

14 October 2014, Tuesday ✦ 12.00pm – 1.30pm ✦

*Lunch will be provided*

**Federal Bartholomew Conference Room, Eu Tong Sen Building, NUS (BTC)**

# Thai Law as a Civil Law System

by Dr. Munin Pongsapan  
Thammasat University

## ABSTRACT

As a result of a number of unbalanced commercial treaties with foreign countries during the second half of the nineteenth century, the jurisdictional sovereignty of Thailand had been eroded by consular jurisdiction and the principle of extraterritoriality. These 'unfair treaties' forced the Thai government to establish a modern legal system as part of its attempts to recover full judicial autonomy. The government decided to follow the civilian legal tradition having established a number of codes of law, including the Penal Code and the Civil and Commercial Code, in the early twentieth century. Foreign legal rules and institutions were overwhelmingly imported; the code system of Thailand was established mainly through legal borrowing. Most of the borrowed rules have survived and seem to have taken root in the new environment. To some comparatists, this may be counted as another successful case of legal transplantation. But Dr. Pongsapan argues that legal borrowing in Thailand, especially reception of foreign private law, illustrates complexity and detrimental effects of legal transplantation. He explores the history of Thai modern law with a focus on modern Thai private law and assesses effects of legal transplantation in Thailand.

## ABOUT THE SPEAKER



Dr. Munin Pongsapan is a lecturer of law and the Director of the LL.B. Program in Business Law (International Program) at the Faculty of Law, Thammasat University. His academic interests lie in the fields of comparative private law and legal history. He teaches a number of undergraduate and postgraduate courses including Introduction to Thai Law and Legal Systems, Thai Contract Law, the Thai Law of Obligations, Civil Law Systems, Advanced Civil and Commercial Law, and Thai Legal History.

He is the author of a number of publications including *How to Write Legal Essays (Thai)* (7th Edition) and a contributor to a book series on the *Contract Laws of Asia* published by OUP (Volume 1, 2015, forthcoming). In 2012, he was a visiting researcher at the Max Planck Institute for Comparative and International Private Law in Hamburg, Germany. Prior to joining Thammasat University, he was a litigation lawyer at Clifford Chance Thailand between 2002 and 2003.

Dr. Munin received his LL.B. (First Class Honors) from Thammasat, LL.M. from Cambridge and Ph.D. from Edinburgh.

**To register, please email [cal@nus.edu.sg](mailto:cal@nus.edu.sg)**

***Admission is Free & Lunch is Provided***

**Closing date of registration: 9 October 2014**