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## Developing legal procedures for agricultural consumer protection in Thailand: A study of WTO laws and human rights-based approach

 Wachiraporn Pongjinda<sup>1</sup>,  Pradipha Suwanrat<sup>2\*</sup>

<sup>1,2</sup>*School of Law, Walailak University, Nakhon Sri Thammarat, 80160, Thailand.*

Corresponding author: Pradipha Suwanrat (Email: [pradipha.103@gmail.com](mailto:pradipha.103@gmail.com))

### Abstract

This research aims to examine the legal measures for protecting the rights of consumers affected by unsafe agricultural products through the development of a human rights-based approach and the application of WTO conventions. The study focuses on three core pieces of legislation: the Consumer Protection Act, the Consumer Case Procedure Act, and the Agricultural Commodity Standards Act. A doctrinal legal research methodology is employed to analyze the limitations of Thai law and propose legal reforms in line with international human rights principles and obligations under WTO law. This research found that, although Thailand's legal framework provides a foundational structure for consumer rights, it still lacks specific mechanisms tailored to agricultural products, particularly in terms of legal definitions, risk-responsive measures, and effective remedial processes. The study recommends legislative amendments to include a clear definition of "agricultural consumers," the establishment of mediation procedures, and the incorporation of the precautionary principle under the SPS Agreement, all of which would enhance the effectiveness of consumer protection mechanisms.

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### 1. Introduction

During the past 20 years of economic growth in Thailand, the development of imported and exported products has evolved dramatically. Meanwhile, Thailand has imported a significant volume of raw agricultural materials, such as soybeans, wheat, raw milk, plant seeds, and animal feedstuffs, from various countries including China, South Korea, Brazil, and the United States [1]. While these imports are essential for domestic food production and agricultural development, they often

pose potential risks due to contamination with hazardous substances, including pesticide residues and agricultural chemicals commonly used during production [2]. As such, imported agricultural products are not immune to food safety concerns and may expose consumers to serious health hazards [2, 3]. In numerous instances, Thai consumers have suffered harm from consuming such products. For instance, in 2024, the Thai Food and Drug Administration (FDA) found that several batches of imported agricultural products, such as Shine Muscat grapes, apples, and dairy products, contained pesticide residues exceeding international safety limits, prompting product recalls and public health concerns [4].

In the context of increasing concerns over food safety and harmful agricultural imports in Thailand, there are numerous legal procedures to promote consumer protection, such as the Consumer Protection Act B.E. 2522 (1979) (hereinafter, CPA); the Consumer Case Procedure Act B.E. 2551 (2008) (hereinafter, CCP); and the Rules of the President of the Court of Appeals concerning consumer case procedures. These regulations continue to define the term “consumer” in broad terms, without specifically identifying the unique category of “agricultural consumer.” This leads to a lack of implementation of fundamental legal principles such as the protection of individual rights and freedoms, equality, administrative neutrality, and rights-based redress mechanisms. Meanwhile, the Agricultural Commodity Standards Act B.E. 2551 (2008) (hereinafter, ACS) provides standards for crop products, focusing on packaging, processing, and general rules relating to the control of harmful agricultural products. Despite the existence of several key legal instruments, Thai consumers, particularly those affected by harmful agricultural imports, still face significant challenges in accessing legal remedies. While these laws reflect efforts to establish a legal framework for consumer protection, they have not yet been translated into effective enforcement or the realization of consumer rights in practice.

This legal gap creates uncertainty over which provisions apply when consumers suffer harm from unsafe agricultural products. In contrast, foreign legal systems, such as those of the United States, Australia, and Japan, have introduced more precise definitions and mechanisms, enabling more effective enforcement and judicial protection of consumer rights [5-7]. From a human rights perspective, access to safe food is integral to the right to health, as recognized under the Universal Declaration of Human Rights (UDHR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR) [8, 9]. Both the UDHR and ICESCR recognize the right to adequate food and the right to health as articulated, which leads to the well-being of individuals [8-10]. While these two principles require states to enhance and promote access to safe food, it is obviously found that there was an unclear obligation to understanding. The legal challenges outlined above reveal significant gaps in Thailand’s consumer litigation framework. Although the key statutes, including the CPA, the CCP, and the ACS, share the common objective of safeguarding consumer rights, their implementation remains inconsistent and fragmented. To ensure effective consumer protection, especially in the context of agricultural products, these laws must be harmonized and aligned in both purpose and execution in accordance with their legislative intent. According to ICESCR general comment, states should undertake sufficient legal measures to protect people’s access to food and address significant causes in regard to all aspects, including the production, processing, distribution, marketing, and consumption of safe food [10]. Hence, the Food and Agricultural Organization (FAO) and the World Trade Organization (WTO) are international bodies that assist many states in implementing consumer protection laws [11]. WTO provides obligations on member states to uphold principles such as trade liberalization and non-discrimination [12]. Within this framework, integrating consumer protection procedures that are recognized under WTO agreements, particularly the General Agreement on Tariffs and Trade (GATT), the Agreement on Agriculture (AoA), and the Agreement on the Application of Sanitary and Phytosanitary Measures (SPS), can be considered a human rights-based approach that enhances the efficacy of Thailand’s domestic legal framework in protecting consumer rights [11].

