

THESIS TITLE	LEGAL PROBLEMS AND OBSTACLES RELATING TO ADMINISTRATIVE MEASURES ON ELECTRONIC TRANSACTION LAW
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ABSTRACT

The purposes of this thesis are to study the backgrounds and significances of the legal problems: concepts, theories and obstacles of the administrative enforcement measures under the electronic transaction laws. The Sections 33 and 34 of the Electronic Transactions Act B.E. 2544 (2001) authorize the Electronic Transaction Commission to order administrative fines to whoever would like to conduct businesses about electronic transaction services according to the administrative act. If the said person does not pay for the administrative fines, then the Electronic Transaction Commission shall enforce by applying *mutatis mutandis* the administrative measures according to the administrative enforcement of the Law on Administrative Procedure.

According to the study, it was found that the applications of the Electronic Transactions Act B.E. 2544 (2001)) still were not effective as expected because the unclearness for the application of the administrative measures. By applying the Law on Administrative Procedure *mutatis mutandis*, the law still has problems regarding the application of the administrative measures. Consequently, the uses of the administrative measures may not conform to the objectives of the Electronic Transactions Act B.E. 2544 (2001). Therefore, this may result in practical differences,

unfair discretions, and the lacks of organizations and officers with knowledge and experiences in applying the administrative measures.

So, having to be is suggested to amend the Electronic Transactions Act B.E. 2544 (2001) regarding the administrative enforcement in order to derive specifically legal practices for this law. To clarify this, the applications of the specifically administrative measures should be identified without amending the Law on Administrative Procedure B.E. 2539 (1996) *mutatis mutandis*. However, the amendment should have standards not lower than the Administrative Procedure Act B.E. 2539 (1996), which is a standard law. in order to solve the problems of practical differences and unfair discretions of officers. Hence, the efficiency, effectiveness and fairness of the applications of the administrative measures regarding the administration orders for electronic transactions may be improved.