independently, which causes the problems of both the business registration process for the elderly services and making contracts to provide the elderly services. As a result, it probably results in the substandard businesses and causes harm to the elderly. Besides, this thesis also studies the case of no specific laws to control the contract making in providing the elderly services, the nature of forming legal relations, relationship between entrepreneurs and elderly-caring staff who are the employees or contractors. This shall mutually adopt the Civil and Commercial Code, the Criminal Code or other laws to take into consideration on the liabilities from actions originating from the breach of contract by comparing the related concepts, theories, and criteria both domestically and internationally.

According to the study and analysis, the Elderly Person Act, B.E. 2546 does not specify the legal provisions on governing the elderly service businesses leading them to manage their businesses independently with no controls from any laws or organizations. Therefore, this probably leads the substandard businesses without any investigations which causes the cases of

caring the elderly inappropriately and incorrectly based on the principles. This probably harms the elderly health to death. Therefore, to maximize the benefits for service-provided elderly, the author would like to propose the approaches to solve the problems of managing the elderly service business.

The study suggests issuing specific laws to take effect and apply to the elderly service business because it is inappropriate to adapt the provisions of general laws in case of making contracts to provide the elderly services from asking permissions to establish and register staff to care for the elderly, investigating the workplace and service quality, as well as the factors related to managing the elderly service business under the unified standard. This shall lead to unity and consistency in governing and promoting business management. The committee responsible for specifically governing the elderly service businesses should be established. The committee shall consist of the public and private sectors with the authority to govern the elderly service businesses in providing care for the elderly in the workplace and providing care for the elderly at home for efficiency and unity in governing and promoting the elderly service businesses.