This research therefore aims to examine the legal procedures for protecting consumer rights, with a particular focus on consumers of agricultural products, within the Thai legal system. The first part of the study uses a qualitative research methodology to conduct a comprehensive literature review of both domestic and international legal instruments to understand the legal theories and concepts essential for developing effective consumer protection mechanisms. The subsequent part employs an in-depth analysis of Thailand’s current legal mechanism for consumer protection. This study conducts a SWOT analysis to improve Thailand’s consumer protection system. As part of this approach, this study uses a SWOT to evaluate legal gaps, institutional readiness, and alignment with WTO and human rights standards in Thailand’s legal implementation process. Ultimately, the findings of this study are intended to provide practical recommendations for enhancing legal procedures that protect consumers from the harmful effects of agricultural chemical residues and to contribute to the broader discourse on consumer rights protection within the agricultural sector. This study diagnoses Thailand’s legislative deficiencies and proposes realistic and globally consistent policy suggestions for consumer protection within WTO and international human rights legislation.

### *1.1. Objective of the Research*

1. To examine the conceptual framework for consumer rights protection based on a human rights-based approach and WTO conventions, including GATT, AoA, and SPS.
2. To study the existing legal measures and legal procedures for the protection of agricultural consumer rights in Thailand and analyze the limitations of Thailand’s current consumer protection framework.
3. To propose recommendations for the improvement and interpretation of Thailand’s legal measures to ensure consistency with, and support for, the protection of consumer rights affected by the consumption of agricultural products.

## **2. Research Methodology**

This research utilizes qualitative methods that employ fundamental principles and laws, synthesize data, discuss information, and conclude research findings [13-15]. Firstly, theoretical analysis is used to examine *the legal concepts* of

WTO conventions, including the General Agreement on Tariffs and Trade (GATT), the Agreement on Agriculture (AoA) and the Agreement on the Application of Sanitary and Phytosanitary Measures (SPS) [13]. This method aims to understand and interpret these international obligations to protect consumer rights within the Thai legal system [13]. After that, normative judicial analysis is used to determine how these WTO conventions will be applied to the current Thai legal measures, especially with regard to the protection of consumer rights in the CCP and ACS. [13, 14]. This approach also evaluates other existing Thai legal measures to identify legal gaps and issues associated with consumer protection related to harmful agricultural products, and it will develop recent Thai legal procedural aspects [13]. This research then *uses* descriptive analysis to *examine* current Thai legal measures *in relation to* existing literature, such as books, journals, and documents. [14]. Based on this analysis, this study also employs a SWOT analysis to identify strengths, weaknesses, opportunities, and threats in evaluating current domestic laws and recommend key legal findings to develop consumer protection in Thailand [13, 14].

### 3. Literature Review

The fundamental principles of consumer rights protection are reflected in various instruments, including the Constitution of the Kingdom of Thailand, Thai Acts, and the principles established under the WTO. To explore these foundational principles, this research adopts a theoretical approach to examine WTO-based criteria governing the protection of consumer rights in the context of international trade and their fundamental principles relevant to human rights. In addition, this part reviews the existing legal standards for consumer protection in Thailand, which include the basis of protection of consumer rights in Thai legal measures. This review will help understand upon which Thailand should develop its legal procedures and will lead to the next part of this research.

#### 3.1. A Human Rights-Based Approach to Consumer Protection

First and foremost, the protection of individual rights under international law, as expressed in UDHR and the CESC, establishes critical human rights that directly relate to agricultural consumer protection. Article 25 of the UDHR and Article 11 of the CESC recognized the rights to a standard of living, adequate food and social services [9]. This is the fundamental right to an essential component of human dignity and well-being. Meanwhile, the ICESCR General Comment No. 12 constitutes a core obligation that states must consider, which concisely extends the UDHR and CESC [10]. This comment primarily mentions the right to adequate food under Article 11 of CESC, and it may be interconnected with the protection of agricultural consumer rights in this study [16]. For example, the comment reaffirmed sufficiently food with “safety”. In this sense, the states shall be required to adopt laws and regulations and to ensure these legal measures are willing to protect individuals from harmful goods [16].

According to the obligation of Article 11 of CESR, consumer protection, whether indirect or directly mentioned in this instrument, appears to be implemented with three elements of Article 11 as follows:

