

<b>THEMATIC TITLE</b>	LEGAL MEASURES IN RESPECT OF TRUST FOR THE ELDERLY'S ASSETS MANAGEMENT
<b>KEYWORDS</b>	TRUST/ASSET MANAGEMENT/ELDERLY PERSON
<b>STUDENT</b>	THUNYALUCK SRIMAHUNT
<b>THEMATIC ADVISOR</b>	DR. SIWAPORN SAOWAKON
<b>LEVEL OF STUDY</b>	MASTER OF LAWS BUSINESS LAW
<b>FACULTY</b>	SCHOOL OF LAW SRIPATUM UNIVERSITY
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### **ABSTRACT**

This independent study's purpose is to investigate legal measures in respect of trust for the elderly's asset management since Elderly Person Act B.E. 2546 and Thailand Civil and Commercial Code do not deliberately protect the elderly's assets, especially rights to manage their assets. This leads to such management being under the Civil and Commercial Code as other individuals and can cause the elderly being taken advantage or being defrauded.

The findings show that (1) the problem with the definition: there is no actual definition of elderly's assets in the Elderly Person Act and the Civil and Commercial Code. This means that the elderly's asset management is under general law of the Civil and Commercial Code, causing the possibility of defrauding and inevitable damages. (2) the problem with the rights to manage the elderly's assets: there is no law specifically protecting the elderly's assets. This results in the elderly's asset management is under the Civil and Commercial Code as common individuals and the elderly's can be taken advantage of or be exploited financially by means of seizing the elderly's assets or illegally take the elderly's properties. (3) the problem with an appointment of an agency to manage the elderly's assets: according to the Civil and Commercial Code, the elderly is deemed to be aware of their actions and to fully understand the consequences of their actions in the same way as persons mature do, therefore, appointing an attorney is under chapter 3: agency of the Civil and Commercial Code. However, a certain group of the elderly who suffers from a nervous system damage, memory loss and physical disability may find it obstructive to

manage their assets themselves where those who are not with well-intention or malevolent can manage their properties in an appalling manner.

Hence, the legal solutions are provided in order that the elderly can agree to create a trust to manage and protect their property by mean of having a trust law for the elderly's asset management consisting of definitions, the rights to manage the elderly's assets and the appointment of a trustee.