

Independent Study Paper Title : Promotion and Control Notary Public Profession in Thailand
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ABSTRACT

This independent research has an objective to study on the laws related to promotion and controllability of the notary public profession in Thailand. To upgrade and uphold the notion of having Notary Public as, by law, a recognized profession similar to other countries such as Singapore and Germany, in review of electronic literatures, articles, journals, researches, and legal documents currently available, this study aims to find an appropriate measure(s) to apply and effectively use in Thailand.

Based on our research, the result found that Thailand has previously had its initiation to promote notary public as an independent profession in the country. However, found in the i) Decree of the Ministry of Foreign Affairs B.E. 2539 (1996) on the Legalization of Documents and ii) the Rules of the Lawyer's Council of Thailand on Registration of a Notarial Services Attorney B.E. 2551 (2008) that are at present in use, by virtue of the provisions, evidences show that the governing rules in Thailand now are in fact not a law, merely recognized as an internal regulations. As the result, there is presently a problem on notarization of transactions as well as documents for attestation in other countries. In case where the laws of the foreign countries require notarization by a notary public, because of such inadequacy in legal basis to support, documents verified by Notarial Services Attorney from Thailand can be potentially rejected.

In order to eliminate such loophole, this research hereby suggests that Thailand shall promulgate a specific law to officially recognize notary public profession and systematically handle the case by setting up an independent unit to promote and control standard(s) required by international community. Further, the country can also consider having a code of conduct, professional ethics regulations, and provisions of penalty enacted by adopting approaches taken in other countries to be use in Thailand at the same time.