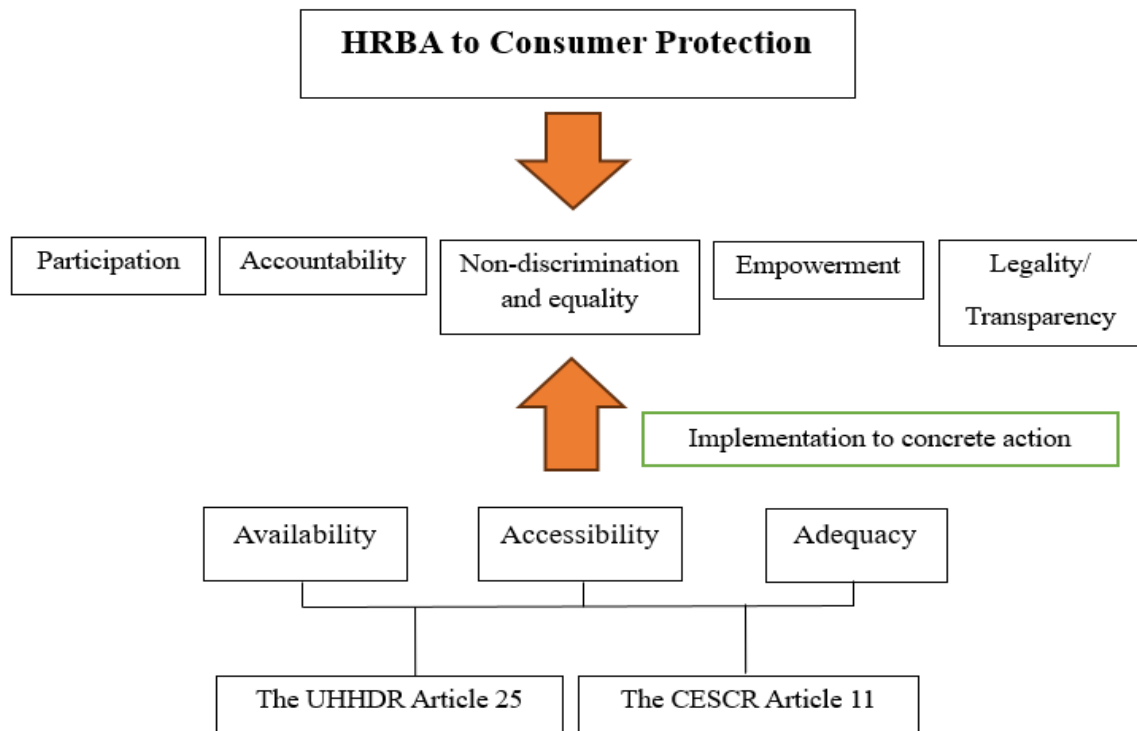
- Availability: CESC requires states to ensure a sufficient food supply through production, import, or distribution, and to address systemic barriers to access. This obligation [16, 17].
- Accessibility: States must ensure affordability, address poverty as a root cause, and provide transfers for the poor, ensure infrastructure, give special attention, and prioritize consideration for vulnerable groups [16, 17].
- Adequacy: States must regulate food quality and safety, promote culturally appropriate diets, and ensure long-term food security for future generations [16, 17].

In this regard, increasing recognition of consumer rights as human rights leads to the conclusion that the consumer is inherently human and directly affected by the goods and services they purchase. UDHR implicitly protects consumers through its articulation of fundamental rights [18]. For example, Article 23(3) addresses the right to “just and favorable remuneration,” ensuring an “existence worthy of human dignity,” and Article 25(1) highlights the “right to a standard of living adequate for the health and well-being of himself and of his family.” These provisions are argued to form a basis for consumer protection, as their goals align with the basic right of consumer protection, such as minimizing excessive prices from defective or overpriced products [18]. Thus, integrating a human rights-based approach would lead to compliance for consumer benefit. This approach is used to understand a legal framework for safeguarding consumer rights against harmful agricultural products.

Based on UDHR and CESC, a human rights-based approach (HRBA) is a fundamental legal concept aimed at promoting and protecting human rights in many countries. This objective is to enhance the capacity of those responsible for respecting, protecting, promoting, and fulfilling human rights, as well as to empower rights-holders to assert and exercise their rights [19, 20]. On this approach, there are the five keys’ elements for this study as follow [18, 19].

- Participation: All people have the right to active, meaningful, and inclusive participation in rights-related decision-making. Stakeholders become active rights-holders and duty-bearers, allowing marginalized groups to identify and overcome rights impediments [19].
- Accountability: States and their institutions must respect, safeguard, and fulfill human rights. This includes providing appropriate court and non-judicial remedies for human rights violations. Civil society, media, and private actors promote rights-based, transparent governance [19].
- Non-discrimination and equality: Everyone has the right to enjoy their rights. This idea includes detecting and eliminating inequalities in access, protection, and outcomes, especially for vulnerable groups like disabled people [19].
- Empowerment: This notion helps people and communities know, claim, and use their rights. It involves making sure people know their rights and can participate in policymaking that affects them [19].

- **Legality/Transparency:** HRBA must accord with domestic and international legislation. Transparency, especially clear, trustworthy information supported by disaggregated data, is essential for accountability and inclusive engagement [19].



**Figure 1.**

Applying the Human Rights-Based Approach (HRBA) to develop concrete criteria for establishing consumer protection measures.

In Figure 1, the HRBA is the fundamental methodology that translates abstract human rights principles into concrete actions and policy interventions [19]. In addition, in CESCR general comment No. 12, the consumer becomes a rights-holder entitled to safe, affordable, nutritious, and culturally appropriate food. The state must regulate the private food sector to “protect” individuals against entrepreneurs or other private actors. This means that robust consumer protection laws enable nations to fulfill their human rights obligations by ensuring that private firms follow a code of conduct that supports the right to adequate nourishment [19]. Thus, the application of HRBA to legal procedures would reflect comprehensive recognition by the state and lead to a legal mechanism to promote consumer rights in this study.

### 3.2. Legal Concepts of Consumer Protection and Food Safety in WTO Agreements

Turning to WTO laws, there are GATT, AoA, and SPS as normative instruments that play a significant role in defining the scope within domestic legal measures. WTO member states may implement necessary measures to protect consumer rights along with the right to food [11]. According to the established agreement of the WTO, it is established based on a set of agreements between several states to facilitate trade operations, contribute to the free movement of products, and monitor non-discrimination of trade [15]. Meanwhile, there is an argument that requires enhancing WTO conventions to promote human rights in international trade law. In this regard, an HRBA, as mentioned above, affirms the obligation of states to ensure that individuals within their jurisdiction have access to food that is safe and free from hazardous substances or chemicals harmful to human health. To fulfill this duty, states may adopt necessary legal measures to protect public health and safety. These measures may include the regulation of imported agricultural products, quantity restrictions on such imports, prohibitions on imports containing toxic substances, as well as mediation procedures and remedial mechanisms for consumers who suffer harm from consuming unsafe agricultural goods [11]. Thus, for the effectiveness of implementing these WTO conventions, states must consider how international trade law can be interpreted and applied in a manner that promotes, rather than undermines, human rights [11].

The fundamental principle that must be understood before considering any legal rules or state measures aimed at protecting the rights of individuals is the underlying foundation common to all WTO instruments: the principles of Most Favoured Nation (MFN) and National Treatment (NT) [21, 22]. The MFN principle ensures that no WTO member state grants trade advantages to one trading partner while denying the same to another [22]. It is designed to prevent discriminatory trade barriers and uphold free trade among members [22]. Similarly, the NT principle prohibits an importing state from adopting measures, such as tariffs or non-tariff barriers that favour domestic products over like foreign products. Such discriminatory measures are typically intended to protect domestic industries by disadvantaging imported goods from other WTO member states [22]. As previously mentioned, the NT principle is clearly reflected in domestic legal procedures and obligations. This principle imposes that national laws and regulations should not afford protection of domestic products [22].

In the issues of agricultural trade, the WTO provides not only the General Agreement on Tariffs and Trade (GATT) but also the Agreement on Agriculture (AoA) and the Agreement on the Application of Sanitary and Phytosanitary Measures (SPS). These conventions assist developing countries in encouraging their crop production for general exports [21]. In the context of consumer rights protection under WTO conventions, the foremost principle to consider is the fundamental obligation of the WTO to prohibit discriminatory trade practices [23]. When considering agricultural products, AoA represents the WTO instrument most closely associated with trade liberalization in the agricultural sector [22]. AoA primarily aims to reduce trade barriers and scrutinize domestic support measures to ensure they do not distort agricultural trade. The preamble of the AoA, which acknowledges the importance of food security, may serve as an interpretive basis for recognizing the relevance of consumer protection within the broader context of agricultural regulation [22]. Consumer protection, however, is considered a secondary objective and is not directly addressed within AoA's substantive provisions [23]. In terms of its rules and obligations, although AoA primarily aims to protect and promote free trade in agricultural products, the protection of consumer rights must be considered under other relevant WTO agreements and provisions [17]. Article 14 of the AoA explicitly references the application of the SPS Agreement, which directly governs the protection of human health. Therefore, any regulatory measure that state adopts to control agricultural imports must also comply with the SPS. Article 2.2 of the SPS Agreement allows WTO Members to adopt sanitary and phytosanitary measures necessary to protect human health, provided such measures are based on scientific principles [24, 25]. Moreover, Article 5.7 permits Members to apply the precautionary principle in situations where scientific evidence is insufficient. The SPS Agreement also encourages the use of international standards, such as those established by the Codex Alimentarius Commission [26, 27]. Member States are obligated to ensure that their SPS measures are harmonized, transparent, non-discriminatory, and designed to minimize their impact on trade [26].

Regarding consumer protection, such measures may be interpreted as requiring foreign states to recognize national consumers under NT. Despite these discriminatory governmental measures against protecting national products, Article XX(b) is an exemption measure that state parties may claim to protect their consumers [22]. If a member state deems it necessary to implement a policy that contravenes the principle of non-discrimination, Article XX(b) allows a state member to adopt measures that may otherwise violate its obligations under the GATT, provided such measures are necessary to protect human, animal, or plant life or health. In doing so, a state member must demonstrate that the measure is necessary, taking into account its national capacity and level of development [22]. Regarding the core of consumer protection, a key principle relevant to this research is the "right to access adequate" and "safe food," "free from hazardous contaminants." In this regard, CESCR has articulated in General Comment No. 12 that states have obligations to respect, protect, and fulfill the right to adequate food. These duties entail that the state must implement effective measures to prevent third parties, such as private sector actors, from violating the population's right to food. A critical point emphasized in General Comment No. 12 is that "adequate food" must also be "safe from harmful contaminants or substances." Therefore, permitting the entry of imported food products containing pesticide residues or chemical contaminants into the domestic market constitutes a violation of the right to food and contravenes the State's international obligations under WTO instruments [10].

The consideration of non-trade concerns under WTO provisions demonstrates that states are permitted to design measures aimed at controlling the impacts of agricultural products that may pose risks to human health. This includes the application of fundamental human rights principles as part of the legal justification for such measures [25]. Furthermore, studies conducted under the precautionary principle in Article 5.7 of SPS emphasize the obligation of states to consistently consider the potential impacts on human health [28, 29]. However, SPS and AoA cannot be directly interpreted as instruments of human rights protection because they only aim to terminate discrimination threats between the member states of the WTO. Therefore, incorporating the precautionary principle under SPS along with Article XX(b) of GATT into domestic laws should consider the objective of protecting consumers from any legal procedures without prejudice between imported products and domestic products [27]. Consequently, internal legislation should be designed in a way that enables effective implementation, particularly by ensuring consistency with WTO laws [27, 30, 31].

In the context of Thailand, a legal mechanism that enables the application of the precautionary principle, even in the absence of conclusive scientific evidence, would mark a significant legal development. This could be achieved by revising both the ACS and the CCP to allow this principle to be effectively applied within judicial processes [31]. Such legal reform would strengthen Thailand's ability to protect consumers from the potential dangers of imported agricultural products, in a manner that is consistent with the country's obligations under WTO law [30].

### *3.3. Thai Legal Measures for Agricultural Consumer Protection*

With regard to the criteria for the amendment of the law and the guidelines for consumer protection in this research study, it is imperative to first comprehend the Thai legal system. If we are to employ the methods of the WTO and HRBA to propose guidelines for consumer protection from hazardous agricultural products, what must be taken into account? The Thai legal system is a civil law jurisdiction that embodies a compelling synthesis of a variety of historical influences [32]. Thailand is a constitutional monarchy, in which the king is the head of state and exercises sovereign authority through the National Assembly, the Council of Ministers, and the judiciary. The Constitution is the paramount law of the land, rendering any conflicting laws unenforceable. The judicial authority in Thailand is divided among four important institutions: the Constitutional Court, the Administrative Court, the Military Court, and the Courts of Justice [32, 33]. Meanwhile, the hierarchy of Thai law is arranged following an organized and systematic approach to law enforcement and justice [32]. Thailand's highest law is the Constitution. It provides a basic governing framework and laws, protecting fundamental liberties for all. The Acts and Statutes enacted by the Parliament govern many aspects of Thai life and business, from criminal justice to commerce. Ministerial Regulations and Royal Decrees follow Acts and Statutes in importance. Ministerial Regulations

are issued by ministries to implement Acts, while Royal Decrees are issued by the King for urgent situations. Finally, Local Ordinances control province and municipality-specific issues to meet regional needs [32]. According to hierarchically arranged law, it is essential to examine legislation from the highest to the lowest status to analyze which regulations facilitate the protection of consumer rights.

In Thailand, consumer protection is grounded in the Constitution of the Kingdom of Thailand B.E. 2560 (2017), which affirms key principles: (1) the protection of individual rights and freedoms, (2) the organization of administrative bodies in committee structures, (3) the principle of equality, and (4) theories of dispute resolution through mediation [34]. In this sense, the Constitution of Thailand recognizes and respects the rights of the people, and all enacted legislation must be assessed in light of whether it infringes upon those rights. Meanwhile, under the fundamental principles of rights protection, Section 61 of the Constitution recognizes the protection of consumer rights through legal mechanisms, both in terms of the benefits to which consumers are entitled and the assurance of safety, including the consumption of agricultural products [34]. This legal mechanism is available to allow individuals to access judicial remedies when they suffer harm or adverse effects from unsafe agricultural goods. Therefore, the examination of relevant laws, including the CPA, the CCP and the ACS, which are the focus of this study, must be conducted in accordance with the constitutional principle of protecting individual rights.

The first key legislation is the CPA, which enshrines five core consumer rights: (1) the right to receive accurate and adequate information, including proper descriptions of product quality and services; (2) the right to freely choose goods and services; (3) the right to safety in the use of goods and services; (4) the right to fair contract terms; and (5) the right to redress and compensation in accordance with the relevant legal provisions or the CPA. This law establishes the broad legal basis for all Thai consumers [35]. This CPA is the core of Thailand's consumer rights, establishing broad concepts that apply to a variety of sectors, including agriculture. Consumers were broadly defined as everyone who buys or acquires things or services or who has been offered or asked to do so, including those who use commodities or obtain services without payment [35]. In this regard, the CPA establishes fundamental consumer rights that apply directly to agricultural products, requiring openness in their features and assuring their safety for use. To facilitate enforcement, the CPA establishes the Consumer Protection Board (CPB), which investigates consumer complaints, takes action against potentially harmful goods, and, more importantly, issues or advertises information about goods or services that may cause damage or prejudice consumer rights, even naming the goods or the businessman involved [35, 36]. Despite the CPA ensuring a legal mechanism to protect consumers, it does not explicitly distinguish or provide specific mechanisms for agricultural consumers.

Subsequently, the CCP was enacted to respond to the rapid expansion of Thailand's economy and the increasing application of scientific and technological knowledge in the production of goods and services. Most consumers still lack adequate understanding of product quality and face limited bargaining power in contract negotiations with agricultural businesses. As a result, consumers are often exploited, and when disputes arise, the dispute resolution procedure for seeking damages becomes complex and inaccessible due to high litigation costs and difficulty in proving facts. These barriers deny consumers justice and highlight the need for a specialized legal mechanism that enables agricultural consumers to assert their rights effectively [37].

Furthermore, recognizing the importance of quality control in imported and domestically produced agricultural goods, Thailand enacted the ACS. This Act provides not only for "agricultural commodities" but also for regulations of mandatory standards to undergo inspection and obtain certification from licensed conformity assessment service providers [38]. This Act authorizes the Agricultural Standards Committee to appoint a Technical Subcommittee to develop general standards for approval [38]. These standards address methods, procedures, production processes, and product attributes, including packaging, labeling, inspection, and analysis. Standards under the ACS fall into three categories: (1) product standards, (2) production system standards, and (3) general requirement standards [38]. However, despite this legal framework, the effectiveness of consumer protection for agricultural products remains limited. The absence of specific provisions establishing the criteria for protection against substandard agricultural products creates significant gaps in safeguarding consumer health, life, and well-being. It also contradicts the constitutional principles of individual liberty, equality, and administrative neutrality.

To address these gaps, it is necessary to amend the CCP and ACS to explicitly include the concept of "agricultural consumers" and enable the legal system to incorporate precautionary measures, even in the absence of scientific certainty. Such reforms would align with international obligations under WTO agreements, especially the SPS Agreement, and ensure that Thailand's domestic legislation provides effective redress and preventive mechanisms to protect consumers from unsafe agricultural imports. These efforts would not only enhance legal clarity and judicial efficiency but also reinforce public health protections and Thailand's compliance with both trade and human rights standards.

#### **4. Legal Analysis of Thai Consumer Protection Laws**

According to the review, in Thailand, the regulations to protect consumers from harmful agricultural products are provided in various acts, while we can categorize the regulations of consumer protection into two types. First, the regulations concerning crop goods are the ACS. Second, the direct consumer protection laws are the CCP and the CPA. These legal issues are considered with three topics as follows:

These legal issues are taking into account with 3 topics as follow:

##### **4.1. Legal Issues Regarding the Definition of "Consumer Case" and "Consumer" under the Consumer Case Procedure Act B.E. 2551**

The current legislation lacks clear criteria to protect the rights and freedoms of consumers who suffer harm from substandard agricultural products [39]. With the rapid expansion of the Thai economy and the increasing application of

scientific and technological knowledge in agricultural production, producers' marketing mechanisms have become more influential over consumers [40]. However, most consumers still lack sufficient knowledge regarding the quality of agricultural products and lack the bargaining power to demand safe goods. As a result, consumers are frequently exploited. Moreover, when disputes arise, the process of claiming damages is costly and time-consuming, creating undue burdens for consumers and often depriving them of justice. This, in turn, affects the national economy. Therefore, legal criteria should be established to ensure the protection of consumers who are harmed by producers' failure to comply with agricultural standards. These criteria would support consumers in asserting their rights to remedies that are timely, cost-effective, and efficient, thereby promoting consumer protection while encouraging producers to enhance product quality [37, 38].

The study found that the absence of such legal criteria contradicts the intent of the Constitution of the Kingdom of Thailand B.E. 2560 (2017), which guarantees consumer rights and supports the establishment of independent consumer organizations. These organizations are expected to operate neutrally and fairly, with the support of the state, to protect and promote agricultural consumer rights [40]. The Constitution calls for clear legal provisions regarding the establishment, authority, and representation of consumer organizations, grounded in public interest and subject to state support. The lack of clear legal provisions defining criteria for protecting consumers harmed by substandard agricultural products has left such consumers without adequate health, life, or mental protection or access to proper medical care in accordance with professional standards [38]. This is inconsistent with fundamental public law theories, including the principle of protecting individual rights and freedoms. Consequently, the absence of such legal criteria presents a significant legal issue affecting the rights of agricultural consumers in Thailand [34].

Moreover, while many Thai statutes provide broad definitions of "consumer," none clearly define the term "agricultural consumer." This creates legal ambiguity in determining which law applies to torts committed by agricultural businesses [40]. In contrast, foreign laws in several countries provide specific definitions and standards that facilitate enforcement and judicial processes [40]. Therefore, the failure to define who qualifies as an agricultural consumer, especially through the lens of contractual relationships, has serious implications for the protection of life and bodily integrity. The legal concept of consumer protection, which aims to extend liability beyond the direct buyer-seller relationship, remains inadequate to guarantee satisfactory outcomes. Agricultural consumers remain at risk of health- or life-threatening harm due to low-quality, non-standard agricultural products, while the state is unable to offer effective protection or safety [41].

#### *4.2. Legal Issues Regarding the Operational Standards and Professional Competence of the Consumer Protection Committees for Agricultural Products*

Thailand currently adopts international standards, particularly those from the Codex Alimentarius Commission (Codex), which serve as a global benchmark for protecting human health [41]. These standards have been adapted domestically into general standards concerning product characteristics, production procedures, and hygiene and safety, aiming to ensure the quality and safety of agricultural products for the benefit of public health, the economy, and compliance with international obligations [33].

However, Thai law enforcement practices in consumer protection remain fragmented. Consumer protection encompasses prevention, enforcement, and education. In practice, enforcement often emphasizes legal compliance without sufficient regard to broader policies or the societal aim of ensuring fairness. Distinguishing between business activities requiring strict regulation versus those suitable for cooperative oversight is critical [39]. Without a clear administrative policy, government authorities may exercise excessive control, hindering collaboration between state agencies and agricultural producers [27]. Furthermore, consumer protection efforts remain centralized, with limited efficiency in regional implementation. Provincial sub-committees on consumer protection often treat their responsibilities as secondary, citing conflicting legal mandates and contributing to confusion among officials [36]. The overlap between agricultural and food product standards disrupts enforcement, impairing the legal system's ability to ensure safety. Consequently, issues arise concerning the qualifications and operational competence of committees involved in setting agricultural product standards. [42].

Failure to address these shortcomings has led to inconsistent standards, increased regulatory burdens on producers, importers, and exporters, and higher compliance costs due to dual licensing and inspection requirements by the National Bureau of Agricultural Commodity and Food Standards (ACFS) and the FDA [39]. Additionally, the absence of a performance evaluation system for committee members undermines accountability and public trust in agricultural standards.

#### *4.3. Legal Issues Regarding the Mediation Process for Agricultural Consumer Complaints*

Currently, the legal framework does not clearly define the authority of the Consumer Protection Committee to conduct mediation in agricultural consumer disputes. In practice, dispute resolution via mediation is only carried out under internal regulations or directives, lacking legislative clarity [39]. The CPA, as the primary legislation, does not explicitly authorize the Committee to mediate consumer cases. Nevertheless, this Act mandates CPB to receive complaints from consumers affected by unsafe products or unfair contract terms and refer them for legal action. However, this mechanism is limited to consumer-initiated complaints and does not allow agricultural producers to initiate mediation outside court proceedings [39].

The study found that Thailand values mediation as a method to reduce court caseloads and preserve the interests of both parties. However, the lack of clarity in legislation and overly broad legal definitions cause uncertainty among the public, contradicting the principle of equality and undermining the legislative intent. If unaddressed, these ambiguities may lead to discriminatory practices and undermine fairness. Moreover, existing mediation laws are better suited to disputes between parties with equal bargaining power [39]. In contrast, disputes between consumers and agricultural businesses are often imbalanced in knowledge and negotiating capacity. Consumer protection in such cases requires a tailored approach to ensure fair and appropriate remedies. The lack of a clear legal framework for the mediation of agricultural consumer disputes results

in lengthy, costly proceedings. When consumers resort to litigation, they face complex procedures that are inconsistent with consumer protection principles such as affordability, convenience, and timeliness. The absence of inter-agency collaboration further impedes effective consumer redress [41].

**Table 1.**

Key Provisions of Thailand's Domestic Laws for Agricultural Consumer Protection.

Act Name	Year	Key Consumer Protection Provisions	Limitations / Challenges
The Consumer Protection Act B.E. 2522 [35]	1979	<ul style="list-style-type: none"> <li>Defines “consumer” and “goods” broadly; outlines rights to information, choice, and safety;</li> <li>Establishes CPB for complaints, action on harmful goods, and publicizing information; grants officials inspection/seizure powers.</li> </ul>	<ul style="list-style-type: none"> <li>Does not specifically define or distinguish agricultural consumers.</li> <li>Lacks tailored mechanisms to address harmful agricultural products.</li> </ul>
The Consumer Case Procedure Act B.E. 2551 [37]	2008	<ul style="list-style-type: none"> <li>Establishes a specialized procedure for consumer cases.</li> <li>Reduces barriers for consumers in filing civil claims involving goods and services.</li> </ul>	<ul style="list-style-type: none"> <li>High litigation costs and burdens of proof remain major barriers.</li> <li>Agricultural consumers lack bargaining power and awareness of their legal rights.</li> </ul>
The Agricultural Standards Act [38]	2008	<ul style="list-style-type: none"> <li>Defines “agricultural commodities” and mandates compulsory standards.</li> <li>Standards categorized as: <ul style="list-style-type: none"> <li>Product standards</li> <li>Production system standards</li> <li>General requirement standards</li> </ul> </li> <li>Authorizes technical subcommittees to set and approve standards.</li> </ul>	<ul style="list-style-type: none"> <li>Lacks explicit provisions to protect consumers from substandard or unsafe agricultural products.</li> <li>Leaves gaps in protecting health and well-being of consumers.</li> <li>Contradicts constitutional principles of liberty, equality, and administrative neutrality.</li> </ul>

According to legal analysis, the key provisions of the CPA, the CCP and the ASC which facilitate crucial legal procedure to protect consumers. In addition, there are many limitations of referred laws that must consider (see Table 1).

## 5. Discussion

According to the study, the legal framework for protecting consumer rights from harmful agricultural products in Thailand remains ambiguous and insufficient. Specifically, the CCP lacks clear criteria for safeguarding the rights and freedoms of consumers harmed by substandard agricultural goods. Similarly, both the CPA and the ACS reveal gaps in definitions and guiding principles concerning the protection of public rights against unsafe agricultural products. Therefore, this section applies a SWOT analysis to evaluate the strengths, weaknesses, opportunities, and threats derived from the legal standards and mechanisms found in both WTO agreements and Thailand’s domestic laws. The aim is to discuss the processes for legal reform to enhance Thailand’s capacity to protect human health from the risks posed by hazardous agricultural products in a manner consistent with fundamental principles of international law.

### 5.1. SWOT Analysis

For an in-depth analysis, the SWOT framework is used to evaluate the effectiveness of legal measures for consumer protection in Thailand [33].

**Strength:** In terms of consumer protection measures in Thailand, Thailand possesses a legal framework that clearly enshrines consumer rights in its Constitution. In addition, sector-specific legislation, such as the ACS, exists to reinforce these rights and aligns with international standards, particularly those established by the Codex Alimentarius Commission [43].

**Weakness:** Thai law lacks a precise definition of “agricultural consumer,” creating ambiguity in legal interpretation and implementation. This gap affects both the CCP and the ACS, which lack specific operational mechanisms and clear enforcement criteria to handle cases involving harmful agricultural products. Moreover, ineffective law enforcement and the absence of performance evaluation systems in committee operations further undermine consumer protection. Compounding these issues is a prevailing legal culture in which consumers have limited awareness of their rights and the procedures available to assert them, thereby undermining the effectiveness of legal remedies [41].

**Opportunity:** The WTO framework provides flexibility for member states to adopt exceptions under Article XX(b) of GATT to protect public health. Additionally, states may implement measures under SPS without such measures being deemed trade barriers, provided they are based on scientific evidence [23]. The promotion of legal awareness among consumers is a concrete measure that the state can undertake in parallel with the incorporation of WTO-based standards into the CCP and the ACS. This approach is reflected in the precautionary principle under the SPS, which allows states to take necessary



actions, not limited to legal measures alone, but also including the development and dissemination of knowledge through media and public outreach. These efforts aim to empower consumers to effectively access and exercise their rights [42].

Threat: Limitations within Thailand's domestic laws make it difficult to apply the precautionary principle, especially in cases where scientific evidence is inconclusive. Furthermore, there is currently no clear policy framework for amending domestic laws to comply with WTO obligations, thereby hindering proactive alignment with international legal standards [33].

## *5.2. Discussion and Recommendation*

From the analysis of consumer protection measures under international law, Thai domestic legislation, and the SWOT framework, this study finds that Thailand's legal development in protecting citizens from harmful agricultural products must focus on addressing the identified "Weaknesses." While the "Strengths" highlight that Thailand has a constitutional framework recognizing the right to access safe food, aligned with General Comment No. 12, and supporting laws such as the CCP and regulatory controls under the ACS, the existing domestic measures in the CCP, the CPA, and the ACS remain insufficient [41].

Specifically, the CCP lacks a definition of the term "agricultural consumer" and does not provide a clear legal or procedural framework for protecting this category of consumers [41]. Moreover, the CCP does not establish a dedicated mechanism to address the unique needs of agricultural consumers. This includes the absence of committee-based systems with specialized authority, which poses a barrier to access to justice [10]. Additionally, there is no performance evaluation mechanism for the committees responsible for setting product standards, which results in inefficiencies and a lack of transparency in law enforcement [39].

The ineffective implementation of these laws prevents existing legal mechanisms from ensuring consumer safety exposed to high-risk agricultural products [39]. Compounding this problem is the general lack of public awareness among consumers regarding their rights and the inaccessibility of complaint and remedy mechanisms. These issues reflect a deeper problem rooted in Thailand's prevailing legal culture, which urgently requires reform.

In light of this, the "Opportunities" identified in the study suggest that Thailand could benefit from the legal flexibilities provided under WTO law. Article XX(b) of GATT permits member states to adopt measures necessary to protect human health, and the precautionary principle under the SPS allows states to implement protective actions even in the absence of complete scientific evidence [30].

If Thailand can adapt its domestic legal framework to incorporate these principles, it would represent a concrete advancement in consumer protection aligned with its international obligations [30]. Table 2 illustrates the application of the HRBA and the WTO conventions for considering legal improvement and recommending legal reform.

**Table 2.**

The Application of Human Right-based Approach and WTO Laws for Thai Consumer Protection Measures.

Act Name	Legal Issues to Improve	HRBA for legal consideration	Relevant WTO Provisions	Recommended Legal Reform
The Consumer Protection Act B.E. 2522 [35]	<ul style="list-style-type: none"> <li>Does not distinguish “agricultural consumers”</li> <li>Lacks specific mechanisms to address agricultural hazards</li> </ul>	<ul style="list-style-type: none"> <li><b>Non-discrimination:</b> Must protect vulnerable consumer groups</li> <li><b>Legality:</b> Requires legal clarity to enable access to rights</li> </ul>	<b>GATT Art. XX(b):</b> Permits measures to protect human health	<ul style="list-style-type: none"> <li>Revise the definition of “consumer” to include “agricultural consumers”</li> <li>Add specific remedies for harm caused by agricultural products</li> </ul>
The Consumer Case Procedure Act B.E. 2551 [37]	<ul style="list-style-type: none"> <li>No legal definition of “agricultural consumers”</li> <li>Litigation is costly and complex</li> <li>No specialized mediation process for agricultural disputes</li> </ul>	<ul style="list-style-type: none"> <li><b>Accessibility:</b> Must enable affordable and timely legal access</li> <li><b>Empowerment:</b> Must equip consumers to assert their rights</li> </ul>	<b>SPS Art. 5.7:</b> Allows use of precautionary principle in absence of scientific certainty	<ul style="list-style-type: none"> <li>Insert specific procedures for “agricultural consumer disputes”</li> <li>Establish pre-litigation mediation pathways</li> <li>Embed the precautionary principle in adjudication</li> </ul>
The Agricultural Standards Act [38]	<ul style="list-style-type: none"> <li>Lacks consumer grievance or redress mechanisms</li> <li>Does not address consumer protection rights directly</li> <li>No performance evaluation for regulatory committees</li> </ul>	<ul style="list-style-type: none"> <li><b>Accountability:</b> Committees must be publicly accountable</li> <li><b>Transparency:</b> Information must be accessible and verifiable</li> </ul>	<b>SPS Art. 2.2 and Art. 5.1:</b> Measures must be science-based and transparent Codex Alimentarius provides standard benchmarks	<ul style="list-style-type: none"> <li>Add consumer complaint and redress provisions</li> <li>Establish committee performance evaluation processes</li> <li>Include penalties for regulatory failures</li> </ul>

## 6. Conclusion

This study concludes that Thailand’s legal framework remains insufficient in effectively protecting consumer rights against the harmful impacts of unsafe agricultural products. Although key statutes such as the CPA, the CCP, and the ACS exist, these laws still lack specific mechanisms for protecting “agricultural consumers” in terms of their definition, scope, and available remedies. Furthermore, the framework lacks the capacity to incorporate internationally recognized principles under WTO law, such as the precautionary principle, into a more effective legal protection system. Based on the findings, this research recommends amending the CCP and the ACS to include a clear legal definition of “agricultural consumers” and to establish provisions that enable the application of precautionary measures within the justice system, even in the absence of conclusive scientific evidence.

Additionally, the state should promote legal awareness among consumers to help them understand and exercise their rights. Efforts should also be made to improve access to complaint mechanisms, legal remedies, and effective mediation procedures, thereby enhancing the bargaining power of consumers in disputes with producers or suppliers. Ultimately, the integration of WTO provisions, such as the SPS, and Article XX exceptions under GATT, with modernized domestic legislation aligned with international obligations and human rights standards will strengthen the sustainability of Thailand’s consumer protection system. It will also contribute to a tangible improvement in public health and food safety for the Thai population.

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